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federal register

Monday
March 18, 1996

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[Two Sessions]

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April 23, 1996 at 9:00 am

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

RESERVATIONS: 202–523–4538

RALEIGH, NC

WHEN: April 16, 1996 at 9:00 am

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AH27

Prevailing Rate Systems; Redefinition of Certain Federal Wage System Wage Areas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to redefine several Federal Wage System (FWS) wage areas for pay-setting purposes. OPM is engaged in an ongoing project to review the geographic definitions of selected FWS wage areas. Based on recent reviews of wage and survey area boundaries in a number of wage areas, OPM is redefining and/or renaming the following FWS wage areas: Hagerstown-Martinsburg-Chambersburg, MD; Biloxi, MS; Columbus-Aberdeen, MS; Jackson, MS; Meridian, MS; Great Falls, MT; Pittsburgh, PA; Eastern Tennessee; Corpus Christi, TX; San Antonio, TX; and West Virginia. Timing of the actual implementation of changes in these wage areas varies somewhat because of the varying dates for the conduct of local FWS wage surveys.

EFFECTIVE DATE: April 17, 1996.

FOR FURTHER INFORMATION CONTACT: Mark Allen, (202) 606–2848.

SUPPLEMENTARY INFORMATION: OPM is engaged in an ongoing project to review the geographic definitions of selected FWS appropriated fund wage areas. On December 19, 1995, OPM published a proposed rule (60 FR 65245) concerning changes in several FWS wage area definitions. The proposed rule provided a 30-day period for public comment. OPM received comments regarding the definition of the Columbus-Aberdeen, MS, wage area from several FWS employees in the wage area and an attorney. The commenters recommended that OPM remove Panola, Yalobusha, and Grenada Counties, MS, from the Columbus-Aberdeen wage area and redefine the counties to the Memphis, TN, wage area.

During its study of the Columbus-Aberdeen wage area, the Federal Prevailing Rate Advisory Committee carefully reviewed the wage area definitions of Grenada, Panola, and Yalobusha Counties and determined by consensus that, according to the regulatory criteria for defining FWS wage areas (section 532.211 of title 5, Code of Federal Regulations), the counties should remain in the wage area to which they are currently defined, with Grenada County being added to the wage area's survey area. OPM concurs with that finding and does not, therefore, agree that Grenada, Panola, and Yalobusha Counties should be redefined to the Memphis wage area.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 532

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

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR Part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix A to Subpart B—[Amended]

2. Appendix A to subpart B is amended for Great Falls, MT, by removing the name ''Great Falls'' and adding in its place ''Montana'', and for Columbus-Aberdeen, MS, by removing the name ''Columbus-Aberdeen'' and adding in its place ''Northern Mississippi''.

3. Appendix C to subpart B is amended by revising the wage area listings for Hagerstown-Martinsburg-Chambersburg, MD and Biloxi, MS; removing ''Columbus-Aberdeen'' MS and inserting in alphabetical order a new listing for ''Northern Mississippi;'' and revising the listing for Jackson, MS; Meridian, MS; the state of Montana; Pittsburgh, PA; Eastern Tennessee; Corpus Christi, TX; San Antonio, TX; and West Virginia to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

MARYLAND

* * * * *

HAGERSTOWN-MARTINSBURG-CHAMBERSBURG

Survey Area

Maryland:
  Washington
Pennsylvania:
  Franklin
West Virginia:
  Berkeley

Area of Application—Survey Area Plus

Maryland:
  Allegany
  Garrett
Pennsylvania:
  Fulton (Effective as of April 17, 1996.)
Virginia (cities):
  Harrisonburg
  Winchester
Virginia (counties):
  Clarke
  Culpeper
  Frederick
  Greene
  Madison
  Page
  Rappahannock
  Rockingham
  Shenandoah
  Warren
West Virginia:
  Hampshire
  Hardy
  Jefferson
  Mineral
  Morgan

* * * * *

MISSISSIPPI

BILOXI

Survey Area

Mississippi:
  Hancock
  Harrison
  Jackson

Area of Application—Survey Area Plus

Mississippi:
George
Pearl River
Stone (Effective as of November 1, 1997.)

JACKSON

Survey area

Mississippi:
Hinds
Rankin
Warren

Area of Application—Survey Area Plus

Mississippi:
Adams (Effective as of February 1, 1997.)
Amite
Attala
Claiborne (Effective as of February 1, 1997.)
Copiah
Covington
Franklin
Holmes
Humphreys
Issaquena
Jefferson (Effective as of February 1, 1997.)
Jefferson Davis
Lawrence
Lincoln
Madison
Marion
Pike
Scott
Sharkey
Simpson
Smith
Walthall
Wilkinson
Yazoo

MERIDIAN

Survey Area

Mississippi:
Forest
Lamar (Effective as of February 1, 1997.)
Lauderdale
Alabama:
Choctaw

Area of Application—Survey Area Plus

Mississippi:
Clarke
Greene
Jasper
Jones
Kemper
Leake
Neshoba
Newton
Perry
Wayne
Alabama:
Sumter

NORTHERN MISSISSIPPI

Survey Area

Mississippi:
Clay
Grenada (Effective as of February 1, 1996.)
Leflore (Effective as of February 1, 1996.)
Lee
Lowndes
Monroe
Oktibbeha

Area of Application—Survey Area Plus

Mississippi:
Alcorn
Bolivar
Calhoun
Carroll
Chickasaw
Choctaw
Coahoma
Itawamba
Layfayette (Excluding Holly Springs National Forest.)
Montgomery
Noxubee
Panola
Pontotoc (Excluding Holly Springs National Forest.)
Prentiss
Quitman
Sunflower
Tallahatchie
Tishomingo
Union (Excluding Holly Springs National Forest.)
Washington
Webster
Winston
Yalobusha

* * * * *

MONTANA

Survey Area

Montana:
Cascade
Lewis and Clark
Yellowstone

Area of Application—Survey Area Plus

Montana:
Beaverhead
Big Horn
Blaine
Broadwater
Carbon
Carter
Chouteau
Custer
Daniels
Dawson
Deer Lodge
Fallon
Fergus
Flathead
Gallatin
Garfield
Glacier
Golden Valley
Granite
Hill
Jefferson
Judith Basin
Lake
Liberty
Lincoln
McCone
Madison
Meagher
Mineral
Missoula
Musselshell
Park
Petroleum
Phillips
Pondera
Powder River
Powell
Prairie
Ravalli
Richland
Roosevelt
Rosebud
Sanders
Sheridan
Silver Bow
Stillwater
Sweet Grass
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Wyoming:
Big Horn
Park

* * * * *

PENNSYLVANIA

* * * * *

PITTSBURGH

Survey Area

Pennsylvania:
Allegheny
Beaver
Butler (Effective as of the first day of the month of the first full-scale wage survey in the Pittsburgh wage area following April 17, 1996.)
Washington
Westmoreland

Area of Application—Survey Area Plus

Pennsylvania:
Armstrong
Bedford
Blair
Cambria
Cameron
Centre
Clarion
Clearfield
Clinton
Crawford
Elk
Erie
Fayette
Forest
Greene
Huntingdon
Indiana
Jefferson
Lawrence
McKean
Mercer
Potter
Somerset
Venango
Warren
Ohio:
Belmont
Carroll
Harrison
Jefferson
Tuscarawas
West Virginia:
Brooke
Hancock
Marshall
Ohio

* * * * *

TENNESSEE

EASTERN TENNESSEE

Survey Area

Tennessee:
Carter
Hawkins
Sullivan
Unicoi
Washington
Virginia (city):
Bristol
Virginia (counties):
Scott
Washington

Area of Application—Survey Area Plus

Tennessee:
Cocke
Greene
Hancock
Johnson
Virginia:
Buchanan
Grayson
Lee
Russell
Smyth
Tazewell
North Carolina:
Alleghany
Ashe
Watauga
Kentucky:
Harlan
Letcher

* * * * *

TEXAS

* * * * *

CORPUS CHRISTI

Survey Area

Texas:
Nueces
San Patricio

Area of Application—Survey Area Plus

Texas:
Aransas
Bee
Brooks (Effective as of the first day of the first applicable pay period beginning on or after April 17, 1996.
Calhoun
Cameron (Effective as of the first day of the first applicable pay period beginning on or after April 17, 1996.
Goliad
Hidalgo (Effective as of the first day of the first applicable pay period beginning on or after April 17, 1996.
Jim Wells
Kenedy (Effective as of the first day of the first applicable pay period beginning on or after April 17, 1996.
Kleberg
Live Oak
Refugio
Starr (Effective as of the first day of the first applicable pay period beginning on or after April 17, 1996.
Victoria
Willacy (Effective as of the first day of the first applicable pay period beginning on or after April 17, 1996.

* * * * *

SAN ANTONIO

Survey Area

Texas:
Bexar
Comal
Guadalupe

Area of Application—Survey Area Plus

Texas:
Atascosa
Bandera
De Witt
Dimmit
Duval
Edwards
Frio
Gillespie
Gonzales
Jim Hogg
Karnes
Kendall
Kerr
Kinney
La Salle
McMullen
Maverick
Medina
Real
Uvalde
Val Verde
Webb
Wilson
Zapata
Zavala

* * * * *

WEST VIRGINIA

Survey Area

West Virginia:
Cabell
Harrison
Kanawha
Marion
Monongalia
Putnam
Wayne
Ohio:
Lawrence
Kentucky:
Boyd
Greenup

Area of Application—Survey Area Plus

West Virginia:
Barbour
Boone
Braxton
Calhoun
Clay
Doddridge
Fayette
Gilmer
Grant
Greenbrier
Jackson
Lewis
Lincoln
Logan
McDowell
Mason
Mercer
Mingo
Monroe
Nicholas
Pendleton
Pleasants
Pocahontas
Preston
Raleigh
Randolph
Ritchie
Roane
Summers
Taylor
Tucker
Tyler
Upshur
Webster
Wetzel
Wirt
Wood
Wyoming
Ohio:
Athens
Gallia
Jackson
Meigs
Monroe
Morgan
Noble
Pike
Scioto
Vinton
Washington
Kentucky:
Carter
Elliott
Floyd
Johnson
Lawrence
Lewis
Magoffin
Martin
Pike
Virginia (city):
Norton (Effective as of April 17, 1996.
Virginia (counties):
Dickenson
Wise

* * * * *

FR Doc. 96–6268 Filed 3–15–96; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–ANE–53; Amendment 39–9529; AD 96–05–03]

Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to AlliedSignal Inc. (formerly Garrett Engine Division) TFE731 Series

Turbofan Engines, that currently requires inspection of fan rotor disks within certain schedules. This amendment requires initial and repetitive eddy current inspections using an improved, more definitive procedure for detecting fan rotor disk dovetail slot cracks. Also, this amendment adds additional engine models and fan rotor disk part numbers and disallows fluorescent penetrant inspection (FPI) as an alternative inspection method for detecting fan rotor disk dovetail slot cracks. This amendment is prompted after additional analyses revealed that stress levels in the fan rotor disk dovetail slots for the applicable engine models are higher than initially calculated. The actions specified by this AD are intended to prevent uncontained failure of fan rotor disks due to fatigue cracking in the dovetail slots, which can result in inflight engine shutdowns, severe secondary damage, and fan rotor assembly separation from the engine.

DATES: Effective April 2, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 2, 1996.

Comments for inclusion in the Rules Docket must be received on or before May 17, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–53, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (310) 627–5246; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: On July 15, 1993, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 91–08–13, Amendment 39–8611 (58 FR 40732, July 30, 1993), to require inspection of fan rotor disks within certain schedules installed on AlliedSignal Inc. (formerly Garrett Engine Division) Model TFE731–2, –3, and –3R turbofan engines. That action was prompted by a report of an in-service uncontained failure of the first stage fan rotor disk in which a segment of the fan rotor disk rim and five fan blades departed the engine. Metallurgical examination of the fractured fan rotor disk determined that a fatigue crack had initiated in the area of the aft acute corner of one of the dovetail slots in the fan rotor disk. Failure of this fan rotor disk occurred at 3,300 cycles which was less than the then FAA-approved life limit of 4,100 cycles. That condition, if not corrected, could result in uncontained failure of fan rotor disks due to fatigue cracking in the dovetail slots, which can result in inflight engine shutdowns, severe secondary damage, and fan rotor assembly separation from the engine.

Since the issuance of that AD, the FAA has determined from additional analyses that stress levels in the fan rotor disk dovetail slots for the applicable engine models are higher than initially calculated. Also, additional TFE731 series engine models have similar stress levels. From fan rotor disk dovetail slot eddy-current inspection data, the FAA has determined that 8 (or 1%) of those TFE731–3A, –3AR, –3B, –3BR, –3C, –3CR, and –4R fan rotor disks inspected exhibited fatigue cracking and were removed from service. Moreover, similar eddy-current inspection data from the TFE731–2, –3, and –4 series engines has indicated that crack detectability from a one-time eddy-current inspection is between 80–90 percent, which is not as high as previously evaluated. Therefore, the FAA has determined that initial and repetitive eddy-current inspections must be performed using an improved, more definitive procedure. Furthermore, the FAA has determined that fluorescent penetrant inspection (FPI) is not adequate to detect fan rotor disk dovetail slot cracks. Accordingly, this AD disallows FPI as an alternative inspection method for detecting fan rotor disk dovetail slot cracks.

The FAA has reviewed and approved the technical contents of AlliedSignal Inc. Alert Service Bulletin (ASB) No. TFE731–A72–3432, dated April 11, 1991; AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 1, dated April 30, 1991; AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 2, dated June 3, 1991; AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 3, dated October 17, 1991; AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 4, dated August 6, 1993; AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 5, dated May 31, 1995, and AlliedSignal Inc. ASB No. TFE731–A72–3445, Revision 2, dated May 31, 1995. These ASB's describe procedures for initial and repetitive eddy current inspections of fan rotor disks for cracks.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes AD 91–08–13 to require initial and repetitive eddy current inspections using an improved, more definitive procedure for detecting fan rotor disk dovetail slot cracks. In addition, this amendment adds: the TFE731–2A, –3A, –3AR, –3B, –3BR, –3C, –3CR, –3D, –3DR, and –4R engines models to the Applicability section; adds fan rotor disk part numbers 3072161–5, 3073436–5, 3072816–1, –2, and –3, 3073539–(All), and 3074529–(All), where (All) denotes any dash number, to the Compliance section; and disallows FPI as an alternative inspection method for detecting fan rotor disk dovetail slot cracks. These actions are required to be accomplished in accordance with the ASB's described previously.

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 should 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–ANE–53.'' 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 is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–8611, (58 FR 40732, July 30, 1993), and by adding a new airworthiness directive, Amendment 39–9529, to read as follows:

96–05–03 AlliedSignal Inc.: Amendment 39–9529. Docket 95–ANE–53. Supersedes AD 91–08–13, Amendment 39–8611.

Applicability: AlliedSignal Inc. (formerly Garrett Engine Division) TFE731–2, –2A, –3, –3A, –3AR, –3B, –3BR, –3C, –3CR, –3D, –3DR, –3R, and –4R series turbofan engines with fan rotor disk part numbers (P/N's) 3072162–1 through –5, 3072816–1, –2, and –3, 3073436–1 through –5, 3073539–(All), and 3074529–(All), where (All) denotes any dash number, installed on but not limited to the following aircraft: Avions Marcel Dassault Falcon 10, 50, 100 series; Learjet 31, 35, 36, and 55 series; Lockheed-Georgia 1329–23 and –25 series; Israel Aircraft Industries 1124 and 1125 series; Cessna 650, Citations III, VI, and VII; Raytheon British Aerospace HS–125 series; and Sabreliner NA–265–65.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent uncontained failure of fan rotor disks due to fatigue cracking in the dovetail slots, which can result in inflight engine shutdowns, severe secondary damage, and fan rotor assembly separation from the engine, accomplish the following:

(a) Remove and conduct initial and repetitive eddy current inspections for cracks on affected fan rotor disks, and, if necessary, replace cracked fan rotor disks with a serviceable disk, as follows:

(1) Fan rotor disks whose dovetail slots have never been eddy-current inspected must comply with the initial inspection described in paragraphs (3), (4), (5), or (6) of this AD, as applicable. Additionally, all fan rotor disks whose dovetail slots have been previously eddy-current inspected must comply with the repetitive inspections in accordance with paragraphs (7), (8), or (9) of this AD, as applicable.

(2) For paragraphs (3) and (7) of this AD, incorporate new eddy current inspection procedures in accordance with the Accomplishment Instructions (AI) of AlliedSignal Inc. Alert Service Bulletin (ASB) No. TFE731–A72–3432, Revision 5, dated May 31, 1995, within 30 days after the effective date of this AD. Those fan rotor disks requiring eddy current inspection, prior to the incorporation of the new eddy current procedure, may be inspected in accordance with the AI 's of Allied-Signal Inc. ASB No. TFE731–A72–3432, dated April 11, 1991; Allied-Signal Inc. ASB No. TFE731–A72–3432, Revision 1, dated April 30, 1991; Allied-Signal Inc. ASB No. TFE731–A72–3432, Revision 2, dated June 3, 1991; Allied-Signal Inc. ASB No. TFE731–A72–3432, Revision 3, dated October 17, 1991; or AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 4, dated August 6, 1993.

(3) For engines with Part Number (P/N) 3072162–1 through –4, and P/N 3073436–1 through –4, inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 5, dated May 31, 1995, as required by Schedule A, using fan rotor disks cycles since new (CSN) on August 16, 1993 (effective date of AD 91–08–13).

SCHEDULE A

Fan rotor disk (CSN)	Initial inspection schedule
Greater than 2,800.	Within the next 50 cycles in service (CIS) after August 16, 1993 (effective date of AD 91–08–13).
2,301 through 2,800.	Within the next 100 CIS after August 16, 1993 (effective date of AD 91–08–13), or prior to 2,850 CSN, whichever occurs first.
1,601 through 2,300.	Within the next 200 CIS after August 16, 1993 (effective date of AD 91–08–13) or prior to 2,400 CSN, whichever occurs first.
1,600 or less	Prior to accumulating 1,800 CSN.

(4) For engines with P/N's 3072162–5, 3073436–5, 3073539–1, and 3074529–1, inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 5, dated May 31, 1995, as required by Schedule B, using fan rotor disk CSN on the effective date of this AD.

SCHEDULE B

Fan rotor disk CSN	Initial inspection schedule
Greater than 1,600.	Within the next 200 CIS after the effective date of this AD.
1,600 or less	Prior to accumulating 1,800 CSN.

(5) For engines with P/N's 3072816–1 and –2, inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3445, Revision 2, dated

May 31, 1995, as required by Schedule C, using fan rotor disk CSN on the effective date of this AD.

SCHEDULE C

Fan rotor disk CSN	Initial inspection schedule
Greater than 2,800.	Within 50 CIS after the effective date of this AD.
2,301 to 2,800 ..	Within 100 CIS after the effective date of this AD, or prior to 2,850 CSN, whichever occurs first.
2,300 or less	Prior to accumulating 2,400 CSN.

(6) For engines with P/N 3072816–3, inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3445, Revision 2, dated May 31, 1995, as required by Schedule D, using fan rotor disk CSN on the effective date of this AD.

SCHEDULE D

Fan rotor disk CSN	Initial inspection schedule
Greater than 2,200.	Within 200 CIS after the effective date of this AD.
2,200 or less	Prior to accumulating 2,400 CSN.

(7) For engines with P/N 3072162–1, –2, –3, and –4, P/N 3073436–1, –2, –3, and –4, thereafter inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 5, dated May 31, 1995, at every Major Periodic Inspection (MPI), as defined in the applicable engine maintenance manual, or prior to accumulating 1,300 CIS since last eddy current inspection, whichever occurs first.

(8) For engines with P/N's 3072162–5, 3073436–5, 3073539–(All), and 3074529–(All), where (All) denotes any dash number, thereafter inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3432, Revision 5, dated May 31, 1995, as required by Schedule E.

SCHEDULE E

Fan rotor disk CIS since previous eddy current inspection	Repetitive inspection schedule
Greater than 1,100.	Within 200 CIS after the effective date of this AD.
1,100 or less	Every engine MPI or prior to accumulating 1,300 CIS since last eddy current inspection, whichever occurs first.

(9) For engines with P/N 3072816–1, –2, and –3, thereafter inspect in accordance with the AI of AlliedSignal Inc. ASB No. TFE731–A72–3445, Revision 2, dated May 31, 1995, as required by Schedule F.

SCHEDULE F

Fan rotor disk CIS since previous eddy current inspection	Repetitive inspection schedule
Greater than 1,100.	Within 200 CIS after the effective date of this AD.
1,100 or less	Every engine MPI or prior to accumulating 1,300 CIS since last eddy current inspection, whichever occurs first.

(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, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

(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 aircraft to a location where the requirements of this AD can be accomplished.

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

Document No.	Pages	Revision	Date
Allied-Signal Inc., ASB No. TFE731– A72–3432 ..... Total pages: 16.	1–16	Original	April 11, 1991.
Allied-Signal Inc., ASB No. TFE731–A72–3432 ..... Total pages: 22.	1–22	1	April 30, 1991.
Allied-Signal Inc., ASB No. TFE731–A72–3432 ..... Total pages: 20.	1–20	2	June 3, 1991.
Allied-Signal Inc., ASB No. TFE731– A72–3432 ..... Total pages: 22.	1–22	3	October 17, 1991.
Allied-Signal Inc., ASB No. TFE731–A72–3432 ..... Total pages: 16.	1–16	4	August 6, 1993.
Allied-Signal Inc., ASB No. TFE731–A72–3432 ..... Total Pages: 14.	1–14	5	May 31, 1995.
Allied-Signal Inc., ASB No. TFE731–A72–3445 ..... Total Pages: 14.	1–14	2	May 31, 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 Allied-Signal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 2, 1996.

Issued in Burlington, Massachusetts, on February 26, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–6450 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–ANM–29]

Amendment to Class D and Class E Airspace; Hailey, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Hailey, Idaho, Class D and Class E airspace to accommodate a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP)

to the Friedman Memorial Airport, Hailey, Idaho.

EFFECTIVE DATE: 0901 UTC, June 20, 1996.

FOR FURTHER INFORMATION CONTACT: James C. Frala, Operations Branch, ANM–532.4, Federal Aviation Administration, Docket No. 95–ANM–29, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

History

On January 29, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class D and Class E airspace at Hailey, Idaho, to accommodate a new GPS SIAP to the Friedman Memorial Airport (61 FR 2731). Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas extending upward from the surface, and Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in paragraph 5000 and paragraph 6005, respectively, of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 5000 Class D airspace

* * * * *

ANM ID D Hailey, ID [Revised]

Friedman Mermorial Airport, Hailey, ID
(lat. 43°30′17″ N, long. 114°17′48″ W)

That airspace extending upward from the surface to and including 7,800 feet MSL within a 4.1-mile radius of the Friedman Memorial Airport, and that airspace within 1.8 miles each side of the 159° bearing from the airport, extending from the 4.1-mile radius to 6 miles southeast of the airport. This Class D airspace area is effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ANM ID E5 Hailey, ID [Revised]

Friedman Memorial Airport, Hailey, ID
(lat. 43°30′17″ N, long. 114°17′48″ W)
M–SUN MLS
(lat. 43°30′02″ N, long, 114°17′37″ W)

That airspace extending upward from 700 feet above the surface within 1.8 miles each side of the M–SUN MLS 328° azimuth, from 7.4 miles northwest to 4.3 miles southeast of the M–SUN MLS, and 1.8 miles each side of the 159° bearing from the airport, extending from the airport to 7.6 miles southeast of the airport, that airspace extending upward from 1,200 feet above the surface, within 3.5 miles each side of the M–SUN MLS 328° azimuth, from 15.7 miles northwest to the M–SUN MLS, and that airspace from lat. 43°36′00″ N, long. 114°27′03″ W, thence eastbound to lat. 43°36′00″ N, long. 114°00′03″ W, thence southbound to lat. 43°17′30″ N, long, 114°00′03″ W, thence westbound to lat. 43°17′30″ N, long. 114°27′03″ W, thence northbound to the point of beginning; excluding that airspace overlying V–231 on the east side and V–500 on the south side.

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Issued in Seattle, Washington, on March 5, 1996.

Richard E. Prang,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 96–6370 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 95–AAL–1]

Establishment and Alteration of Class E Airspace; Fort Yukon, AK

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Class E2 airspace and amends the Class E5 airspace area at Fort Yukon, AK, to provide controlled airspace for aircraft executing the Standard Instrument Approach Procedure (SIAP) at the Fort Yukon Airport. The area will be depicted on aeronautical charts.

EFFECTIVE DATE: 0901 UTC, July 18, 1996.

FOR FURTHER INFORMATION CONTACT: Robert C. Durand, AAL–531, 222 West 7th Avenue #14, Anchorage, AK 99513–7587; telephone: (907) 271–5898.

SUPPLEMENTARY INFORMATION:

History

On May 12, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class E2 surface area and revising the Class E5 airspace at Fort Yukon, AK (60 FR 30027). This action will provide controlled airspace for Instrument Flight Rules (IFR) procedures at the Fort Yukon Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for surface areas of an airport are published in paragraph 6002 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations

listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes the Class E2 surface area at Fort Yukon, AK, and revises the Class E5 airspace. This action will provide controlled airspace for IFR procedures at the Fort Yukon Airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AAL AK E2 Fort Yukon, AK [New]

Fort Yukon Airport, AK
(Lat. 66°34′18″ N, long. 145°15′01″ W)
Yukon River NDB
(Lat. 66°34′48″ N, long. 145°12′46″ W)
Fort Yukon VORTAC
(Lat. 66°34′28″ N, long. 145°16′36″ W)

That airspace extending upward from the surface within a 4-mile radius of the Fort Yukon Airport and within 2.5 miles each side of the Yukon River NDB 059° bearing extending from the 4-mile radius to 8.2 miles northeast of the airport and within 3.3 miles each side of the Fort Yukon VORTAC 075° radial extending from the 4-mile radius to 11.6 miles east of the airport and within 3.3 miles each side of the Fort Yukon VORTAC 213° radial extending from the 4-mile radius to 12.4 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

* * * * *

Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Fort Yukon, AK [Revised]

Fort Yukon Airport, AK
(Lat. 66°34′18″ N, long. 145°15′01″ W)
Yukon River NDB
(Lat. 66°34′48″ N, long. 145°12′46″ W)
Fort Yukon VORTAC
(Lat. 66°34′28″ N, long. 145°16′36″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Fort Yukon Airport and within 4 miles each side of the 213° radial of the Fort Yukon VORTAC extending from the 6.5-mile radius to 15.4 miles southwest of the airport and within 4 miles each side of the 075° radial or the Fort Yukon VORTAC extending from the 6.5-mile radius to 14.6 miles east of the airport and within 3 miles each side of the Yukon River NDB 059° bearing extending from the 6.5-mile radius to 11.3 miles northeast of the airport.

* * * * *

Issued in Anchorage, AK, on March 4, 1996.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 96–6368 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 95–AGL–17]

Establishment of Class E Airspace; Hettinger, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Hettinger, ND. A Global Positioning System (GPS) standard instrument approval procedure (SIAP) to Runway 30 has been developed for the Hettinger Municipal Airport. Controlled airspace extending upward from 700 feet above ground level (AGL) to 1200 feet AGL is needed for aircraft executing the approach. The intended effect of this action is to provide adequate controlled airspace for aircraft using the GPS SIAP at Hettinger Municipal Airport.

EFFECTIVE DATE: 0901 UTC, April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Peter H. Salmon, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On November 16, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Hettinger, ND, (60 FR 57551). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL for aircraft executing the GPS SIAP at Hettinger Municipal Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received. The Aeronautics Commission of North Dakota requested that the FAA investigate lowering the base of the controlled airspace to 500 feet AGL instead of 700 feet AGL. It is necessary for the base of controlled airspace to be at 700 feet AGL to accommodate prescribed instrument approach procedures. Class E airspace designations start at 700 feet or more above the surface of the earth and extend upward. These designations are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Hettinger, ND to provide adequate controlled airspace for operators executing the GPS Runway 30 SIAP at Hettinger Municipal Airport. Controlled airspace extending upward from 700 feet AGL to 1200 feet AGL is needed for aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

The FAA has determined that this regulation only involves an established

body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL ND E5 Hettinger, ND [New]

Hettinger Municipal Airport, ND
(Lat. 46°00′54″ N, long. 102°39′20″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Hettinger Municipal Airport and within 1.9 miles each side of the 136 bearing from the Hettinger Municipal Airport from the 6.4-mile radius to 8.9 miles southeast of the airport, and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at Lat. 46°20′00″ N., Long. 102°58′00″ W., to Lat. 46°20′00″ N., Long. 102°44′00″ W., to Lat. 45°45′00″ N., to Long. 102°09′00″ W., to Lat. 45°45′00″ N., to Long.102°58′00″ W., to the point of beginning, excluding that airspace within Vector 491.

* * * * *

Issued in Des Plaines, Illinois on January 25, 1996.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 96–6399 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28491; Amdt. No. 1717]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures

(SIAPs) will be altered to include ''or GPS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove ''or GPS'' from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 8, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(B)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective April 25, 1996*

Clinton, IA, Clinton Muni, NDB or GPS RWY 14, Amdt 3 CANCELLED
Clinton, IA, Clinton Muni, NDB RWY 14, Amdt 3
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME or RNAV or GPS RWY 15, Amdt 4B CANCELLED
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME or RNAV RWY 15, Amdt 4B
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME or RNAV or GPS RWY 33, Amdt 5A CANCELLED
Fort Collins/Loveland, CO, Fort Collins-Loveland Muni, VOR/DME or RNAV RWY 33, Amdt 5A
Independence, KS, Independence Muni, NDB or GPS RWY 35, Amdt 8 CANCELLED
Independence, KS, Independence Muni, NDB RWY 35, Amdt 8
Rock Springs, WY, Rock Springs-Sweetwater County. VOR/DME or GPS RWY 27, Amdt 2 CANCELLED
Rock Springs, WY, Rock Springs-Sweetwater County. VOR/DME RWY 27, Amdt 2

[FR Doc. 96–6406 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28489; Amdt. No. 1715]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies

the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 8, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAP's; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective March 28, 1996*

Marshall, MN, Marshall Muni-Ryan Field, VOR RWY 12, Amdt 6
Marshall, MN, Marshall Muni-Ryan Field, VOR/DME or GPS RWY 30, Amdt 2
Marshall, MN, Marshall Muni-Ryan Field, ILS RWY 12, Orig

** * * Effective April 25, 1996*

Anchorage, AK, Anchorage Intl, MLS RWY 6L, Orig
Chandler, AZ, Chandler Muni, NDB RWY 4R, Orig
Jackson, CA, Westover Field Amador County, GPS RWY 1, Orig
Palo Alto, CA, Palo Alto of Santa Clara Co, GPS RWY 30, Orig
Fort Collins, CO, Fort Collins-Loveland Muni, GPS RWY 15, Orig
Fort Collins, CO, Fort Collins-Loveland Muni, GPS RWY 33, Orig
Wray, CO, Wray Muni, GPS RWY 14, Orig
Stuart, FL, Witham Field, GPS RWY 11, Orig
Stuart, FL, Witham Field, GPS RWY 29, Orig
Pinckneyville, IL, Pinckneyville-Du Quoin, NDB–A, Orig
Pinckneyville, IL, Pinckneyville-Du Quoin, NDB RWY 18, Amdt 2, CANCELLED
Ames, IA, Ames Muni, GPS RWY 31, Amdt 1
Independence, KS, Independence Muni, NDB RWY 35, Amdt 8, CANCELLED
Olathe, KS, Johnson County Executive, LOC RWY 35, Orig
Flemingsburg, KY, Fleming-Mason, NDB OR GPS RWY 25, Amdt 7, CANCELLED
Worcester, MA, Worcester Muni, GPS RWY 33, Amdt 1
Portland, ME, Portland Intl Jetport, GPS RWY 18, Orig
Portland, ME, Portland Intl Jetport, GPS RWY 36, Orig
New York, NY, LaGuardia, VOR or GPS–F, Amdt 2
Chapel Hill, NC, Horace Williams, RADAR–1, Amdt 7
Ada, OK, Ada Muni, GPS RWY 35, Orig
Ardmore, OK, Ardmore Muni, VOR OR GPS RWY 4, Amdt 20, CANCELLED
Ardmore, OK, Ardmore Muni, VOR–B Orig
Gallatin, TN, Sumner County Regional, GPS RWY 17, Orig
Abingdon, VA, Virginia Highlands, LOC RWY 24, Amdt 2

** * * Effective May 23, 1996*

Worcester, MA, Worcester Muni, ILS RWY 29, Amdt 1

** * * Effective June 20, 1996*

Conway, AR, Dennis F. Cantrell Field, GPS RWY 25, Orig
Paragould, AR, Kirk Field, NDB RWY 4, Orig
Paragould, AR, Kirk Field, GPS RWY 4, Orig
Paragould, AR, Kirk Field, GPS RWY 22, Orig
Phoenix, AZ, Phoenix Sky Harbor Intl, GPS RWY 8L, Orig
Phoenix, AZ, Phoenix Sky Harbor Intl, GPS RWY 26R, Orig
Fitchburg, MA, Fitchburg, Muni, NDB RWY 20, Amdt 2
Beaufort, SC, Beaufort County, GPS RWY 24, Orig
Panhandle, TX, Panhandle-Carson County, GPS RWY 35, Orig

The FAA published an Amendment in Docket No. 28447, Amdt. No. 1707 to Part 97 of the Federal Aviation Regulations (Vol 61, No. 23, Page 3796; dated Friday, February 2, 1996) under Section 97.33 effective April 25, 1996 which is hereby amended as follows:

Roosevelt, UT, Roosevelt Muni, GPS RWY 25, Orig is hereby rescinded.

The FAA published an Amendment in Docket No. 28441, Amdt. No. 1705 to Part 97 of the Federal Aviation Regulations (Vol 61, No. 20, page 2907; dated Tuesday, January 30, 1996) under Section 97.33 effective April 25, 1996 which is hereby amended as follows:

Boca Raton, FL, Boca Raton, GPS RWY 5, Orig is hereby rescinded.

[FR Doc. 96–6405 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28490; Amdt. No. 1716]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as

the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standard Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC on March 8, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
02/09/96	TN	Memphis	Memphis Intl	FDC 6/0926	ILS RWY 36L AMDT 11. . .
02/09/96	TX	Fort Worth	Fort Worth Meacham Intl	FDC 6/0929	ILS RWY 16L, AMDT 5. . .
02/10/96	WV	Lewisburg	Greenbrier Valley	FDC 6/0955	ILS RW 4 AMDT 7A. . .
02/12/96	TX	Fort Worth	Fort Worth Meacham Intl	FDC 6/0973	NDB or GPS RWY 16L, AMDT 3. . .
02/12/96	TX	Fort Worth	Fort Worth Meacham Intl	FDC 6/0974	NDB or GPS RWY 34R, AMDT 5. . .
02/13/96	MN	Brainerd	Brainerd-Crow Wing County Regional.	FDC 6/0999	ILS RWY 23 AMDT 4. . .
02/13/96	MN	Brainerd	Brainerd-Crow Wing County Regional.	FDC 6/1000	VOR/DME RWY 12 AMDT 8. . .
02/14/96	MN	Cambridge	Cambridge Muni	FDC 6/1009	NDB or GPS RWY 34 AMDT 6. . .
02/14/96	NE	Falls City	Brenner Field	FDC 6/1017	NDB or GPS–A, AMDT 3. . .
02/14/96	TX	Fort Worth	Fort Worth Meacham Intl	FDC 6/1023	LOC BC RWY 34R, AMDT 7. . .
02/15/96	CA	Lakeport	Lampson Field	FDC 6/1036	NDB or GPS–A ORIG–A. . .
02/20/96	CA	Victorville	Southern California Intl	FDC 6/1111	ILS RWY 17 ORIG. . .
02/22/96	AL	Courtland	Industrial Airpark	FDC 6/1134	VOR or GPS RWY 13 ORIG. . .
02/23/96	IL	Bloomington/Normal	Bloomington/Normal	FDC 6/1174	VOR/DME RWY 21 AMDT 2. . .
02/23/96	IL	Bloomington/Normal	Bloomington/Normal	FDC 6/1175	VOR RWY 21 AMDT 17. . .
02/23/96	IL	Bloomington/Normal	Bloomington/Normal	FDC 6/1177	ILS RWY 29 AMDT 8. . .
02/23/96	IL	Chicago (West Chicago)	Dupage	FDC 6/1170	VOR or GPS RWY 10 AMDT 11. . .
02/23/96	IL	Chicago (West Chicago)	Dupage	FDC 6/1171	ILS RWY 10 AMDT 7. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1185	RADAR 1 AMDT 9. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1188	VOR/DME or GPS RWY 32 AMDT 3. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1191	VOR/DME or GPS RWY 23 AMDT 9. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1194	VOR or GPS RWY 5 AMDT 12. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1197	NDB or GPS RWY 14 AMDT 15. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1198	ILS RWY 23 AMDT 8. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1199	ILS RWY 5 AMDT 5. . .
02/23/96	NC	Greensboro	Greensboro/Piedmont Triad Intl	FDC 6/1200	ILS RWY 14 AMDT 18. . .
02/23/96	STE	Joseph H. Bittorf Field	Whiteside County	FDC 6/1172	Ling Rockfalls, IL. NDB or GPS RWY 7 AMDT 4. . .
02/23/96	UT	Salt Lake City	Salt Lake City Intl	FDC 6/1205	ILS/DME RWY 34R AMDT 1. . .
02/26/96	IL	Alton/St Louis	St Louis Regional	FDC 6/1239	NDB or GPS RWY 17 AMDT 10. . .
02/26/96	IL	Bloomington/Normal	Bloomington/Normal	FDC 6/1249	VOR RWY 11 AMDT 12. . .
02/26/96	IL	Sterling Rockfalls	Whiteside County-Joseph H Bittorf Field.	FDC 6/1242	LOC BC RWY 7 AMDT 4. . .
02/26/96	NC	New Bern	Craven County Regional	FDC 6/1233	RADAR 1 AMDT 2. . .
02/26/96	NC	New Bern	Craven County Regional	FDC 6/1234	VOR or GPS RW 22 AMDT 1B. . .
02/26/96	NC	New Bern	Craven County Regional	FDC 6/1235	ILS RWY 4 ORIG. . .
02/26/96	NC	New Bern	Craven County Regional	FDC 6/1236	VOR or GPS RW 4 AMDT 3A. . .
02/28/96	ME	Portland	Portland Intl Jetport	FDC 6/1277	ILS/DME RW 29 ORIG. . .
02/29/96	MD	Baltimore	Baltimore-Washington Intl	FDC 6/1306	ILS/DME RWY 15L, AMDT 3. . .
02/29/96	NV	Winnemucca	Winnemucca Muni	FDC 6/1291	GPS RWY 14 ORIG. . .
03/01/96	MI	Holland	Tulip City	FDC 6/1338	VOR or GPS–A AMDT 10. . .
03/01/96	MI	Sparta	Sparta	FDC 6/1339	VOR or GPS–A AMDT 2A. . .
03/04/96	NJ	Woodbine	Woodbine Muni	FDC 6/1388	VOR–A ORIG. . .
03/04/96	SC	Greer	Greenville-Spartanburg	FDC 6/1394	ILS RWY 3 AMDT 20. . .
03/04/96	SC	Greer	Greenville-Spartanburg	FDC 6/1395	ILS RWY 3/CAT II/AMDT 20. . .

FR Doc. 96–6404 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) has amended rule 30.3 to eliminate the requirement that the CFTC authorize the offer and sale of a particular foreign exchange-traded commodity option before it can be offered or sold in the United States. The amendment does not affect existing restrictions on transactions involving

stock index futures and foreign government debt.

EFFECTIVE DATE: March 18, 1996.

FOR FURTHER INFORMATION CONTACT: Jane C. Kang, Esq., or Robert H. Rosenfeld, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581; telephone (202) 418–5435.

SUPPLEMENTARY INFORMATION:

Background

Commission rule 30.3(a) of the Commission's Part 30 rules governing the offer and sale of foreign futures and option transactions makes it unlawful for any person to engage in the domestic offer or sale of any foreign commodity option contract until the Commission, by order, authorizes the foreign option to be offered or sold in the United States.[1] A Commission order is not required with respect to foreign futures. However, an option on a foreign stock-index futures contract will not be approved unless, among other things, the Commission's Office of the General Counsel has issued a no-action letter authorizing the offer and sale in the United States of the underlying foreign stock-index futures contract. In addition, debt obligations of a foreign country must be designated as an exempted security by the SEC under its rule 3a12–8, 17 CFR 240.3a12–8, before a futures contract based on such debt obligation (or an option on such a futures contract) may be offered or sold to a U.S. person.[2]

On December 5, 1995, the Commission proposed to eliminate the specific authorization requirement of rule 30.3 and thereby permit, subject to existing prohibitions with respect to stock index futures and options and foreign government debt futures and options products, the offer and sale of foreign commodity options in the same manner as currently applies to the offer and sale of foreign futures.[3]

The Commission's proposal to modify rule 30.3(a) was based on its generally positive experiences with the initial regulations imposed on foreign options trading. The proposal reflects the Commission's assessment that the continued treatment of foreign commodity options differently from foreign futures (which do not require a specific authorization order) should be reevaluated.[4]

Summary of Comments

The Commission received twelve comments from six domestic and foreign futures exchanges (the Chicago Board of Trade (CBT), Chicago Mercantile Exchange (CME), the Tokyo Grain Exchange (TGE), the Tokyo International Financial Futures Exchange (TIFFE), Sydney Futures Exchange (SFE), and the Winnipeg Commodity Exchange (WCE)), the Futures Industry Association (FIA), the FIA Japan Chapter, National Futures Association (NFA), the American Bar Association's Section of Business Law (ABA Business Sec.), the Association of the Bar of the City of New York (Committee on Futures Regulation) (NY Bar), and a CFTC registered firm, Commodities Corporation (U.S.A.) N.V. (Commodities Corp.).

In general, all of the commenters either affirmatively supported the rule change or, in the case of the CBT and the CME, did not object. Those commenters affirmatively supporting the rule generally agreed with the rationale set forth in the Commission's proposal—that the differential treatment of foreign commodity options as opposed to foreign futures was based on historical factors which no longer exist; the implementation of regulations governing the offer and sale of foreign options has increased regulatory protections; and that continuation of such differential treatment is no longer warranted.[5] Many commenters also noted that the amendment would likely result in an increase in the number of option instruments available to U.S. traders thereby giving them a greater choice of risk-shifting instruments. One commenter, Commodities Corp. (a registered commodity pool operator and commodity trading advisor), noted that the trading of foreign commodity options has significantly benefited clients through enhanced portfolio diversification and by enabling them to participate in additional market opportunities. Commodities Corp. urged the Commission similarly to widen access to other foreign products by eliminating the necessity for a Commission staff no-action letter before a foreign exchange-traded stock index futures contract can be offered or sold in the United States.[6]

U.S. Contract Market Concerns

In its proposal, the Commission invited comment, in particular from the contract markets, to indicate any other areas in which the requirements for options and futures generally could be further harmonized.

In general, the CBT's and CME's specific suggestions fall into two broad categories: (1) those which raise issues which the Commission believes either have been addressed or could be addressed by current matters before the Commission and (2) those which raise more complicated statutory issues surrounding the requirements imposed on contract markets and product authorization.[7]

In the first category were suggestions to:

—Delete the requirement in rule 33.4(b) that an FCM give notice to its designated self-regulatory organization (DSRO) of any disciplinary action taken against the FCM or its associated persons (APs) by the Commission or another self-regulatory organization (SRO);

—Consolidate the options disclosure required by rule 33.7(b) into rule 1.55(b); and

—Delete the requirement in 33.4(a)(2) that FCMs collect the full option premium.

In response, the Commission notes that it recently adopted a final rule amending rule 33.4(b) to eliminate the notice requirement referred to above (*see* 61 FR 2719 (January 29, 1996), and that the generic risk disclosure statement adopted by the Commission as an *alternative* to separate risk disclosure in rules 33.7 and 1.55 already reflects a consolidation of those disclosure statements.[8] The Commission has not to date advanced U.S. exchanges long-standing request to delete the

[1] The Commission previously made clear that subject to certain conditions applicable to transactions involving stock indexes and foreign government debt, a rule 30.3 order would not be necessary for transactions effected by U.S. futures commission merchants (FCM) on behalf of foreign customers. *See* 57 FR 36369 (August 13, 1992).

[2] Consistent with section 2(a)(1)(B) of the Commodity Exchange Act (CEA), this proposed rulemaking would not affect existing restrictions applicable to transactions involving stock index futures or foreign government debt. Accordingly, commodity options based on or involving a foreign futures contract based on a foreign stock index may not be offered or sold to U.S. persons unless the foreign stock index futures contract has been the subject of a no-action letter issued by the Commission's Office of the General Counsel. Further, commodity options based on a foreign government debt could not be offered or sold to U.S. persons unless the underlying debt instrument has been designated as an exempted security under SEC rule 3a12–8.

[3] 60 FR 63472 (December 11, 1995).

[4] *See* 60 FR 63472–63474 (December 11, 1995), for a history of commodity option regulation by the Commission.

[5] In this regard, the FIA noted that the Commission's generic risk disclosure statement does not draw any distinction between the risks of foreign futures and foreign commodity options.

[6] Commodities Corp. suggested that expedited procedures be considered at least with respect to ''sophisticated'' clients.

[7] In this regard, the CBT stated that it viewed the proposal as ''confirmation that the Commission exempts foreign boards of trade and, in other contexts, over-the-counter markets, from many of the very regulations it continues to impose on domestic markets.''

[8] FCMs may elect whether to provide the generic statement or individual rules 1.55 and 33.7 statements.

requirement in rule 33.4(a)(2) that FCMs collect the full option premium.[9] However, it has indicated that such a proposal could be entertained with respect to the section 4(c) exemption authority granted with the adoption of Part 36 of the Commission's regulations. At the same time, the Commission has permitted certain foreign exchange-traded commodity options to be offered with margining of the premium, and the Commission has not been informed of any concerns associated with that feature.[10] In this connection, the Commission notes that the proposed linkage arrangement between the U.S. CBT and U.K. LIFFE may provide the Commission an opportunity to review the feasibility of implementing a program to permit the futures-style margining of the option premium on a U.S. contract in a limited context.[11] In particular, the product fungibility requirements of the proposed linkage may necessitate that the Commission address permitting CBT options to trade on the same basis as LIFFE options (which permit margining of the premium).

The second category of suggestions included the following:

—The ability of foreign products to trade in the United States immediately as compared to the delay that is involved with the designation process for contract market products [the CBT urged the Commission to focus on the disparate treatment between foreign and domestic products];

—The need for domestic U.S. requirements such as speculative position limits since foreign products may not be subject to similar limitations by their home regulatory scheme;

—Differences in the quality of audit trail; and

—A suggestion that the Commission amend rule 1.35(a–1) to eliminate what one exchange characterized as the ''additional and burdensome'' time-stamp requirement for option orders,'' a requirement which currently does not exist for futures orders.

In this regard, the Commission reiterates the commitment set forth in the 1994 *CFTC Competitiveness Study* to keeping its regulatory programs under continuous review to assure that, consistent with its responsibilities for market integrity and customer protection, they keep pace with changes in the marketplace and do not unnecessarily impede domestic exchanges from evolving to remain competitive, especially with regard to the cost of compliance relative to non-U.S. exchanges.[12]

The Commission recognizes, however, that its review of its regulations cannot proceed purely on the basis of cost equivalency. While differences of opinion may exist regarding the implementation of specific regulatory requirements, ultimately the overriding scheme pursuant to which U.S. contract markets operate and the level of market integrity that must be maintained is established by Congress in the CEA. Thus, speculative position limits exist because of section 4a of the CEA and are based on the historic concern expressed in the CEA with avoiding ''excessive'' speculation that could cause ''sudden or unreasonable fluctuations'' in commodity prices. The Commission believes that it has been responsive to the economic realities of contemporary markets and exchange competitive concerns by, for example, permitting U.S. exchanges to replace their speculative position limit rules with more flexible position accountability rules for eligible non-agricultural contracts. Nonetheless, the fundamental requirement to have such limits or their equivalent has been established by Congress.

Similarly, the designation process and audit trail requirements are statutory. *See* section 5a of the CEA. While the basis for any particular Commission rule is a subject for legitimate comment and analysis—and the Commission believes that its record reflects a responsiveness to such comment—ultimately the underlying requirement is established by Congress. The Commission wishes to note, in this regard, that it continues to review the appropriateness of all of its programs under current circumstances.

Finally, notwithstanding differences in regulation, the Commission notes that most countries with internationally active futures exchanges appear to share certain common regulatory concerns which result in comparable regulation, such as position limits and market surveillance programs, relative to futures trading in their respective jurisdictions. While the content and complexity of these regulatory systems differ, such differences often reflect the particular maturity and market experiences of the market and regulator.[13]

Adequacy of Sales Practice Compliance Audits

In its proposal, the Commission stated that prior to adopting any final rules it would need to be assured that arrangements exist through NFA or otherwise to ensure that sales practice compliance audits of registrants offering foreign commodity options will be undertaken, thereby ensuring complete sales practice compliance audit coverage of firms (which heretofore has been mandated on a product-specific basis under rule 30.3 orders). Consistent with the description of NFA sales practice audit procedures described in the notice of proposed rulemaking,[14] NFA has confirmed that its audit program already includes steps for determining whether an NFA member FCM or introducing broker (IB) solicits or executes commodity option transactions on any foreign exchange.[15] If NFA determines that the firm does engage in such foreign transactions, NFA includes a reasonable number of those transactions in its audit sample and tests those transactions for compliance with applicable sales practice rules. NFA has confirmed that the audit steps cover all authorized commodity options traded on foreign exchanges and will continue to do so when the authorization is expanded to include all foreign exchange-traded commodity options.[16]

NFA also has confirmed that it has entered into an agreement with certain other self-regulatory organizations (joint contractor self-regulatory organizations (SROs)) whereby the joint contractor SROs audit the sales practices of joint FCM members and their guaranteed IBs. The audit steps used by the joint contractor SROs under the agreement sample and test foreign option transactions in a manner similar to that used by NFA.

Similarly, as previously noted in its notice of proposed rulemaking, the Commission's rule 30.10 orders permitting foreign firms to directly solicit U.S. persons for foreign products

[9] While U.S. exchanges had petitioned for the ability to designate option contracts having margining of the premium, a proposal published in 1989 was never finalized. *See* 51 FR 11233 (March 17, 1989).

[10] *See, e.g.,* CFTC Advisory No. 90–1 [1987–1990 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 24,597 (disclosure statement relating to the deferred payment of option premiums for certain foreign exchange-traded options, superseding separate disclosure addenda required by orders concerning the London International Financial Futures Exchange (LIFFE) (54 FR 37636 (September 12, 1989)), the International Petroleum Exchange (54 FR 50356 (December 6, 1989)), and the London Futures and Options Exchange (renamed as the London Commodity Exchange) (54 FR 50348 (December 6, 1989)); and 55 FR 14238 (April 17, 1990) (Sydney Futures Exchange).

[11] *See* CBT letter dated July 28, 1995 to Jean A. Webb, Secretary to the Commission (rule 1.41(b) submission).

[12] *A Study of the Global Competitiveness of U.S. Futures Markets*, CFTC (April 1994) (''CFTC Competitiveness Study''), p.2.

[13] *See* CFTC Competitiveness Study, pp. 31–71.

[14] 60 FR 63472,63474 (December 11, 1995).

[15] Letter dated January 16, 1996 from Daniel A. Driscoll, Vice-President-Compliance, National Futures Association to Jean A. Webb, Secretariat of the Commission.

[16] Id.

address options and futures sales practice concerns.[17]

Availability of Arbitration

NFA also confirmed that NFA arbitration is available to U.S. customers who enter into foreign exchange-traded commodity option transactions and that NFA Member or Associate participation in claims filed by customers is mandatory.[18] Similarly, U.S. customers solicited by foreign firms under rule 30.10 will, pursuant to the express terms of such orders, continue to have access to arbitration procedures both abroad and through NFA.[19]

Revision Will Not Affect Existing Restrictions Related to Options Involving Stock Index Products and Foreign Government Debt

The Commission reiterates that the elimination of the specific authorization requirement in rule 30.3(a) will not affect the existing product restrictions applicable to options on futures contracts based on stock index products (*i.e.*, the underlying stock index futures must be the subject of a no-action letter issued by the CFTC's Office of the General Counsel) and foreign government debt (*i.e.*, the debt product must be designated by the SEC as an exempted security under SEC rule 3a12–8) contained in section 2(a)(1)(B)(v) of the CEA.[20]

Continued Monitoring by Commission; Availability of Transaction Data Assumed

The Commission notes that elimination of the specific authorization requirement will not affect the existing regulatory requirements applicable to the manner in which appropriate products may be offered or sold to U.S. persons, *e.g.*, registration of intermediaries,[21] requirements related to sales practices (including appropriate disclosures), prohibitions on fraudulent activities and the availability to the Commission of books and records.

The Commission reiterates that FCMs which are not members of foreign exchanges should assure themselves that there are no statutory or regulatory impediments on their ability to obtain information from foreign exchange-member firms necessary to enable such FCMs to comply with the CEA and regulations thereunder relative to confirming the execution of foreign option transactions. In this connection, the Commission believes that the level of ''adequate supervision'' intended by rule 166.3[22] would require that firms be able to document to the Commission all material trade-specific data.

The Commission will continue to monitor the situation and take appropriate action should it determine that U.S. investors, U.S. FCMs or the Commission, are not able to obtain appropriate information related to the commodity option transactions of a specific exchange or are otherwise being adversely affected by the rule change.

Conclusion

Based on the comments received and the rationale set forth in its proposal, the Commission concludes that the elimination of the specific authorization requirement for foreign exchange-traded commodity options[23] is warranted and is amending rule 30.3 accordingly.

Other Matters

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The Commission has previously determined that FCMs should be excluded from the definition of ''small entity'' based upon the fiduciary nature of the FCM/customer relationships as well as the fact that FCMs must meet minimum financial requirements. 47 FR 18618, 18619 (April 30, 1982). The Commission similarly determined that commodity pool operators (CPOs) are not small entities for purposes of the RFA. 47 FR 18618, 18620 (April 30, 1982). With respect to commodity trading advisors (CTAs) and IBs, the Commission has stated that it would evaluate within the context of a particular rule proposal whether all or some affected CTAs would be considered to be small entities and, if so, the economic impact on them of any rule. 47 FR 18618, 18620 (April 30, 1982) (CTAs); 48 FR 35248, 35276 (August 3, 1983) (IBs).

The amendment of rule 30.3 is intended to facilitate the ability of Commission registrants or exempted firms to provide customers with access to desired products by eliminating a current product-by-product authorization requirement, thus providing easier access to a greater number of persons.

Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the revised rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (Act), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the Act. The Commission has determined that the amendment of rule 30.3 does not have any paperwork burden. Copies of the information collection submission to the Office of Management and Budget are available from Joe Mink, CFTC Clearance Officer, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581; telephone (202) 418–5170.

List of Subjects in 17 CFR Part 30

Foreign futures and options; Futures commission merchants; Introducing

[17] *See* 60 FR 63472, 63474 (December 11, 1995).

[18] NFA noted that if a claim is brought by a customer against an NFA Member or Associate, NFA will hear the claim under the Code of Arbitration and the Member or Associate's participation in the arbitration process is mandatory. If a claim is brought by a customer against a foreign party who is not an NFA Member or Associate, the claim can be heard under NFA's Rules Governing Arbitration of Disputes Involving Foreign Parties if the parties agree (unless the claim arises primarily out of delivery, clearance, settlement or floor practices of a foreign exchange and a similar dispute-resolution forum is available in the foreign jurisdiction).

[19] *See* 60 FR 63472, 63475 (December 11, 1996).

[20] Among the commodity option contracts to which this relief would apply are option contracts on foreign currencies that are traded on a foreign board of trade.

[21] Foreign futures and foreign commodity options may be offered by foreign firms operating under confirmed rule 30.10 relief consistent with the scope of the relevant rule 30.10 order and subject to existing product restrictions.

[22] Commission rule 166.3, 17 CFR 166.3, requires that:

Each Commission registrant, except an associated person who has no supervisory duties, must diligently supervise the handling by its partners, officers, employees and agents (or persons occupying a similar status or performing a similar function) of all commodity interest accounts carried, operated, advised or introduced by the registrant and all other activities of its partners, officers, employees and agents (or other persons occupying a similar status or performing a similar function) relating to its business as a Commission registrant.

[23] Rule 30.3 addresses ''foreign futures'' and ''foreign options'' which are defined in rule 30.1. by reference to transactions that are ''made or to be made on or subject to the rules of any foreign board of trade.'' Thus, rule 30.3 does not independently authorize the offer and sale in the U.S. of futures and options which are not executed *on or subject to* the rules of a foreign board of trade. However, the trade option exemption of Commission rule 32.4(a) would continue to apply to foreign commodity options. *See, e.g.*, 60 FR 30462, n.4 (June 9, 1995).

The Commission also has previously noted that it recognizes that differences may exist between the practices of foreign boards of trade and their U.S. counterparts and that the definition should be interpreted as broadly as possible to effectuate the intent of Congress. In this connection, to the extent questions arise as to whether a particular transaction occurs subject to the rules of a foreign board of trade, the Commission encourages affected persons to request staff interpretations. *See* 52 FR 28980, 28987 (August 5, 1987).

brokers; Commodity trading advisors; Commodity pool operators.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 2(a)(1)(A), 4, 4c and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a, the Commission hereby amends part 30 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

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

Authority: Secs. 2(a)(1)(A), 4, 4c and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Section 30.3 is amended by revising paragraph (a) to read as follows:

§ 30.3 Prohibited Transactions.

(a) It shall be unlawful for any person to engage in the offer and sale of any foreign futures contract or foreign options transaction for or on behalf of a foreign futures or foreign options customer, except in accordance with the provisions of this part: Provided, that, with the exception of the disclosure and antifraud provisions set forth in §§ 30.6 and 30.9 of this part, the provisions of this part shall not apply to transactions executed on a foreign board of trade, and carried for or on behalf of a customer at a designated contract market, subject to an agreement with and rules of a contract market which permit positions in a commodity interest which have been established on one market to be liquidated on another market.

* * * * *

Issued in Washington, DC on March 12, 1996 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 96–6387 Filed 3–15–96; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

31 CFR Part 601

[T.D. BEP–41]

Distinctive Paper for United States Currency and Other Securities

AGENCY: Bureau of Engraving and Printing (BEP), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: The Bureau of Engraving and Printing is amending the provisions of Distinctive Paper for United States Currency and Other Securities regulations, to reflect the adoption of a new distinctive paper adopted for use by the Secretary of the Treasury to deter counterfeiting.

EFFECTIVE DATE: March 18, 1996.

FOR FURTHER INFORMATION CONTACT: Rodolfo Roberts, Office of Management Services, Bureau of Engraving and Printing, Room 321–9A, 14th and C Streets, SW., Washington, DC 20228, (202) 874–3551.

SUPPLEMENTARY INFORMATION: 80 Stat. 379, 106 Stat. 4070, 96 Stat. 880; (5 U.S.C. 301, 18 U.S.C. 474A and 31 U.S.C. 321, respectively); give the Secretary of the Treasury the authority of law to adopt a new distinctive paper for use in printing United States currency and other interest-bearing securities of the United States.

The changes:

(1) Amend section 601.1 to reflect the existence of three kinds (threaded, non-threaded and threaded/watermark-bearing) of distinctive papers for printing United States currency and interest-bearing securities of the United States.

(2) Amend section 601.2 to reflect a description of the new watermark-bearing distinctive paper.

(3) Amend section 601.3 to indicate that the distinctive paper currently in use will continue to be used.

(4) Amend section 601.4 to provide that any of the three distinctive papers may be used for printing interest-bearing securities of the United States.

(5) Section 601.5 remains the same.

Executive Order 12866

Because this rule relates to agency organization and management, it is not subject to E.O. 12866 pursuant to section 3(d)(3) thereof.

Administrative Procedures Act

Because this Treasury decision relates to agency management and is procedural in nature, notice and public procedure and a delayed effective date are inapplicable pursuant to 5 U.S.C. 553(a)(2).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act do not apply.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because no requirement to collect information is contemplated.

Drafting Information: The principal author of this document is Rodolfo Roberts, Office of Management Services, Bureau of Engraving and Printing.

List of Subjects in 31 CFR Part 601

Currency, Securities, Printing.

Authority and Issuance

31 CFR part 601 is revised to read as follows:

PART 601—DISTINCTIVE PAPER FOR UNITED STATES CURRENCY AND OTHER SECURITIES

Sec.
601.1 Notice to the public.
601.2 Description of paper.
601.3 Use of paper.
601.4 Use of paper; interest-bearing securities of the United States.
601.5 Penalty for unauthorized control or possession.

Authority: 5 U.S.C. 301; 12 U.S.C. 418; 18 U.S.C. 474A.

§ 601.1 Notice to the Public.

The Secretary of the Treasury, by authority of law, has adopted a new distinctive paper for use in printing United States currency in addition to the existing distinctive papers for use in printing United States currency and other securities.

§ 601.2 Description of paper.

The paper utilized in the printing of United States currency and public debt issues is cream-white bank note paper which must contain security features prescribed by the Secretary of the Treasury. All currency paper shall contain distinctive fibers, colored red and blue, incorporated in the body of the paper while in the process of manufacture and evenly distributed throughout. In addition to distinctive red and blue fibers, currency paper shall contain, for denominations prescribed by the Secretary of the Treasury, security threads embedded beneath the surface of the paper during the manufacturing process. Security threads shall contain graphics consisting of the designation ''USA'' and the denomination of the currency, expressed in alphabetic or numeric characters. In addition to the security thread, for the denominations prescribed by the Secretary of the Treasury, the paper will bear a watermark identical to the portrait to be printed on the paper.

§ 601.3 Use of paper.

The new distinctive paper shall be used for printing Federal Reserve Notes of the denominations prescribed by the

Secretary of the Treasury. The use of the existing distinctive papers, the distinctive features of which consist of distinctive fibers, colored red and blue, incorporated in the body of the paper while in the process of manufacture and evenly distributed throughout, and the security thread containing graphics consisting of the designation ''USA'' and the denomination of the currency, will be continued for printing of any currency denomination prescribed by the Secretary of the Treasury.

§ 601.4 Use of paper; interest-bearing securities of the United States.

The existing distinctive papers shall be used for the printing of interest-bearing securities of the United States, and for any other printing where the use of distinctive paper is indicated.

§ 601.5 Penalty for unauthorized control or possession.

The Secretary of the Treasury hereby gives notice that the new distinctive paper, together with any other distinctive papers heretofore adopted for the printing of paper currency or other obligations or securities of the United States, is and will be subject to the provisions of 18 U.S.C. 474A which provides, in part, that it is against the law to possess any paper, or facsimile thereof, designated by the Secretary of the Treasury for the printing of U.S. currency or any other security of the United States, except with the permission of the Secretary or the authorized official. This crime is punishable by a fine not to exceed five thousand dollars or imprisonment for not more than fifteen years, or both.

Larry E. Rolufs,

Director.

Approved:

George Muñoz,

Assistant Secretary for Management & CFO.

[FR Doc. 96–6446 Filed 3–15–96; 8:45 am]

BILLING CODE 4840–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11–96–003]

RIN 2115–AE46

Special Local Regulations; San Diego Crew Classic

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements 33 CFR 100.1101, ''Southern California Annual Marine Events,'' for the San Diego Crew Classic. This event consists of approximately 150 eight-oared shells with coxswains running in numerous heats over a two-day period. These regulations will be effective in the portion of Mission Bay, San Diego bounded by Enchanted Cove, Fiesta Island, Pacific Passage and De Anza Point. Implementation of section 33 CFR 100.1101 is necessary to control vessel traffic in the regulated areas during the event to ensure the safety of participants and spectators. Small craft wakes cause unsafe conditions for these racing shells.

EFFECTIVE DATES: Section 33 CFR 100.1101 is effective from 7 a.m. on March 30, 1996 and terminates at 8 p.m. on March 31, 1996 unless cancelled earlier by the San Diego Activities Commander.

FOR FURTHER INFORMATION CONTACT: QMC Paul Appleton, U.S. Coast Guard Activities San Diego, California; Tel: (619) 683–6309.

Discussion of Notice

The San Diego Crew Classic is scheduled to occur on March 30 and 31, 1996. These Special Local Regulations permit Coast Guard control of vessel traffic in order to ensure the safety of spectators and participant vessels. In accordance with the regulations in 33 CFR 100.1101, no spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

Dated: March 11, 1996.

R.A. Appelbaum,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 96–6298 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket No. 95–59; FCC 96–78]

Preemption of Local Zoning Regulations; Satellite Earth Stations

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: The Commission has adopted revisions to its rule preempting certain local regulation of satellite earth stations. The revised rule was proposed in Notice of Proposed Rulemaking. The new rule clarifies the preemption standard and establishes procedures for Commission enforcement of its rules. In crafting the new rule, we have carefully considered the very weighty and important interests of state and local governments in managing land use in their communities. Against those interests, we have balanced the federal interest in ensuring easy access to satellite-delivered services, which have become increasingly important and widespread in the last few years and are dependent upon rapid and inexpensive antenna installation by businesses and consumers. We believe that the revised preemption rule accommodates both federal and non-federal interests and provides the Commission with a method of reviewing disputes that will avoid excessive federal involvement in local land-use issues.

EFFECTIVE DATE: April 17, 1996.

FOR FURTHER INFORMATION CONTACT: Rosalee Chiara, International Bureau, Satellite and Radiocommunication Division, Satellite Policy Branch, (202) 418–0754.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in IB Docket No. 95–59; FCC 96–78, adopted February 29, 1996 and released March 11, 1996. The complete text of this Report and Order and Further Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this Report and Order, the Commission adopts revisions to its rule preempting certain local regulation of satellite earth station antennas. Our new rule clarifies the preemption standard and establishes procedures for Commission enforcement of its rules. In crafting the new rule, we have carefully considered the very weighty and important interests of state and local governments in managing land use in their communities. Against those interests, we have balanced the federal interest in ensuring easy access to satellite-delivered services, which have become increasingly important and widespread in the last few years and are dependent upon rapid and inexpensive antenna installation by businesses and consumers. We believe that the revised

preemption rule accommodates both federal and non-federal interests and provides the Commission with a method of reviewing disputes that will avoid excessive federal involvement in local land-use issues.

2. The original preemption rule was adopted in 1986 in response to evidence that state and local governments were, in some instances, imposing unreasonably restrictive burdens on the installation of satellite antennas. The 1986 rule preempted ordinances that discriminate against satellite antennas and impose unreasonable limitations on reception or unreasonable costs on users. In addition, in the order adopting the rule, we stated that anyone coming to the Commission for relief in a particular zoning dispute must first exhaust all non federal remedies, including all litigation remedies.

3. Several events since 1986 have led us to conclude that our rule should be revised at this time. For example, in 1992, the U.S. Court of Appeals for the Second Circuit invalidated our exhaustion of remedies policy. *Town of Deerfield* v. *FCC*, 992 F.2d 420 (2d Cir. 1993) (*Deerfield*). In addition, antenna users, local governments, and Commission staff have gained experience in this area and have found that several aspects of the 1986 rule are problematic. Finally, representatives of two satellite industry groups filed requests for declaratory rulings in connection with our preemption rule. The Satellite Broadcasting and Communications Association (SBCA), representing the interests of direct-to-home video service providers and users, urged the Commission to clarify its rule and to adopt enforcement procedures. Similarly, Hughes Network Systems (HNS), a provider of satellite communications for business uses, requested a ruling that local restrictions are *per se* unreasonable if imposed on very small aperture terminals (VSATs) that measure less than two meters in diameter and are installed in commercial areas.

4. In the spring of 1995, we adopted a Notice of Proposed Rulemaking, 60 FR 28077 (May 30, 1995), responding to these events. The Notice tentatively concluded that our preemption policies, including procedural rules, must be revised. Accordingly, in the Notice, we proposed to review local disputes after exhaustion of only nonfederal administrative remedies, not all non-federal legal remedies. We proposed new standards to determine the reasonableness of non-federal regulations, and created two categories of rebuttable presumptions for small antennas. Finally, we proposed procedures by which state and local governments authorities can request a waiver of the rule in cases where unusual circumstances are demonstrated.

5. In the Notice, we described how our proposed rule would apply in different ways to satellite antennas of different types and sizes. These antennas fall into two basic categories, depending on the service provided. The first category consists of antennas designed for direct-to-home (DTH) reception of video programming for home entertainment purposes. At this time, DTH uses two different frequency bands for transmission. In the Ku-band (12/14 GHz), service can be provided with antennas less than one meter in diameter. In the C-band (4/6 GHz), antenna diameters are as small as six feet (approximately 2 meters) and typically around seven and one-half feet (approximately 2.5 meters). These C-band antennas provide different programming that is sometimes not available to smaller antenna users. DTH antennas are receive-only and do not have transmitting capabilities. The second broad category of antennas is designed for two-way, commercial communications. These antennas both transmit and receive. The smallest of these are often referred to as VSATs and provide satellite communications network services to retail establishments such as gas stations, store chains, banks, and brokerage services. These antennas are located in the same areas as the commercial facilities they serve. Most VSAT antennas are less than two meters in diameter. Other satellite services are provided by larger transmit/receive antennas that are generally associated with commercial facilities. Our proposals reflect differences in these various types of antennas.

6. In response to the Notice, we received extensive comments from satellite industry representatives and from local governments. In general, industry representatives stress that our preemption rule must be clear and easy to apply, and they recommend some modifications to our proposal to accomplish this goal. Local government representatives strongly oppose any greater federal preemption, but generally concede that Commission enforcement procedures are necessary in light of *Deerfield*.

7. After our receipt of comments in this matter, Congress enacted legislation which directly impacts some of the issues in the rule making proceeding. Specifically, section 207 of the 1996 Act directs the Commission to promulgate regulations:

> to prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals multichannel, multipoint distribution service, or direct broadcast satellite services.

Telecommunications Act of 1996, Public Law No. 104–104, 110 Stat. 56 (1996). Although we seek comment on the impact of the legislation in the Further Notice, we have decided to proceed with the issuance of this Report and Order. We feel that it is crucial to put a revised rule in place as quickly as possible. Moreover, the revised rule proposed in the Notice and adopted here applies to a variety of services provided by all sizes of satellite dishes, not just direct broadcasting services provided by 18'' dishes. Finally, as explained in the Further Notice, we tentatively conclude that insofar as governmental restrictions are concerned, our newly adopted preemption rule is a reasonable way to implement section 207 with regard to DBS antennas. After reviewing the comments submitted in response to the Further Notice, we will determine whether further adjustments to our rule are warranted.

8. In crafting our preemption policies, we have attempted to reflect the differences in the antennas involved and have tried to accommodate the varying local interests. The main state and local concerns regarding installation of satellite earth stations relate to aesthetics, health, and safety. These concerns would appear to be greater for larger antennas, thus the rule permits greater local regulation for larger antennas. For smaller antennas, local interests are less compelling and, accordingly, we more narrowly define permissible local regulation. After reviewing the record, we conclude that the basic thrust of our proposals is appropriate and will adequately address concerns of antenna users while accommodating interests of state and local governments. However, commenters have raised concerns about the clarity of certain portions of our rule and, accordingly, we made adjustments to the adopted version to address these problems.

Ordering Clauses

9. Accordingly, *it is ordered* That the revisions to § 25.104 of the Commission's rules as set out below are hereby adopted.

10. The analysis required pursuant to Section 606 of the Regulatory Flexibility Act, 5 U.S.C. § 608, is set forth below.

11. It is further ordered That the amendments to 47 CFR 25.104 adopted in the Report and Order that comprises

paragraphs 1 through 52 of the Report and Order and Further Notice of Proposed Rulemaking will become effective April 17, 1996. This action is taken pursuant to Sections 1, 4(i), 4(j), 7, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157, and 309(j). 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 information collection in the adopted rule, as required by the Paperwork Reduction Act of 1995. Comments concerning the Commision's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated information techniques, are requested. The Commission has requested an emergency Office of Management & Budget review of this collection with an approval by April 10, 1996.

12. *It is further ordered* That the Secretary shall send a copy of this Report and Order and Further Notice of Proposed Rulemaking to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law 95–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Final Regulatory Flexibility Act Statement

13. Pursuant to Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, an initial Regulatory Flexibility Analysis was incorporated in the Notice of Proposed Rulemaking in IB Docket No. 95–59. Written comments on the proposals in the Notice, including the Regulatory Flexibility Analysis, were requested.

A. Need and Purpose of Rules

14. This rulemaking proceeding modifies the Commission's rule preempting certain local zoning regulation of Satellite earth station antennas, 47 CFR 25.104. Our objective has been to facilitate the installation of antennas and to assist in the development of satellite based technologies.

B. Issues Raised by the Public in Response to the Initial Analysis

15. No comments were received specifically in response to the Initial Regulatory Flexibility Analysis. We have, however, taken into account all issues raised by the Public in response to the proposed rules. In certain instances, we have eliminated or modified rules in response to those comments.

C. Significant Alternatives Considered

16. We have attempted to balance all the commenters' concerns with our public interest mandate under the Communications Act in order to assure that satellite services are accessible. We will continue to examine this rule in an effort to eliminate unnecessary regulations and to minimize significant economic impact on small businesses.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission

William F. Caton,

Acting Secretary.

Final Rules

Part 25 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 25—SATELLITE COMMUNICATIONS

17. The authority citation for Part 25 continues to read as follows:

Authority: Sections 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101–104, 76 Stat. 416–427; 47 U.S.C. 701–744; 47 U.S.C. 554.

18. Section 25.104 is revised to read as follows:

§ 25.104 Preemption of local zoning of earth stations.

(a) Any state or local zoning, land-use, building, or similar regulation that materially limits transmission or reception by satellite earth station antennas, or imposes more than minimal costs on users of such antennas, is preempted unless the promulgating authority can demonstrate that such regulation is reasonable, except that nonfederal regulation of radio frequency emissions is not preempted by this section. For purposes of this paragraph (a), reasonable means that the local regulation:

(1) Has a clearly defined health, safety, or aesthetic objective that is stated in the text of the regulation itself; and

(2) Furthers the stated health, safety or aesthetic objective without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.

(b)(1) Any state or local zoning, land-use, building, or similar regulation that affects the installation, maintenance, or use of the following two categories of a satellite earth station antenna shall be presumed unreasonable and is therefore preempted subject to paragraph (b)(2) of this section. No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any regulation covered by this presumption unless the promulgating authority has obtained a waiver from the Commission pursuant to paragraph (e) of this section, or a final declaration from the Commission or a court of competent jurisdiction that the presumption has been rebutted pursuant to paragraph (b)(2) of this section:

(i) A satellite earth station antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by nonfederal land-use regulation; or

(ii) A satellite earth station antenna that is one meter or less in diameter in any area, regardless of land use or zoning category.

(2) Any presumption arising from paragraph (b)(1) of this section may be rebutted upon a showing that the regulation in question:

(i) Is necessary to accomplish a clearly defined health or safety objective that is stated in the text of the regulation itself;

(ii) Is no more burdensome to satellite users than is necessary to achieve the health or safety objective; and

(iii) Is specifically applicable on its face to antennas of the class described in paragraph (b)(1) of this section.

(c) Any person aggrieved by the application or potential application of a state or local zoning or other regulation in violation of paragraph (a) of this section may, after exhausting all nonfederal administrative remedies, file a petition with the Commission requesting a declaration that the state or local regulation in question is preempted by this section. Nonfederal administrative remedies, which do not include judicial appeals of administrative determinations, shall be deemed exhausted when:

(1) The petitioner's application for a permit or other authorization required by the state or local authority has been denied and any administrative appeal and variance procedure has been exhausted;

(2) The petitioner's application for a permit or other authorization required by the state or local authority has been on file for ninety days without final action;

(3) The petitioner has received a permit or other authorization required by the state or local authority that is conditioned upon the petitioner's expenditure of a sum of money, including costs required to screen, pole-mount, or otherwise specially install the antenna, greater than the aggregate purchase or total lease cost of the equipment as normally installed; or

(4) A state or local authority has notified the petitioner of impending civil or criminal

action in a court of law and there are no more nonfederal administrative steps to be taken.

(d) Procedures regarding filing of petitions requesting declaratory rulings and other related pleadings will be set forth in subsequent Public Notices. All allegations of fact contained in petitions and related pleadings must be supported by affidavit of a person or persons with personal knowledge thereof.

(e) Any state or local authority that wishes to maintain and enforce zoning or other regulations inconsistent with this section may apply to the Commission for a full or partial waiver of this section. Such waivers may be granted by the Commission in its sole discretion, upon a showing by the applicant that local concerns of a highly specialized or unusual nature create a necessity for regulation inconsistent with this section. No application for waiver shall be considered unless it specifically sets forth the particular regulation for which waiver is sought. Waivers granted in accordance with this section shall not apply to later-enacted or amended regulations by the local authority unless the Commission expressly orders otherwise.

[FR Doc. 96–6381 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

Defense Federal Acquisition Regulation Supplement; Ball and Roller Bearings

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement changes to statutory restrictions on the acquisition of nondomestic ball and roller bearings.

DATES: *Effective date:* March 18, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 17, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D308 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim DFARS rule implements Section 8099 of the Fiscal Year 1996 Defense Appropriations Act (Pub. L. 104–61) and Section 806, paragraphs (b) and (d), of the Fiscal Year 1996 Defense Authorization Act (Pub. L. 104–106), adding a definition of ''bearing components'' at DFARS 225.7001, amending the restrictions on acquisition of nondomestic ball or roller bearings at 225.7019, and amending the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings. The term ''ball and roller bearings'' has been substituted for the term ''antifriction bearings'' in order to be consistent with the statutory terminology.

B. Regulatory Flexibility Act

This interim rule may have a significant positive impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because this rule extends the current restriction on the acquisition of nondomestic ball and roller bearings through the year 2000, with some tightening of the regulations relating to exceptions and waiver authority. For acquisitions at or below the simplified acquisition threshold which are subject only to the restriction of 10 U.S.C. 2534, there is no exception to the restriction if ball or roller bearings or bearing components are the end item being purchased. If Fiscal Year 1996 funds are used, the only exception to the restriction is for the acquisition of commercial items incorporating ball or roller bearings. Also, if Fiscal Year 1996 funds are used, the restriction may be waived only if the Secretary of the department responsible for the acquisition certifies to the House and Senate Committees on Appropriations that (1) adequate domestic supplies are not available to meet DoD requirements on a timely basis, and (2) the acquisition must be made in order to acquire capability for national security purposes. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the address stated herein. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95–D308 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act applies. The burden associated with paragraph (d) and (e) of the clause at DFARS 252.225–7016 has been approved at 301,600 hours under OMB clearance 0704–0229. This interim rule does not significantly alter existing requirements or impose any new information collection requirements which require the approval of OMB under 44 U.S.C. 3501 *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This action is necessary to implement Section 8099 of the Fiscal Year 1996 Defense Appropriations Act (Pub. L. 104–61) and Section 806, paragraphs (b) and (d), of the Fiscal Year 1996 Defense Authorization Act (Pub. L. 104–106). Sections 8099 and 806 were effective upon enactment (December 1, 1995, and February 10, 1996, respectively). Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 225 and 252 are amended as follows:

PART 225—FOREIGN ACQUISITION

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

2. Section 225.7001 is revised to read as follows:

225.7001 Definitions.

As used in this subpart—

(a) *Bearing components* is defined in the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings.

(b) *Hand or measuring tools* means those tools listed in Federal supply classifications 51 and 52, respectively.

(c) *Possessions*, as used in the phrase ''United States or its possessions,'' includes Puerto Rico.

(d) *Specialty metals* is defined in the clause at 252.225–7014, Preference for Domestic Specialty Metals.

3. Sections 225.7019, 225.7019–1, 225.7019–2, 225.7019–3, and 225.7019–4 are revised to read as follows:

225.7019 Restrictions on ball and roller bearings.

225.7019–1 Restrictions.

(a) In accordance with 10 U.S.C. 2534, through fiscal year 2000, do not acquire ball and roller bearings or bearing components which are not manufactured in the United States or Canada.

(b) In accordance with Section 8099 of Public Law 104–61, do not use fiscal year 1996 funds to acquire ball and roller bearings other than those produced by a domestic source and of domestic origin, i.e., bearings and bearing components manufactured in the United States or Canada.

225.7019–2 Exceptions.

(a) The restriction in 225.7019–1(a) does not apply to—

(1) Acquisitions at or below the simplified acquisition threshold, unless ball or roller bearings or bearing components are the end items being purchased;

(2) Purchases of commercial items incorporating ball or roller bearings;

(3) Miniature and instrument ball bearings restricted under subpart 225.71;

(4) Items acquired overseas for use overseas; or

(5) Ball and roller bearings or bearing components or items containing bearings for use in a cooperative or co-production project under an international agreement.

(b) The restrictions in 225.7019–1(b) does not apply to the acquisition of commercial items incorporating ball or roller bearings (see 212.503(a)(xi) and 212.504(a)(xxvi)).

225.7019–3 Waiver.

(a) The head of the contracting activity may waive the restriction in 225.7019–1(a)—

(1) Upon execution of a determination and findings that—

(i) No domestic (U.S. or Canadian) bearing manufacturer meets the requirement;

(ii) It is not in the best interests of the United States to qualify a domestic bearing to replace a qualified nondomestic bearing. This determination must be based on a finding that the qualification of a domestically manufactured bearing would cause unreasonable costs or delay. A finding that a cost is unreasonable should take into consideration DoD policy to assist the domestic industrial mobilization base. Contracts should be awarded to domestic bearing manufacturers to increase their capability to reinvest and become more competitive;

(iii) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country;

(iv) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country;

(v) Application of the restriction would result in the existence of only one source for the item in the United States or Canada;

(vi) Application of the restriction is not in the national security interests of the United States; or

(vii) Application of the restriction would adversely affect a U.S. company.

(2) For multiyear contracts or contracts exceeding 12 months, only if—

(i) The head of the contracting activity execute a determination and findings in accordance with paragraph (a) of this subsection;

(ii) The contractor submits a written plan for transitioning from the use of nondomestic to domestically manufactured bearings;

(iii) The plan—

(A) States whether a domestically manufactured bearings can be qualified, at a reasonable cost, for use during the course of the contract period;

(B) Identifies any bearings that are not domestically manufactured, their application, and source of supply; and

(C) Describes, including cost and timetable, the transition to a domestically manufactured bearing. (The timetable for the transition should normally take no longer than 24 months from the date the waiver is granted); and

(iv) The contracting officer accepts the plan and incorporates it in the contract.

(b) The Secretary of the department responsible for the acquisition may waive the restriction in 225.7019–1(b) on a case-by-case basis, by certifying to the House and Senate Committees on Appropriations that—

(1) Adequate domestic supplies are not available to meet DoD requirements on a timely basis; and

(2) The acquisition must be made in order to acquire capability for national security purposes.

225.7019–4 Contract clause.

Use the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings, in all solicitations and contracts, unless—

(a) The restrictions in 225.7019–1 do not apply or a waiver has been granted; or

(b) The contracting officer knows that the items being acquired do not contain ball or roller bearings.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.225–7016 is revised to read as follows:

252.225–7016 Restriction on Acquisition of Ball and Roller Bearings.

As prescribed in 225.7019–4, use the following clause:

Restriction on Acquisition of Ball and Roller Bearings (Mar 1996)

(a) Definition.

Bearing components, as used in this clause, means the bearing element, retainer, inner race, or outer race.

(b) The Contractor agrees that all ball and roller bearings and ball and roller bearing components delivered under this contract, either as end items or components of end items, shall be wholly manufactured in the United States or Canada. Unless otherwise specified, raw materials, such as preformed bar, tube, or rod stock and lubricants, need not be mined or produced in the United States or Canada.

(c) The restriction in paragraph (b) does not apply to the extent that the end items or components containing ball or roller bearings are commercial items. The commercial item exception does not include items designed or developed under a Government contract or contracts where the end item is bearings and bearing components.

(d) The restriction in paragraph (b) may be waived upon request from the Contractor in accordance with subsection 225.7019–3 of the Defense Federal Acquisition Regulation Supplement.

(e) The contractor agrees to retain records showing compliance with this restriction until three years after final payment and to make records available upon request of the Contracting Officer.

(f) The Contractor agrees to insert this clause, including this paragraph (f), in every subcontract and purchase order issued in performance of this contract, unless items acquired are—

(1) Commercial items other than ball or roller bearings; or

(2) Items that do not contain ball or roller bearings.

(End of clause)

[FR Doc. 96–6422 Filed 3–15–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 960129018–6018–01; I.D. 031296E]

Groundfish of the Gulf of Alaska; Pacific Cod for Processing by the Offshore Component

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allocation of Pacific cod for the offshore component in the Central Regulatory Area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 13, 1996, until 12 midnight, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(c)(1)(ii)(B), the allocation of Pacific cod for processing by the offshore component in the Central Regulatory Area was established by the Final 1996 Harvest Specifications for Groundfish (61 FR 4304, February 5, 1996) as 4,290 metric tons (mt).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the allocation of Pacific cod total allowable catch for processing by the offshore component in the Central Regulatory Area soon will be reached. The Regional Director established a directed fishing allowance of 3,290 mt, with consideration that 1,000 mt will be taken as incidental catch in directed fishing for other species in the Central Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: March 12, 1996.

Richard W. Surdi,

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

[FR Doc. 96–6388 Filed 3–13–96; 1:49 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 53
Monday, March 18, 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

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB–95–13]

Tobacco Inspection—Growers Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This notice announces that a referendum will be conducted by mail during the period of April 15–26, 1996, for producers of burley tobacco who sell their tobacco at auction in Horse Cave, Glasgow, and Greensburg, Kentucky, to determine producer approval of the designation of the Horse Cave, Glasgow, and Greensburg tobacco markets as one consolidated auction market.

DATES: The referendum will be held April 15–26, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Fial, Assistant to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090–6456; telephone number (202) 260–0151.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a mail referendum on the designation of a consolidated auction market at Horse Cave, Glasgow, and Greensburg, Kentucky. Horse Cave was designated on November 14, 1936, and Glasgow and Greensburg, Kentucky, were designated on October 25, 1941, and June 16, 1950, respectively, (7 CFR 29.8001) as burley tobacco auction markets under the Tobacco Inspection Act (7 U.S.C. 511 *et seq.*). Under this Act both have been receiving mandatory grading services from USDA.

On February 23, 1995, an application was made to the Secretary of Agriculture to consolidate the designated markets of Horse Cave, Glasgow, and Greensburg. The application, filed by warehouse operators in those markets, was made pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR Part 29.1–29.3). On September 13, 1995, a public hearing was held in Cave City, Kentucky, pursuant to the regulations. A Review Committee, established pursuant to § 29.3(h) of the regulations (7 CFR 29.3(h)), has reviewed and considered the application, the testimony presented at the hearing, the exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on February 26, 1996.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during the period of April 15–26, 1996. The purpose of the referendum is to determine whether farmers who sold their tobacco on the designated markets at Horse Cave, Glasgow, and Greensburg are in favor of, or opposed to, the designation of the consolidated market for the 1996 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor this consolidation, a new market will be designated as and will be called Horse Cave-Glasgow-Greensburg.

To be eligible to vote in the referendum a tobacco producer must have sold burley tobacco on either the Horse Cave, Glasgow, or Greensburg, Kentucky, auction markets during the 1995 marketing season. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by April 15, 1996, should immediately contact Rebecca Fial at (202) 260–0151.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: March 11, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–6344 Filed 3–15–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 29

[Docket No. TB–95–15]

Tobacco Inspection—Growers Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This notice announces that a referendum will be conducted by mail during the period of April 15–26, 1996, for producers of burley tobacco who sell their tobacco at auction in Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, to determine producer approval of the designation of the Boone, West Jefferson, and Mountain City tobacco markets as one consolidated auction market.

DATES: The referendum will be held April 15–26, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Fial, Assistant to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090–6456; telephone number (202) 260–0151.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a mail referendum on the designation of a consolidated auction market at Boone and West Jefferson, North Carolina, and Mountain City, Tennessee. Boone, West Jefferson, and Mountain City were designated on October 25, 1941, October 25, 1948, and November 1, 1951, respectively, (7 CFR 29.8001) as burley tobacco auction markets under the Tobacco Inspection Act (7 U.S.C. 511 *et seq.*). Under this Act those markets have been receiving mandatory grading services from USDA.

On July 10, 1995, an application was made to the Secretary of Agriculture to consolidate the designated markets of Boone and West Jefferson, North Carolina, and Mountain City, Tennessee. The application, filed by warehouse operators in those markets, was made pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR Part 29.1–29.3). On September 15, 1995, a public hearing was held in Boone, North Carolina, pursuant to the regulations. A Review Committee, established pursuant to § 29.3(h) of the regulations (7 CFR 29.3(h)), has reviewed and considered the application, the testimony presented at the hearing, the

exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on February 26, 1996.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during the period of April 15–26, 1996. The purpose of the referendum is to determine whether farmers who sold their tobacco on the designated markets at Boone, West Jefferson, and Mountain City are in favor of, or opposed to, the designation of the consolidated market for the 1996 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor this consolidation, a new market will be designated as and will be called Boone-West Jefferson-Mountain City.

To be eligible to vote in the referendum a tobacco producer must have sold burley tobacco on either the Boone or West Jefferson, North Carolina, or Mountain City, Tennessee, auction markets during the 1995 marketing season. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by April 15, 1996, should immediately contact Rebecca Fial at (202) 260–0151.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: March 11, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–6345 Filed 3–15–96; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 29

[Docket No. TB–95–18]

Tobacco Inspection—Growers Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This notice announces that a referendum will be conducted by mail during the period of April 15–19, 1996, for producers of flue-cured tobacco who sell their tobacco at auction in Sanford and Carthage-Aberdeen, North Carolina, to determine producer approval of the designation of the Sanford and Carthage-Aberdeen tobacco markets as one consolidated auction market.

DATES: The referendum will be held April 15–19, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Fial, Assistant to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090–6456; telephone number (202) 260–0151.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a mail referendum on the designation of a consolidated auction market at Sanford and Carthage-Aberdeen, North Carolina. Sanford, North Carolina, was designated on June 26, 1942, and Carthage-Aberdeen, North Carolina, on August 30, 1988, (7 CFR 29.8001) as flue-cured tobacco auction markets under the Tobacco Inspection Act (7 U.S.C. 511 et seq.). Under this Act both have been receiving mandatory grading services from USDA.

On September 12, 1995, an application was made to the Secretary of Agriculture to consolidate the designated markets of Sanford and Carthage-Aberdeen, North Carolina. The application, filed by Jeffrey S. Smith, a warehouse operator in Sanford, was made pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR Part 29.1–29.3). On November 7, 1995, a public hearing was held in Sanford, North Carolina, pursuant to the regulations. A Review Committee, established pursuant to § 29.3(h) of the regulations (7 CFR 29.3(h)), has reviewed and considered the application, the testimony presented at the hearing, the exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on February 26, 1996.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during the period of April 15–19, 1996. The purpose of the referendum is to determine whether farmers who sold their tobacco on the designated markets at Sanford and Carthage-Aberdeen are in favor of, or opposed to, the designation of the consolidated market for the 1996 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor this consolidation, a new market will be designated as and will be called Sanford-Carthage-Aberdeen.

To be eligible to vote in the referendum a tobacco producer must have sold flue-cured tobacco on either the Sanford or Carthage-Aberdeen, North Carolina, auction markets during the 1995 marketing season. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by April 15, 1996, should immediately contact Rebecca Fial at (202) 260–0151.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: March 11, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96–6347 Filed 3–15–96; 8:45 am]

BILLING CODE 3410–02–P

Food and Consumer Service

7 CFR Part 246

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Cereal Sugar Limit

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice of intent to propose rulemaking and solicitation of comments.

SUMMARY: The Department is considering revising the Federal regulations that limit the amount of sugar in WIC-eligible adult cereals. Currently, Federal regulations specify that all adult cereals (hot or cold) eligible for use in WIC food packages for women and children must contain no more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (i.e., 6 grams of sugar per dry ounce of cereal). The majority of recent studies fail to document an association between sugar consumption and an increased risk of developing chronic diseases. The Department is therefore reviewing whether a revision in the Federal limit on the sugar content for WIC-eligible adult cereals is warranted. Consequently, the Department is soliciting public comments on the pros and cons of revising the current requirement, and is inviting suggestions on how the sugar limit should be changed, if a change is deemed appropriate.

DATES: To be assured of consideration, comments must be received on or before June 17, 1996.

ADDRESSES: Comments should be sent to Stanley C. Garnett, Director, Supplemental Food Programs Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Room 540,

Alexandria, Virginia 22302, (703) 305–2746. Comments on this Notice should be labeled ''WIC Cereal Sugar Limit Notice.'' All written comments will be available for public inspection during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at the above-noted address.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Room 542, Alexandria, Virginia 22302, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 USC 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act

This Notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 USC 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials [7 CFR Part 3015, Subpart V, and final rule-related Notice published June 24, 1983 (48 FR 29114)].

References

Browne, Mona Boyd: ''Label Facts for Healthful Eating: Educator's Resource Guide,'' 2nd ed., The Mazer Corporation, Dayton, Ohio, 1994, 100 pp. [Copies of this publication may be purchased from The Mazer Corporation, 2501 Neff Road, Dayton, Ohio 45414; telephone (513) 276–6181.]

Clydesdale, Fergus M., ed.: Workshop on the Evaluation of the Nutritional and Health Aspects of Sugars, Proceedings of a Workshop Held in Washington, D.C., May 2–5, 1994, ''Supplement to The American Journal of Clinical Nutrition,'' vol. 62(1S):161S–296S, July 1995. [Copies of this publication may be purchased from ''The American Journal of Clinical Nutrition,'' 9650 Rockville Pike, Bethesda, Maryland 20814–3998; fax (301) 571–8303.]

National Research Council, Committee on Diet and Health: ''Diet and Health: Implications for Reducing Chronic Disease Risk,'' National Academy Press, Washington, D.C., 1989, 749 pp. [Copies of this publication may be purchased from the National Academy Press, 2101 Constitution Avenue, N.W., Washington, D.C. 20418; telephone 1–800–624–6242 or (202) 334–3313.]

U.S. Department of Agriculture, Agricultural Research Service, Dietary Guidelines Advisory Committee: ''Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for American, 1995: To the Secretary of Health and Human Services and the Secretary of Agriculture,'' U.S. Government Printing Office, Washington, D.C., September 1995, 58 pp. [Copies of this publication may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; telephone (703) 487–4650.]

U.S. Department of Agriculture, Food and Nutrition Service: ''WIC Food Package and Nutrition Risk Criteria Reviews: Final Report,'' U.S. Government Printing Office, Washington, D.C., 1991–1992, 3 volumes, 300 pp. (approximate). [This report to Congress is comprised of the following three separate documents: (1) ''1992 Biennial Report on the Supplemental Food Program for Women, Infants, and Children and on the Commodity Supplemental Food Program'' (NAL call number aHV696.F6U625), prepared by the National Advisory Council on Maternal, Infant and Fetal Nutrition; (2) ''Technical Papers: Review of the WIC Food Packages'' (NAL call number aHV696.F6T42 1991), prepared by the Department of Nutrition, College of Health and Human Development, Pennsylvania State University, under Cooperative Agreement Number 58–3198–1–006; and (3) ''Technical Papers: Review of WIC Nutritional Risk Criteria'' (NAL call number aHV696.F6T425 1991), prepared by the Department of Family and Community Medicine, College of Medicine, University of Arizona, under Cooperative Agreement Number 58–3198–1–005. The Department sent copies of the complete report to all WIC State agencies in 1992. Copies of the report may be borrowed from the National Agricultural Library (NAL) using the NAL call numbers listed above corresponding to the three component documents. State and local staff of certain USDA programs may borrow materials directly from NAL. Others may borrow materials from NAL through the interlibrary loan system, making arrangements with their local or corporate libraries. To borrow these documents, contact: NAL, Document Delivery Services Branch, 10301 Baltimore Boulevard, Beltsville, Maryland 20705–2351; telephone (301) 504–5755; fax (301) 504–5675.]

U.S. Department of Agriculture, Food and Nutrition Service: ''WIC Program Report to Congress: Nutritional Risk Criteria and Food Package Reviews,'' Alexandria, Virginia, July 1991, 29 pp. [This report constitutes a combination of two of the Department's reports to Congress: a preliminary report on the WIC food package review and an interim report on the WIC nutritional risk criteria review. The Department sent copies of this report to all WIC State agencies in 1991. Copies of this report may be obtained by contacting: Food and Nutrition Information Center (FNIC), NAL, 10301 Baltimore Boulevard, Room 304, Beltsville, Maryland 20705–2351; telephone (301) 504–5719; fax (301) 504–6409. Also, an electronic copy of the report is available via the Internet at fnic@nalusda.gov.]

U.S. Department of Agriculture, Food and Nutrition Service: WIC Program: Report to Congress on Cereals Containing Fruit in the WIC Supplemental Food Packages,'' Alexandria, Virginia, December 1991, 12 pp. [The Department sent copies of this report to all WIC State agencies in January 1992. Copies of this report may be obtained by contacting: FNIC, NAL, 10301 Baltimore Boulevard, Room 304, Beltsville, Maryland 20705–2351; telephone (301) 504–5719; fax (301) 504–6409. Also, an electronic copy of report is available via the Internet at fnic@nalusda.gov.]

U.S. Department of Agriculture and U.S. Department of Health and Human Services: ''Nutrition and Your Health: Dietary Guidelines for Americans,'' 4th ed., Home and Garden Bulletin No. 232, U.S. Government Printing Office, Washington, D.C., December 1995, 43 pp. [For a single copy of the bulletin, send your name and address along with

a check or money order for 50 cents payable to the Superintendent of Documents to: Consumer Information Center, Department 378–C, Pueblo, Colorado 81009. Also, an electronic copy of the bulletin can be downloaded via the Internet/World Wide Web from the Home Page of the USDA Center for Nutrition Policy and Promotion at http://www.usda.gov/fcs/cnpp.html or from the Food and Consumer Service Bulletin Board at FedWorld. FedWorld may be accessed via a modem or the Internet. If using a modem, set the modem parity to none, data bits to 8, and stop bit to 1. Set terminal emulation to ANSI. Set duplex to full, and then set communication software to dial FedWorld at 703–321–3339. If using the Internet, you can either telnet to fedworld.gov or ftp to ftp.fedworld.gov. After connecting to FedWorld, select option D, ''Health, Safety and Nutrition Mall,'' from the main menu, then choose option C, Food and Consumer Service.]

Willis, Judith Levine: ed.: ''An FDA Consumer Special Report: Focus on Food Labeling,'' Food and Drug Administration, U.S. Public Health Service, Department of Health and Human Services, Rockville, Maryland, May 1993, 64 pp. [Copies of this publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250–7954.]

Background

Federal regulations at 7 CFR 246.10 require that a WIC-eligible adult cereal be high in iron and low in sugar. The current WIC regulations state that WIC-eligible adult cereals (hot or cold) must contain a minimum of 28 milligrams of iron per 100 grams of dry cereal and contain no more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (i.e., 6 grams of sugar per dry ounce of cereal). This Notice focuses only on the Department's consideration of changing the sugar limit, not the iron requirement, for such cereals.

There are currently five WIC food packages designed for different participant categories that include the 6-gram sugar limit for WIC-eligible adult cereals. These WIC food packages are: Food Package III for children/women with special dietary needs; Food Package IV for children 1 up to 5 years of age; Food Package V for pregnant and breastfeeding women (basic); Food Package VI for nonbreastfeeding postpartum women; and Food Package VII for breastfeeding women (enhanced).

The basis for Federal regulation of the sugar content of WIC-eligible adult cereals is three-fold. First, Section 3 of Public Law (P.L.) 95–627, enacted November 10, 1978, amended Section 17(f)(12) of the Child Nutrition Act of 1966 [42 USC 1786(f)(12)] to say, ''[t]o the degree possible, the Secretary [of Agriculture] shall assure that the fat, sugar, and salt content of the prescribed [WIC] foods is appropriate. * * *'' Second, the Department has been responsive to the advice it has received from nutrition and health experts, the WIC community and the general public over the years concerning the initial establishment and continued retention of a sugar limit for WIC-eligible adult cereals. Third, the Department recognized that dental caries is a major public health problem in the United States (U.S.) and that sugars in foods play a role in the development of dental caries.

The Federal requirements for WIC-eligible cereals have been issues of discussion since the early development of WIC food package regulations. The initial legislation for the WIC Program enacted September 26, 1972 (P.L. 92–433) did not impose a Federal sugar limit for WIC-eligible adult cereals. However, in response to an interim rule published January 12, 1976 (41 FR 1743) to implement provisions of P.L. 94–105, a significant number of commenters objected to the level of sugar in cereals allowable by WIC Program regulations. This sentiment was cited in the preamble of the proposed rule published February 11, 1977 (42 FR 8647) in response to the comments engendered by the January 12, 1976 interim rule. Although in that rulemaking the Department proposed no restrictions on the sugar content of WIC-eligible adult cereals, State agencies were reminded that they were not required to offer cereals high in sugar, but could restrict eligible cereals to those low in sugar (42 FR at 8649).

In June 1977, the Department held public hearings in seven cities to solicit oral and written testimony and suggestions for possible changes in the WIC Program. A number of commenters at the hearings favored USDA setting a maximum level for the amount of sugar allowed in WIC-eligible cereals for children and women. The preamble of the final regulations published August 26, 1977 (42 FR 43206) to revise and reorganize the Program referenced this public response and solicited further public comments on the issue of the Federal requirements for WIC-eligible adult cereals.

In October 1978, USDA convened a food package advisory panel composed of representatives of WIC State agencies, the food industry, the nutrition community, advocacy groups, and WIC participants. This panel reviewed in depth the public comments on cereal issues which the Department received in response to the August 26, 1977 final rule. The Department received 230 comments on the exclusion of high-sugar cereals for the WIC food packages. Over 90 percent of the comments (i.e., 208) were in support of the Department establishing a maximum level of sugar for cereals authorized in the WIC Program. As part of its deliberations, the panel recommended a 6-gram sugar limit for use with WIC-eligible adult cereals. The 6-gram sugar limit represented a moderate sugar content for cereals on the market at that time. In response, USDA published a proposed rule on November 30, 1979 (44 FR 69254) proposing a 6-gram sugar limit for WIC-eligible adult cereals.

Of the 643 persons who commented on the proposed 6-gram sugar limit, 542, primarily representing the nutrition and health care communities, supported the 6-gram sugar limit or recommended a more stringent one. Some of the reasons cited for supporting this requirement were: the association between sugar consumption and dental caries; recommendations in the 1979 ''Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention,'' and in the National Research Council's ''Recommended Dietary Allowances,'' ninth edition, 1980, stating that sugar consumption by the U.S. population should be reduced; and knowledge that highly sugared cereals tended to be more expensive than cereals containing less sugar.

The balance of 101 commenters, including 14 State and 53 local WIC agencies, the Sugar Association and several cereal companies were opposed to the 6-gram limit, or in some cases any sugar limit whatsoever. Examples of the reasons given for opposing views were: the opinion that the 6-gram sugar limit was chosen in an arbitrary and

capricious manner; an absence of a specific sugar limit in the USDA regulation applicable to ''foods of minimum nutritional value'' sold in competition with school lunches and breakfasts (7 CFR 210.11 and 220.12); and the lack of a clear cut-off point to differentiate low-sugar cereals from high-sugar cereals.

After taking into consideration the advice from outside experts, advisory groups and the majority of commenters as well as factors relevant to the WIC Program (e.g., participant acceptance, versatility, cost, and nutrition education efforts to improve eating habits), the Department published a final rule on November 12, 1980 (45 FR 74854). This rule established the 6-gram sugar limit for WIC-eligible adult cereals.

More recently in 1989, Section 123(c) of P.L. 101–147 mandated that the Secretary conduct a review of WIC food packages to determine the appropriateness of WIC-eligible foods. Among other things, the review was to include consideration of: (1) how effectively protein, calcium and iron are provided to participants; (2) the nutrient density of foods; and (3) the extent to which nutrients, for which program participants are most vulnerable to deficiencies, such as thiamine, riboflavin, vitamin A and zinc, are effectively provided to participants. Again, USDA formally solicited public comments on whether there was evidence to support or refute the regulatory limit on the amount of sugar contained in WIC food packages [55 FR 42856, October 24, 1990; 55 FR 52050, December 19, 1990].

Of the 97 comment letters the Department received specifically addressing the issue of whether the existing regulatory limits/requirements on components of the WIC foods should be retained, 66 comments supported retaining the 6-gram sugar limit for WIC-eligible adult cereals. Twenty commenters suggested that this sugar limit be retained only for WIC participants with weight problems, three industry commenters opposed retaining this sugar limit and suggested either removing or increasing it, and eight other commenters neither supported nor opposed the sugar limit.

On October 3, 1991, the Conference Report (H. Rep. No. 239, p.47) accompanying P.L. 102–142, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992, expressed the desire of the conferees that the Department ''make a report to the appropriate committees of Congress on the issue of cereals containing fruit in the WIC food package by December 31, 1991.'' In response, on December 31, 1991, the Department submitted to pertinent Congressional committees a report that documented USDA's broad base of support for retaining the 6-gram sugar limit. Included among the letters USDA received encouraging the Department to retain this WIC cereal requirement were those from the following non-profit public interest groups and professional nutrition, medical and other health-related organizations: American Academy of Pediatrics; American Association of Public Health Dentistry; American Dental Association; American Public Health Association; Association of State and Territorial Dental Directors; Association of State and Territorial Public Health Nutrition Directors; Bread for the World; Center for Science in the Public Interest; Food Research and Action Center; National Association of WIC Directors; National Parent-Teacher Association; Public Voice for Food and Health Policy; and Society for Nutrition Education.

In 1992, the Department submitted the formal report to Congress on the outcome of the WIC food package review required by P.L. 101–147, Section 123(c). Based upon advice from the majority of commenters, including numerous nutrition and health authorities, the Department decided to retain the 6-gram sugar limit for WIC-eligible adult cereals. The National Advisory Council on Maternal, Infant and Fetal Nutrition also endorsed the 6-gram sugar limit in its 1992 Biennial Report to the President and Congress. The Council was established in 1975 by Section 17 (h)(1) [currently 17(k)(1)] of the Child Nutrition Act, and is composed of health/medical experts and representatives of WIC agencies, parent participants, and food retailers, to advise USDA on how to improve WIC operations.

Also relevant to this issue is the publication ''Nutrition and Your Health: Dietary Guidelines for Americans,'' jointly developed by USDA and the U.S. Department of Health and Human Services (DHHS). The ''Dietary Guidelines'' provide nutritional and dietary advice for the general public (i.e., healthy Americans 2 or more years of age), based upon the preponderance of current scientific and medical knowledge. The first ''Dietary Guidelines'' were published in 1980 and have been updated every five years to incorporate the latest research findings. The updates are based on the recommendations of the 11-member Dietary Guidelines Advisory Committee. This Committee is composed of widely recognized non-Federal nutrition and medical experts. Similar to past editions, the 1995 or fourth edition of the ''Dietary Guidelines,'' released by USDA and DHHS on January 2, 1996, urges Americans to choose a diet moderate in sugars. An excerpt from pages 33 and 34 of this latest edition follows:

> For very active people with high calorie needs, sugars can be an additional source of energy. However, because maintaining a nutritious diet and a healthy weight is very important, sugars should be used in moderation by most healthy people and sparingly by people with low calorie needs. This guideline cautions about eating sugars in large amounts and about frequent snacks of foods and beverages containing sugars that supply unnecessary calories and few nutrients.

Over the past several years, the Department has received inquiries from members of Congress and representatives of the food industry about the scientific basis for continuing the present sugar limit for WIC-eligible adult cereals. Although clinical evidence continues to support the correlation between sugar and dental caries, it has further revealed that the consumption of any fermentable carbohydrate, representing starches as well as sugars, can contribute to the incidence of dental caries. In contrast, recent research has shown that the independent factor of sugar intake does not appear to increase one's risk of developing coronary heart disease, diabetes mellitus, obesity, and hyperactivity.

While this evidence may suggest that no specific nutritional risk warrants a limit on sugar content, the Department recognizes that there may be other reasons that make such a limit appropriate. Factors that should be considered are any impact on the cost of the food package, the need to promote good dietary habits among nutritionally at-risk participants, and the potential that a change in the limit may permit ''foods * * * containing sugars that supply unnecessary calories and few nutrients'' to be included in the WIC food packages. The Department also remains cognizant of the important role the WIC competent professional authority plays in tailoring both the WIC food packages and nutrition counseling to meet individual needs of Program participants.

Therefore, the Department is seeking public input on whether a change in the 6-gram sugar limit for WIC-eligible adult cereals is in the best nutritional interests of WIC participants. The Department is hoping to elicit a wide range of views from nutrition and health experts, the WIC community, and other members of

the public at large to assist USDA in making a decision about this issue.

Issues for Comment

The Department is interested in receiving public comments on whether the current 6-gram sugar limit for WIC-eligible adult cereals should be changed. The Department has identified several positions related to this decision that commenters may wish to address. USDA would like to know which, if any, of the following options would be most appropriate for WIC food packages that make adult cereal available:

- Retain the current 6-gram sugar limit unchanged, counting all sugar, both naturally occurring and added, as part of the total sugar content of the cereal.
- Set a new sugar limit, either higher or lower than the current 6-gram level. If this option is selected, commenters should specify a new sugar limit, e.g., grams of sugar per dry ounce of cereal, and their justification for suggesting a new limit.
- Revise the 6-gram sugar limit to represent only the amount of sugar added during the manufacturing of a cereal, representing either a separate ingredient (e.g., table sugar, corn syrup, brown sugar, honey, and maltodextrin) or a separate component of a processed or man-made ingredient (e.g., marshmallow and caramel), and exclude the naturally occurring, inherent sugar in the cereal (e.g., sugars in grains, dried fruits, and nonfat dry milk).
- Eliminate the Federal sugar limit for WIC-eligible adult cereals. However, WIC State agencies would have the authority to establish and enforce a sugar limit of their own for WIC-eligible adult cereals approved for use in their respective States.

Commenters are also invited to recommend alternative options not stated above. In order for comment letters to be most useful to the Department, commenters are urged to discuss both the pros and cons of their recommendations as they apply to WIC participants and program operations, including any problems WIC State agencies may encounter in implementing a proposed alternative option. USDA is very interested to know how any change might impact the provision and effect of WIC food benefits and nutrition education. The Department also would like to know whether WIC State and local agencies believe that the current 6-gram limit provides an adequate range of choices for both WIC agencies and participants, consistent with the nutritional purposes of the WIC Program.

Dated: March 8, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96–6178 Filed 3–15–96; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–254–AD]

Airworthiness Directives; McDonnell Douglas Model DC–10 and MD–11 Series Airplanes, and KC–10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–10 and MD–11 series airplanes, and KC–10A (military) airplanes. This proposal would require identifying and replacing certain lock link bolts in the nose landing gear (NLG). This proposal is prompted by a report indicating that certain bolts were improperly heat-treated during manufacturing, which makes them prone to failure. The actions specified by the proposed AD are intended to prevent failure of the lock link bolts in the NLG, which could result in the collapse of the NLG.

DATES: Comments must be received by May 13, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–254–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5324; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–254–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–254–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that certain lock link bolts, which may be installed in the nose landing gear (NLG) of certain McDonnell Douglas Model DC–10 and MD–11 series airplanes and KC–10A (military) airplanes, were improperly heat-treated during their manufacture. Investigation revealed that the suspect bolts were fabricated using a heat-treat process that was lacking the latest updated process instructions. The improper heat-treatment of these bolts makes them prone to failure. If an installed bolt were to fail, it could cause the NLG to collapse.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC10–32–242 (for Model DC–10 series airplanes), dated November 1, 1995; and McDonnell Douglas Service Bulletin MD11–32–060 (for Model MD–11 series airplanes), dated November 6, 1995. These service bulletins describe procedures for conducting a visual inspection to identify the serial number of suspect lock link bolts, and the replacement of those bolts with new bolts having different serial numbers. Replacing a suspect bolt will minimize the possibility of a bolt failure and subsequent NLG collapse.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time visual inspection to identify the suspect lock link bolts, and the replacement of those bolts with new serviceable bolts. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 565 Model DC–10 and MD–11 series airplanes and KC–10A (military airplanes) of the affected design in the worldwide fleet. The FAA estimates that 334 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately .5 work hour per airplane to accomplish the proposed one-time inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,020, or $30 per airplane.

If a suspect lock link bolt is found to be installed on an airplane, its removal and replacement would take approximately 3 work hours to accomplish, at an average labor rate of $60 per work hour. Replacement parts would be supplied by the manufacture at no charge to operators. Based on these figures, the cost impact of the replacement action on U.S. operators is estimated to be $180 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 95–NM–254–AD.

Applicability: Model DC–10–10, -15, -30, and -40 series airplanes, and KC–10A airplanes, as listed in McDonnell Douglas Service Bulletin DC10–32–242, dated November 1, 1995; and Model MD–11 series airplanes as listed in McDonnell Douglas Service Bulletin MD11–32–060, dated November 6, 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 request approval for an alternative method of compliance in accordance with paragraph (e) 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 nose landing gear as a result of failure of the lock link bolt, accomplish the following:

(a) Within 24 months after the effective date of this AD, perform a visual inspection to determine the serial number of the lock link bolt, part number (P/N) ACG7079–1, installed in the nose landing gear (NLG), in accordance with procedures specified in McDonnell Douglas Service Bulletin DC10–32–242, dated November 1, 1995, for Model DC–10 series airplanes; or McDonnell Douglas Service Bulletin MD11–32–060, dated November 6, 1995, for Model MD–11 series airplanes.

(b) If the serial number of the lock link bolt is not AP001 through AP036 inclusive, or AP200 through AP344 inclusive: No further action is required by this AD.

(c) If the serial number of the lock link bolt is AP001 through AP036 inclusive, or AP200 through AP344 inclusive: Prior to further flight, replace the lock link bolt with a new bolt, P/N ACG7079–1, that does not have one of those serial numbers.

(d) As of the effective date of this AD, no person shall install a lock link bolt, part number (P/N) ACG7079–1, having a serial number of AP001 through AP036 inclusive, or AP200 through AP344 inclusive, on any airplane.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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.

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

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

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–6389 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 71

[Airspace Docket No. 96–ASO–7]

Proposed Amendment to Class D and E2 Airspace and Proposed Establishment of Class E4 Airspace; Jackson, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: On February 6, 1996, the FAA proposed to amend Class D surface area airspace and establish Class E4 surface area arrival extension at Jackson, TN. This proposal was necessary because the arrival extension, which is currently part of the Class D surface area, is greater than 2 miles and must, by regulation, be designated as Class E4 airspace. However, the notice of proposed rulemaking (NPRM), as published, inadvertantly failed to propose an amendment to the Class E2 surface area airspace, which exists when the control tower is closed and approach control service to the surface is provided by Memphis Center. In addition to amending the Class D surface area airspace and establishing Class E4 surface area arrival extension airspace, this SNPRM proposes to amend the Class E2 surface area airspace at Jackson, TN.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–7, Manager, System Management Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this supplemental notice of proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this supplemental notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–7.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Supplemental Notice of Proposed Rulemaking (SNPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Background

On February 6, 1996, (61 FR 4381) the FAA proposed to amend Class D surface area airspace and establish Class E4 surface area arrival extension airspace at Jackson, TN. However, the NPRM, as published, inadvertantly failed to propose an amendment to the Class E2 surface area airspace, which exists when the control tower is closed and approach control service to the surface is provided by Memphis Center. This SNPRM corrects that oversight.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E2 surface area airspace in addition to amending the Class D surface area airspace and establishing the Class E4 surface area arrival extension airspace at Jackson, TN. Class D airspace designations, Class E airspace designations for airspace areas designated as a surface area for an airport and Class E airspace designations for airspace areas designated as an extension to a Class D surface area are published in Paragraphs 5000, 6002 and 6004, respectively, of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 5000 Class D airspace.

* * * * *

ASO TN D Jackson, TN [Revised]

McKellar-Sipes Regional Airport, TN
(Lat. 35°35′59″ N, long. 88°54′56″ W)

That airspace extending upward from the surface to and including 2900 feet MSL within a 4.2-mile radius of the McKellar-Sipes Regional Airport. This Class D airspace

area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

ASO TN E2 Jackson, TN [Revised]

McKellar-Sipes Regional Airport, TN
(Lat. 35°35′59″ N, long. 88°54′56″ W)

Within a 4.2-mile radius of the McKellar-Sipes Regional Airport. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Director.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

ASO TN E4 Jackson, TN [New]

McKellar-Sipes Regional Airport, TN
(Lat. 35°35′59″ N, long 88°54′56″ W)
McKellar VOR/DME
(Lat. 35°36′13″ N, long. 88°54′38″ W)

That airspace extending upward from the surface within 3.1 miles each side of the McKellar VOR/DME 206° radial, extending from the 4.2-mile radius of the McKellar-Sipes Regional Airport to 7 miles southwest of the VOR/DME. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on February 23, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 96–6403 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–ANM–002]

Proposed Establishment of Class E Airspace, John Day, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposed rule would establish the John Day, Oregon, Class E airspace to accommodate a new Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to the John Day State Airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before April 29, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ANM–530, Federal Aviation Administration, Docket No. 96–ANM–002, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James C. Frala, ANM–532.4, Federal Aviation Administration, Docket No. 96–ANM–002, 1601 Lind Avenue S.W., Renton, Washington, 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ANM–002.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations Branch, ANM–530, 1601 Lind Avenue S.W., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at John Day, Oregon, to accommodate a new GPS SIAP to the John Day State Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM OR E5 John Day, OR

John Day State Airport, OR
(LAT. 44°24′14″N, long 118°57′49″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the John Day State Airport; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the John Day State Airport, and that airspace within 4 miles either side of a line bearing 076° true from the John Day State Airport, extending from the 9-mile radius to a point 38 miles northeast of the airport, and within an area bounded on the northwest by V357, on the northeast by V4, on the southeast by V269, and on the southwest by V500; excluding that airspace within Federal Airways.

* * * * *

Issued in Seattle, Washington, on March 5, 1996.

Richard E. Prang,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 96–6369 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

29 CFR Part 500

RIN 1215–AA93

Migrant and Seasonal Agricultural Worker Protection Act

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Notice of proposed rulemaking, request for comments.

SUMMARY: This document proposes regulations to implement amendments to the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), with respect to the relationship between workers' compensation benefits and the benefits available under the MSPA as required by Public Law 104–49. This Public Law 104–49 specifically requires amendment to the MSPA regulations concerning disclosure of workers' compensation information and additionally authorizes reconsideration of the MSPA-required transportation liability insurance. This document also proposes to amend existing regulations in order to provide for the expedited proceeding before an Administrative Law Judge (ALJ) of actions initiated by the Administrator of the Wage and Hour Division to revoke, suspend, or refuse to issue or renew a Farm Labor Contractor Certificate of Registration, and for review by the Secretary of Labor. Additionally, this document proposes to amend the regulations in order to make them comport with amendments to MSPA. Lastly, this document proposes to amend the regulations to indicate that the Certificate of Registration will reflect the maximum number of farm workers that the farm labor contractor is authorized to transport.

DATES: Comments on the proposed rule are due on or before April 17, 1996.

ADDRESSES: Submit written comments to Maria Echaveste, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card or to submit them by certified mail, return receipt requested. As a convenience to commenters, comments may be transmitted by facsimile (''FAX'') machine to (202) 219–5122. This is not a toll-free number. If transmitted by FAX and a hard copy is also submitted by mail, please indicate on the hard copy that it is a duplicate copy of the FAX transmission.

FOR FURTHER INFORMATION CONTACT: Michael Hancock, Office of Enforcement Policy, Farm Labor Team, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3510, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 219–7605. This is not a toll-free number. Copies of this NPRM in alternative formats may be obtained by calling (202) 219–7605, (202) 219–4634 (TDD). The alternative formats available are large print, electronic file on computer disk and audio-tape.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act of 1995

The reporting requirements contained in these proposed regulations have been submitted for review to the Office of Management and Budget pursuant to section 3507(d) of the Paperwork Reduction Act of 1995.

Title: Worker Information, Form WH–516.

Summary: These proposed regulations amend sections 500.75 and 500.76 of Regulations, 29 CFR Part 500, Migrant and Seasonal Agricultural Worker Protection Act, to require disclosure to migrant and seasonal agricultural workers of certain information regarding the availability of workers' compensation insurance.

Need: Various sections of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), 29 U.S.C. 1801 *et seq.*, require that each farm labor contractor, agricultural employer and agricultural association disclose in writing the terms and conditions of employment to: (a) Migrant agricultural workers at the time of recruitment (section 201(a)(1)); (b) seasonal agricultural workers, upon request, at the time of employment (section 301(a)(1)) and (c) seasonal agricultural workers employed through a day-haul operation at the place of recruitment (section 301(a)(2)). Sections 201(b) and 301(b), which relate to posting in a conspicuous place at the place of employment a poster provided by the Secretary setting forth the rights and protections afforded covered workers under MSPA, also require that each such employer provide to each worker (upon request in the case of seasonal agricultural workers) a written statement of the terms and conditions of employment. In addition, sections 201(g) and 301(f) require that such information be provided in English, or as necessary and reasonable, in a language common to the workers and that the U.S. Department of Labor (DOL) make forms available to provide such information. Optional Form WH–516, Worker Information, is made available by DOL for these purposes. As an alternative to use of the Form WH–516, employers may disclose the terms and conditions of employment in writing to migrant workers, or in writing upon request to seasonal workers, using any other format provided the required information is contained within the disclosure.

Public Law 104–49 provides in section 4 for the disclosure of certain additional information regarding workers' compensation insurance to the employee, i.e., whether workers' compensation is provided and if so, the name of the workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which this notice must be given. Optional Form WH–516 is being revised

to include this new statutorily-required information. This requirement can alternatively be met by the employer furnishing the worker with a photocopy of any notice regarding workers' compensation insurance required by law of the state in which such worker is employed, provided the notice contains the information specified above (with respect to workers' compensation) required for disclosure by section 4 of Public Law 104–49. It is important to note that the information on the terms and conditions of employment (including the workers' compensation information) required to be disclosed is to be disclosed to prospective employees. Outside of an investigation context in which the employer is specifically requested to provide a copy of any written disclosure made to workers, this information is not to be forwarded to, nor will it be maintained by, the Federal government.

Respondents and proposed frequency of response: MSPA covers only those farms with over 500 man-days of hired agricultural labor during any calendar quarter during the preceding calendar year. Unless the 500 man-day threshold is reached, there is no coverage under the Act and no obligation to provide the disclosure. A yard stick for measuring when the 500 man-day threshold is reached is if a farm employs 7 full-time equivalent workers during a calendar quarter. The 1992 Census of Agriculture reported approximately 160,000 farms which hired 5 or more agricultural workers during the survey year. 1992 Census of Agriculture, Vol. 1, Part 51, U.S. Dept. of Commerce, Bureau of Census, pg. 207. Therefore, it is estimated that no more than 160,000 farms are covered by the disclosure obligation. According to the U.S. Department of Agriculture Quarterly Surveys, there are approximately 1,500,000 migrant and seasonal agricultural workers, some of whom are probably employed on exempt farms. According to the National Agricultural Worker Survey, these workers averaged 1.75 agricultural employers annually. *U.S. Farmworkers in the Post-IRCA Period*, USDOL, pg. 30, 1993. Therefore, the number of actual disclosures required will not exceed 2,625,000 (1,500,000 x 1.75).

Estimated total annual burden: It is estimated that it requires 32 minutes to gather and prepare for disclosure the required information, and to make the required disclosures. Of those 32 minutes, it is estimated that the new disclosure items required by Pub. L. 104–49 will require 2 minutes and the remaining time is for the disclosure items already required by MSPA and the regulations. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information, making copies if needed, and actually making the required disclosures to prospective employees. This results in an estimated annual burden of 85,333 hours (160,000 farms x 32 minutes). To obtain an estimate of respondent costs for making the required disclosure to prospective employees, the average wage rate for an agricultural worker nationwide of $6.05 per hour was used (Farm Labor, May 1995, National Agricultural Statistic Service, U.S. Department of Agriculture). An average markup of 20% for a farm labor contractor is added to yield an hourly rate of $7.26 per hour. Annual respondent costs are thus estimated as $619,518 (85,333 annual burden hours x $7.26).

The public is invited to provide comments on this information collection requirement so that the Department of Labor may:

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

(2) evaluate the accuracy of the agency's estimates of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to make the required disclosure of the terms and conditions of employment to prospective employees, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of the information to be disclosed to prospective employees. Written comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20503.

II. Background

Public Law 104–49 amends the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) provisions dealing with the private right of action, the regulatory process for setting minimum transportation liability insurance requirements, and disclosure obligations to agricultural workers. The Act requires the Secretary to reexamine the current MSPA transportation insurance regulations and to amend the regulations governing disclosure. The insurance rulemaking must be completed and a final rule published within 180 days of enactment, or no later than May 13, 1996. The disclosure regulations, while under no statutory deadline, provide important new information to agricultural workers and require regulations before they become effective.

The final proposed regulatory amendment would give adjudication priority to administrative actions denying, revoking, or suspending a farm labor contractor (FLC) certificate. Currently, some FLCs continue to lawfully operate for extended periods awaiting an administrative hearing and final order on a certification action. This proposed regulation would establish deadlines for Administrative Law Judge proceedings and Secretarial review proceedings in MSPA certificate actions.

Key issues addressed in the proposed regulations on which public comment is particularly solicited are summarized and explained below.

III. Summary and Discussion

Workers' Compensation Disclosure Requirements

The MSPA was amended by Public Law 104–49 to require farm labor contractors, agricultural employers and agricultural associations who recruit or hire agricultural workers subject to the protections of the Act to provide the workers certain additional information about the terms and conditions of employment. This information must be included in a written document, and that disclosure document must be given to each agricultural worker so that it may be retained in the event that the information contained therein becomes useful or necessary. Under current regulations, the information to be disclosed includes the place of employment, the period of employment, wage rate(s), crops and activities, whether transportation or other benefits are provided, housing and its cost (if provided), information about any strike, work stoppage, slowdown, or interruption in operations, and information about any employer charges for goods or services.

The disclosures required by the MSPA, including the proposed additions, must be given to each migrant agricultural worker at the time of recruitment, or, if sufficient information is unavailable at that time, at the earliest

time that the information becomes available, but in no event later than the commencement of employment. Seasonal agricultural workers are entitled to the same information in the same form upon request.

Only limited information about workers' compensation is required in the current regulation; the agricultural worker must be informed only as to whether or not workers' compensation is provided. Under Public Law 104–49, the disclosure of additional information concerning workers' compensation will now be required.

Public Law 104–49 provides that migrant agricultural workers are entitled to receive, in writing, the name of the workers' compensation insurance carrier, the name of the policy holder of such insurance, the name and telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given. Seasonal agricultural workers must also receive the workers' compensation information identified above, in writing if so requested by the worker(s). The Department proposes to amend §§ 500.75 and 500.76 to include these new statutorily-required disclosure items.

Under the proposed rule, the information concerning workers' compensation may be communicated to the worker in one of two forms. The farm labor contractor, agricultural employer, or agricultural association may provide this additional information via the optional written disclosure form (Optional Form WH–516). In the alternative, the farm labor contractor, agricultural employer or agricultural association may communicate the necessary workers' compensation information by giving the agricultural worker a photocopy of any notice regarding workers' compensation insurance required by the law of the state in which the worker is employed, as long as such photocopy contains all the required information.

Transportation Insurance Under MSPA

Under the MSPA, agricultural employers, agricultural associations, and farm labor contractors who use or cause to be used a vehicle to transport agricultural workers subject to the Act must comply with certain minimum transportation safety requirements and provide a minimum level of financial security to insure against injuries to workers or third parties. Public Law 104–49 amended the MSPA provision regarding the determination of the level of financial security to be required.

MSPA provides three means by which farm labor contractors, agricultural employers, or agricultural associations may insure against liability for damage to persons or property arising from the ownership, operation or causing to be operated a vehicle used to transport agricultural workers. The security may be in the form of (1) a vehicle liability insurance policy that insures employees and nonemployees; (2) a workers' compensation policy along with a liability certificate of insurance covering transportation whenever nonemployees and employees may be transported under circumstances not covered by workers' compensation; or (3) the posting of a $500,000 liability bond. Public Law 104–49 amended the MSPA provision to require the Secretary to re-examine the minimum liability insurance requirement and make any changes indicated by May 13, 1996.

While this proposed rule concerns only the minimum liability insurance levels per occurrence for such transportation, clarification is also provided regarding the obligations under MSPA if a farm labor contractor, agricultural employer, or agricultural association chooses workers' compensation as the primary transportation insurance coverage for the agricultural workers being transported. Further, the legislative history of Public Law 104–49 indicates a need to reaffirm and further explain the circumstances under which carpooling arrangements among workers fall outside of the scope of MSPA. Joint Statement of Legislative Intention, Rep. William F. Goodling, E1943, Cong. Rec., Oct. 13, 1995. To provide the needed clarification, these issues are discussed below.

Workers' Compensation as Primary Transportation Insurance

Workers' compensation coverage is a partial alternative to meeting liability obligations under MSPA and the Department's regulations. However, workers' compensation coverage alone does not completely satisfy the legal obligations under MSPA. Property damage insurance is also required. In addition, the regulations require that if an employer chooses workers' compensation as the primary coverage, additional insurance in a specified minimum amount must also be provided to compensate employees and nonemployees for property damage and bodily injuries not covered by workers' compensation benefits whenever there is a possibility that workers may be transported under circumstances not covered by workers' compensation insurance. Employers who are certain that the transportation will occur only under circumstances covered by workers' compensation are not obligated to secure additional bodily injury coverage but they do so at their own risk and will be in violation of the MSPA insurance obligations if they transport workers outside the scope of workers' compensation coverage and are exposed to suits for actual damages. The regulation at 29 CFR 500.122(c)(2) has required this supplemental coverage since 1983 and nothing in this proposed rule is intended to alter this obligation.

Transportation Under MSPA and Carpools

As discussed previously, the legislative history of Publc Law 104–49 indicated a need to reaffirm and clarify what constitutes a legitimate carpool arrangement among workers and therefore, beyond the scope of the MSPA transportation requirements (including minimum insurance obligations). Carpooling is described in the regulation at § 500.100(c), which remains unchanged in this proposed rule. Under the regulation, carpooling is a voluntary arrangement among workers for transportation to and from work using a worker's own vehicle. The workers may contribute to offset the costs of the transportation but only to reasonably reflect the actual costs of the transportation. Any compensation or other valuable consideration in excess of the actual costs means the transportation provider is considered a farm labor contractor and thereby subject to the registration and transportation requirements of the Act and the regulations. Likewise, any arrangement in which a farm labor contractor participates will not be considered a carpool. If any agricultural employer or association directs or requests such transportation arrangements or provides money or other valuable consideration for the transportation service, such an arrangement is not a carpooling arrangement among workers.

There is also some apparent misunderstanding concerning another transportation practice governed by MSPA transportation regulations. In California and elsewhere, a substantial industry of individuals known as ''raiteros'' has developed. The primary function of the ''raitero'' is to transport agricultural workers, for a fee, from common gathering points to the fields on a day-to-day basis. Under the current regulations, this would not be considered a carpooling arrangement but rather a farm labor contracting activity and, consequently, subject to the MSPA transportation regulations.

According to the Department of Labor National Agricultural Worker Survey

(hereinafter referred to as ''NAWS''), U.S. Farmworkers in the Post-IRCA Period, USDOL, pg. 51, 1993, 10% of the U.S. farm labor force working in fruit, vegetables, or horticulture, is charged by ''raiteros'' for transportation to and from work. The Report of the Commission on Agricultural Workers stated that two-thirds of those working in California citrus and tomatoes paid ''raiteros'' an average of $3.00 per day for transportation. Report of the Commission on Agricultural Workers, pgs. 108–109, 1992. It is unknown to what extent these transportation providers have registered as farm labor contractors but it is apparent from the farm labor contractor registration data maintained by the Department of Labor that many have not. Department of Labor Region 9, which includes the major labor-intensive agricultural state of California where the ''raitero'' practice is common, reports that only 79 of the 4298 registered farm labor contractors are authorized to provide transportation.

The ''raitero'' practice is clearly farm labor contracting activity and subject to MSPA, but many persons who provide this service have failed to properly register.

Liability Insurance Requirements and Proposed Rulemaking

Public Law 104–49 requires DOL to reexamine the current minimum liability insurance requirements and determine whether or not changes are warranted. Among the factors to be considered are the type of vehicle used, passenger capacity of the vehicle, distance the workers will be transported, type of roads and highways on which the workers will be transported, any undue burden on employers and similar requirements under State law. All of these factors have been considered by the Department in this proposal.

The overriding concern, as stated in section 401(b)(2)(B) of MSPA, is the protection of the health and safety of migrant and seasonal agricultural workers. Prior to Public Law 104–49, the Secretary had the discretion to set a minimum insurance amount but this could not be less than the amount required for common carriers of passengers under part II of the Interstate Commerce Act and the regulations promulgated thereunder. The factors which the Secretary was to consider in establishing such requirements are the same as set out in Public Law 104–49.

The legislative history of MSPA makes clear that the requirements to provide safe vehicles and adequate levels of transportation insurance are key worker protections in the Act (Report of the House Committee on Education and Labor, Rept. No. 97–885, 97th Cong., 2d Sess.; 1982 U.S. Code Cong. and Ad. News 4547 (hereinafter referred to as Report), at 4565). It was noted that there were a variety of factors that the Secretary should consider in determining both the substantive vehicle safety standards and the required minimum insurance amounts. The House Education and Labor Committee Report accompanying original MSPA enactment noted that ''[t]he overriding concern of the Secretary shall be the protection of the health and safety of the workers.'' *Id* at 4565. The Committee went on to note the ''* * * often dangerous conditions under which agricultural workers are transpoted.'' *Id* at 4566.

The Department's review of MSPA minimum liability insurance levels as required by Pub. L. 104–49 is guided by the factors set out in the statute, the legislative intent of the original MSPA enactment and the amendment, and the underlying purpose articulated by the Interstate Commerce Commission in setting the minimum levels incorporated by reference in the current MSPA regulation.

Current Liability Insurance

In both the original MSPA regulations issued in 1983 and a subsequent amendment in 1992 that significantly raised the insurance levels, the minimum level of insurance required by the Department under MSPA has been the same as that set by the Interstate Commerce Commission regulations for vehicles transporting passengers for hire in interstate commerce, found at 49 CFR 1043.2(b)(1)(ii). The current ICC regulation requires at least $1.5 million in liability insurance coverage for vehicles with a passenger capacity of 15 or fewer and $5 million for a passenger capacity of 16 and more. (Note: under the ICC regulations—regardless of the outcome of this MSPA rulemaking process—those who transport agricultural workers in interstate commerce for a fee may well be required to also comply with the current ICC insurance rates.)

In a formal rulemaking proceeding to determine the appropriate minimum insurance levels, the ICC considered a number of factors. The Commission stated that the primary purposes to be served by the minimum liability insurance levels include incentives to motor carriers to operate their vehicles in a safe manner and to assure that they maintain adequate levels of financial responsibility sufficient to satisfy claims covering public liability and property damage. The agency determined, after notice and an opportunity to comment, that the appropriate amount of minimum coverage was $1.5 million for vehicles with a seating capacity of 15 or less and $5 million for vehicles with a seating capacity of 16 or more. In reaching this conclusion, the ICC considered the protection of the public, the stability of the regulated industry, the ability of the insurance industry to provide coverage, and the particular needs of small and minority businesses.

Transportation of Agricultural Workers

According to the Bureau of Labor Statistics, agricultural workers were second only to truck drivers in number of occupational fatalities in 1994. Among agricultural workers, vehicular accidents accounted for 50 percent of all occupational fatalities in 1994. Highway deaths accounted for 20 percent and vehicular accidents in parking lots and other non-public locations accounted for about 30 percent of all agricultural worker occupational fatalities. National Census of Fatal Occupational Injuries, 1994 (Bureau of Labor Statistics; August 3, 1995).

The Department of Labor has received information from investigations, published reports, and elsewhere documenting the risks to agricultural workers from vehicular accidents. The liability insurance required by MSPA is intended to compensate agricultural workers involved in vehicular accidents when the most common workplace insurance, workers' compensation, is not provided or when the injuries resulted from an accident that falls beyond the scope of workers' compensation. The minimum levels of liability insurance must be adequate to satisfy the purposes of the Act.

A further consideration in determining the appropriate minimum insurance levels under MSPA is the insured person's ability to meet his/her financial responsibility should it be determined that the he/she is liable for the injuries resulting from an accident. While agricultural employers generally have assets (land, equipment, crops, etc.) in addition to the policy of insurance, agricultural workers employed by many farm labor contractors are likely to find that compensation for injuries is limited to coverage provided by the vehicle insurance. Of the 10,899 farm labor contractors registered with the Department as of October 6, 1995, 975 were authorized to provide transportation under MSPA in FY 1995. It has been demonstrated in Wage-Hour enforcement that many farm labor contractors have few assets to satisfy

even modest civil money penalty and back wage assessments. It is reasonable to conclude that many farm labor contractors will also be without sufficient assets beyond the liability insurance policy with which to compensate workers injured in accidents.

Based on information indicating that farm labor contractors often have few financial assets, automobile liability insurance carried on vehicles operated by or caused to be operated by a farm labor contractor must be sufficient to cover non-catastrophic injuries incurred by agricultural workers. Should the damages resulting from transportation accidents, such as medical costs and lost wages, exceed the limits of the minimum insurance amounts, the farm labor contractor may well have insufficient assets to fully compensate for the injuries.

A further consideration is the availability of other insurance coverage to compensate agricultural workers in the event that they suffer injuries in a transportation accident. Unlike most U.S. workers, many agricultural workers do not enjoy full mandatory workers' compensation protection in most states. According to information provided by the Department of Labor's Employment Standards Administration/Office of Workers' Compensation Programs, agricultural workers are specifically covered in varying degrees by workers' compensation under current State laws in thirty-nine (39) jurisdictions. In only fourteen (14) of the 39 jurisdictions in which agricultural workers are statutorily covered (Arizona, California, Colorado, Connecticut, the District of Columbia, Hawaii, Louisiana, Massachusetts, Montana, New Hampshire, New Jersey, Ohio, Oregon, and the Virgin Islands), farm workers are covered the same as all other employees. In the remaining twenty-five of the 39 jurisdictions in which agricultural workers are statutorily covered (Alaska, Delaware, Florida, Georgia, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, Oklahoma, Puerto Rico, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming), there are limitations that are not applicable to covered employees in other industries. And in another 14 jurisdictions (Alabama, Arkansas, Idaho, Indiana, Kansas, Kentucky, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Rhode Island, South Carolina, and Tennessee), agricultural employers may secure coverage voluntarily, even though no statutory provisions are prescribed.

According to the National Agricultural Worker Survey, only 41 percent of the agricultural workforce employed in fruit, vegetables, and horticultural commodities are covered by workers' compensation, and only 27 percent of the workers employed by farm labor contractors. Findings from the National Agricultural Workers Survey 1990; A Demographic and Employment Profile of Perishable Crop Farm Workers, USDOL, pg. 74, 1991. Further, according to unpublished NAWs survey data for FY 1993–1994, only 14 percent of those employed by agricultural employers or associations and only 7 percent of those employed by farm labor contractors have any health insurance. Therefore, many workers will be completely reliant on the liability insurance to compensate for injuries suffered in transportation accidents. Should the damages resulting from transportation accidents, such as medical costs and lost wages, exceed the limits of the minimum insurance amounts, agricultural workers may find it difficult to secure adequate compensation.

State Insurance Regulation of Agricultural Worker Transportation

In addition to these factors, similar agricultural worker transportation requirements under State law must be considered. In that regard, a telephone survey was taken of several States having major agricultural activity. In every instance, the information provided was that the State deferred to Federal requirements. Among the States surveyed were the major labor intensive agricultural states of California, Texas, and Florida.

The Department considered the limits under the various State compulsory liability-financial responsibility laws governing personal vehicles as indicative of sufficient minimum insurance under MSPA. An examination of these minimum liability insurance levels reveals a wide range among the various States. For instance, Florida, Louisiana, Mississippi, and Oklahoma have minimum levels of $10,000 per person and a limit of $20,000 per occurrence. On the other hand, Hawaii requires minimum liability coverage of $50,000 per person and has no per occurrence limit. The most common minimum coverages are $25,000 per person up to a maximum of $50,000 per occurrence, found in nearly half the States.

The levels required for personal automobiles appear to be far too low to serve the fundamental purpose for which the MSPA transportation insurance requirement was intended. These levels of mandatory coverage are not sufficient to adequately compensate for reasonably foreseeable incidents of agricultural worker accidents and the resulting damages. For instance, in the 1982 ICC rulemaking that resulted in the current MSPA levels, the ICC found that the average loss in an interstate bus accident in 1981 exceeded $125,000 per accident. Information concerning agricultural worker accidents in Florida over the last six years shows actual loss exceeding $1.5 million per accident is not unusual.

Consideration of the Current Regulatory Scheme

It has also been suggested that the regulations retain the current scheme setting a required insurance level for vehicles with a capacity of 15 passengers or below or 16 and more, either at the current minimum amounts or reduced amounts.

The current regulatory scheme is simple and easily understood; the vehicle capacity is either 15 or below or 16 and above. Underwriting is simplified in that there are only two insurance amounts and these are the same as required of others engaged in commercial transportation. The standards are well known in that the agricultural and insurance industries have worked under this structure for over a decade and the current insurance amounts have been in place for over three years. There is no evidence that the higher 1992 amounts have resulted in reduced compliance with the insurance obligation.

Lowering these liability insurance levels could actually work against one of the primary rationales for overturning the Adams Fruit decision. That decision allowed injured workers to sue and recover full actual damages for MSPA violations even when workers are covered by workers' compensation. In restoring the workers' compensation bar against suits for actual damages, the primary sponsor of the legislation believed that it would be more likely for employers in voluntary workers' compensation States to opt for workers' compensation over the presumably more expensive liability insurance option. Securing workers' compensation insurance would benefit workers by providing coverage for a broad range of workplace injuries, not simply transportation accidents. (See statement of Rep. William Goodling, Congressional Record, H10090, Oct. 17, 1995.) However, if the minimum liability insurance requirements are lowered, this desired movement to

voluntary workers' compensation coverage may well be thwarted.

It is the view of the Department that the important interests served by the transportation insurance requirements can be maintained with additional flexibility for the regulated community in structuring transportation practices to suit its particular need. Departing from the two-level scheme, the proposed rule would maintain an adequate level of insurance coverage but at the same time allow a lower minimum insurance amount and, presumably, decrease the premiums to be paid. This approach most closely reflects the statutory considerations guiding this rulemaking.

Request for Information From the Regulated Community

Also among the factors to be considered is the extent to which the proposed minimum insurance levels cause an undue burden on agricultural employers, agricultural associations, and farm labor contractors. Information from the regulated community is sought to help DOL assess the financial impact of the current insurance levels and the levels specified in this proposed rule. The Department would be aided by receiving financial statements from agricultural employers, agricultural associations, and farm labor contractors, detailing the vehicular liability insurance premiums paid for years 1990–1995, the number of vehicles covered, the types of transportation provided, and the period within each year that the transportation was provided. This information should be accompanied by information regarding accidents in this period involving agricultural workers and insurance claims, damages, medical expenses, and other loss information resulting therefrom.

The Department is particularly interested in receiving information from insurance companies providing this insurance regarding premiums charged for this coverage, by county or region, as well as any information the companies can provide concerning total costs for accidents involving fatalities, personal injuries and property damage. Specific information about economic loss in each accident would be most helpful. In the absence of specific agricultural worker information, data concerning the transportation of passengers for hire would be helpful. This information is requested for each year between 1990 and 1995. Similar information is requested for interstate motor carriers covered by 49 CFR 387.31. Finally, information concerning any State minimum insurance levels for intrastate passenger transportation for hire but not subject to the ICC levels would be helpful.

Information from state insurance and/or labor agencies concerning state agricultural worker transportation insurance requirements would be helpful.

The Department also solicits information from the regulated community evidencing whether, and if so, the extent to which the 1992 minimum insurance increases resulted in agricultural employers, agricultural associations, or farm labor contractors transporting agricultural workers without securing the required insurance coverage. In addition, the Department solicits information evidencing whether and, if so, the extent to which farm labor contractors failed to secure DOL authorization to transport because they were unable to find an insurer willing to provide a liability insurance policy at the levels required in 1992. There is no evidence which supports such a finding in the enforcement and registration records of DOL. In fact, DOL is unable to detect any significant decrease in the number of farm labor contractors registering as transportation providers before and after the insurance increases. In 1991, the year before the insurance minimums were increased to the current levels, 40% of all farm labor contractors inspected by the Department in the course of enforcement activities were found to be transporting workers without the required transportation authorization. A year after the increase, in 1993, the percentage of farm labor contractors in violation had risen slightly to 43%. Similarly, enforcement against farm labor contractors, agricultural employers and agricultural associations detected no significant increase in violations of the minimum insurance requirements. In 1991, 24% of those transporting agricultural workers did so without securing the required insurance while in 1993, 28% were in violation, a slight rise. We cannot conclude based on these data that the increased insurance premiums caused the regulated community to forego compliance with the legal obligations to register as a farm labor contractor or to secure the required insurance.

Agricultural workers are requested to provide information concerning loss suffered by workers injured in accidents and the amount of insurance necessary to insure against reasonably foreseeable risks. It is not the intention of this rulemaking to establish a minimum level of insurance sufficient to cover every possible accident. There are catastrophic events beyond the scope of this coverage and it is not the Department's purpose to set excessive minimum insurance levels. Commentators are invited to discuss the level of insurance necessary to insure against reasonably foreseeable risks.

Public Law 104–49 directs the Secretary to consider the factors set out in section 401(b)(2)(B) of the Act in determining the appropriate insurance for MSPA transportation. That section states: ''To the extent consistent with the protection of the health and safety of migrant and seasonal agricultural workers, the Secretary shall * * * consider, among others—(i) the type of vehicle used, (ii) the passenger capacity of the vehicle, (iii) the distance which such workers will be carried in the vehicle, (iv) the type of roads and highways on which such workers will be carried in the vehicle, and (v) the extent to which a proposed standard would cause an undue burden on agricultural employers, agricultural associations, or farm labor contractors.''

In the proposed rule discussed below, the capacity of the vehicle is the central feature in determining the amount of insurance required. The type of vehicle, the type of road and the geographic area within which it will be operated, and the distances to be traveled are considered by the insurance industry in determining the premiums to be charged for the required minimum insurance coverage amounts. The proposal should have the effect of lowering the minimum insurance required in most transportation covered by MSPA and, presumably, lowering the premiums to be paid. We solicit comments on the statutory factors and how they bear on this proposal.

Minimum Transportation Insurance Proposal

The proposed rule would amend the current MSPA liability insurance requirement to decouple the minimum insurance requirement from the 15-passenger ICC threshold and would substitute a standard which varies with the seating capacity of the insured vehicle. This approach would be a more accurate reflection of actual practice in the agricultural workplace, where vehicle capacity varies widely. Many agricultural workers are transported in vehicles that have a maximum capacity of five, six, nine seats, etc. Growers often transport in buses that seat 30–40 passengers. By eliminating the 15-seat dividing line and substituting a per-passenger capacity standard, the regulation would grant the transportation provider the ability to choose its vehicles in such a way as to control its insurance costs. This course would probably result in a net decrease in insurance premiums for those who

transport in vehicles with a seating capacity of fewer than 15 passenger or from 16 to 49 passengers.

Agricultural workers face significant risk from transportation accidents. Workers have been killed and seriously disabled in such accidents and have generally not had recourse to workers' compensation. The damages in such accidents are often substantial, involving the payment of death benefits to the decedent's survivors or damages for permanent disabilities. The traumatic injuries suffered in transportation accidents can result in large medical expenses and substantial amounts of lost wages. Based on the current regulatory requirement that a 15 passenger vehicle have at least $1.5 million per occurrence in liability insurance, the Department proposes a requirement of $100,000 for each person the vehicle has the seating capacity to lawfully transport. This amount reflects the reasonably foreseeable damages that result from transportation accidents without being excessive.

Administrative Hearings on Denials, Suspensions, and Revocations of Farm Labor Contractor Certificates

Through enforcement experience under MSPA, the Department is aware that there are often significant delays in the administrative hearing and review proceedings to which farm labor contractors are entitled when the Administrator issues a determination denying, suspending, or revoking a Certificate of Registration (including a Farm Labor Contractor Employee Certificate). These delays have resulted in individuals determined to have violated provisions of MSPA remaining in business as farm labor contractors for considerable periods after the Wage and Hour Division has found sufficient basis for barring them from such activity. To remedy this situation and, thereby, assure more effective enforcement of MSPA while affording appropriate due process, the Department proposes to amend the procedural regulations to establish deadlines for administrative hearings and review proceedings: the hearing is to be held within 60 days after referral of the matter to the Office of Administrative Law Judges (ALJ); the ALJ decision is to be issued within 90 days after the close of the hearing; and a Secretarial decision will be made within 90 days after the issuance of a notice of intent to review an ALJ decision (in the event of a proper appeal to the Secretary of the ALJ's decision).

Executive Order 12866/Section 202 of the Unfunded Mandates Reform Act of 1995

This proposed rule is not ''economically significant'' within the meaning of Executive Order 12866, nor does it require a § 202 statement under the Unfunded Mandates Reform Act of 1995. However, because the rule provides initial regulations required to implement provisions of Public Law 104–49 and may raise novel legal or policy issues arising out of legal mandates, it has been determined to be a ''significant regulatory action'' within the meaning of § 3(f)(4) of Executive Order 12866. The proposed rule addresses insurance and disclosure obligations required under MSPA, as amended by Public Law 104–49. In addition, the rule proposes to revise the administrative proceedings involving decisions to revoke, suspend, or refuse to issue or renew Certificates of Registration under MSPA. No economic analysis is required because the rule will not have a significant economic impact.

Regulatory Flexibility Analysis

This proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed rule amends current regulations at 29 CFR Part 500 to bring the regulations into conformity with the statutory changes made to MSPA by the enactment of Public Law 104–49. Additionally, the proposed rule amends § 500.225 of the current rule to provide for expedited administrative proceedings in matters where the Administrator has initiated action to revoke, suspend, or refuse to issue or renew a farm labor contractor's Certificate of Registration (including Farm Labor Contractor Employee Certificates).

While certain small entities may benefit by reductions to their insurance premiums resulting from the proposed change to the prescribed vehicle insurance limits, any benefit would be modest in nature. Further, the Department anticipates that the portion of the regulated community which provides transportation, and thus would be affected by the proposed minimum insurance requirements, is not substantial in number in any event. According to the Department's farm labor contractor registration data, only 975 of all registered contractors (less than 9% of the total), provide transportation to agricultural workers. It is believed that a similarly small percentage of agricultural employers and agricultural associations provide MSPA-covered transportation.

Therefore, this proposed rule is not expected to have a ''significant economic impact on a substantial number of small entities'' within the meaning of the Regulatory Flexibility Act, and the Department has certified to this effect to the Chief Counsel for Advocacy of the Small Business Administration. Accordingly, a regulatory flexibility analysis is not required.

Document Preparation: This document was prepared under the direction and control of Maria Echaveste, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 500

Administrative practice and procedure, Agricultural associations, Agricultural worker, Aliens, Carpooling, Day-Haul, Farmer, Farm labor contractor, Health, Housing, Housing standards, Immigration, Insurance, Investigation, Migrant agricultural workers, Migrant labor, Motor carriers, Motor vehicle safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements, Seasonal agricultural workers, Transportation, Wages, Manpower training programs, Labor, Safety.

Signed at Washington, D.C., on this 12th day of March, 1996.

Maria Echaveste,

Administrator, Wage and Hour Division.

For the reasons set forth above, 29 CFR part 500 is amended as set forth below:

PART 500—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

1. The authority citation for part 500 is amended to read as follows:

Authority: Pub. L. 97–470, 96 Stat. 2583 (29 U.S.C. 1801–1872); Secretary's Order No. 6–84, 49 FR 32473; Sec. 210A(f), Pub. L. 99–603, 100 Stat. 3359 (8 U.S.C. 1161(f)); and Pub. L. 104–49, 109 Stat. 432 (29 U.S.C. 1854).

2. Section 500.48 is proposed to be amended by revising paragraph (d) to read as follows:

§ 500.48 Issuance of certificate.

* * * * *

(d) Authorize the activity of transporting a migrant or seasonal agricultural worker, subject to the maximum number of workers authorized to be transported under the vehicle liability policy and as indicated on the face of the Certificate of Registration, only upon receipt of:

(1) A statement in the manner prescribed by the Secretary identifying each vehicle to be used, or caused to be used, by the applicant for the transportation of any migrant or seasonal agricultural worker during the period for which registration is sought;

(2) written proof that every such vehicle which is under the applicant's ownership or control, is in compliance with the vehicle safety requirements of the Act and this part; and

(3) written proof that every such vehicle is in compliance with the insurance requirements of the Act and this part;

* * * * *

3. In § 500.75, paragraph (b)(6) is proposed to be revised to read as follows:

§ 500.75 Disclosure of information.

* * * * *

(b) * * *

(6) Whether state workers' compensation or state unemployment insurance is provided:

(i) If workers' compensation is provided, the required disclosure must include the name of the workers' compensation insurance carrier, the name(s) of the policyholder(s), the name and telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(ii) The information in paragraph (b)(6)(i) of this section may be provided to the worker by giving the worker a photocopy of any workers' compensation notice required by State law if such State-required notice contains the information in paragraph (b)(6)(i) of this section.

* * * * *

4. In § 500.76, paragraph (b)(6) is proposed to be revised to read as follows:

§ 500.76 Disclosure of information.

* * * * *

(b) * * *

(6) Whether state workers' compensation or state unemployment insurance is provided:

(i) If workers' compensation is provided, the required disclosure must include the name of the workers' compensation insurance carrier, the name(s) of the policyholder(s), the name and telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(ii) The information in paragraph (b)(6)(i) of this section may be provided to the worker by giving the worker a photocopy of any workers' compensation notice required by State law if such State-required notice contains the information in paragraph (6)(b)(i) of this section.

* * * * *

5. Section 500.121 is proposed to be amended by revising paragraphs (a) and (b) to read as follows:

§ 500.121 Coverage and level of insurance required.

(a) Except where a liability bond pursuant to § 500.124 of this part has been approved by the Secretary, a farm labor contractor, agricultural employer or agricultural association shall, in order to meet the insurance requirements in § 500.120, obtain a policy of vehicle liability insurance.

(b) The amounts of vehicle liability insurance shall not be less than $100,000 for each seat in the vehicle. The number of seats in the vehicle shall be determined by reference to § 500.105(b)(3)(vi). See § 500.122 regarding insurance requirement where State workers' compensation coverage is provided.

* * * * *

6. Section 500.122 is proposed to be amended by removing and reserving paragraph (b), and revising paragraph (c) to read as follows:

§ 500.122 Adjustments in insurance requirements when workers' compensation coverage is provided under State law.

* * * * *

(c) A farm labor contractor, agricultural employer or agricultural association who is the employer of a migrant or seasonal agricultural worker may evidence the issuance of workers' compensation and passenger insurance under paragraph (a) of this section by obtaining and making available upon request to the Department of Labor:

(1) A workers' compensation coverage policy of insurance, and

(2) A liability certificate of insurance covering transportation of all passengers who are not employees and of workers whose transportation by the employer is not covered by workers' compensation insurance. See § 500.121.

* * * * *

7. Section 500.224 is proposed to be amended by redesignating paragraph (b) as paragraph (c), revising paragraph (c), and adding a new paragraph (b) to read as follows:

§ 500.224 Referral to Administrative Law Judge.

* * * * *

(b) In cases involving a denial, suspension, or revocation of a Certificate of Registration (Farm Labor Contractor Certificate; Farm Labor Contractor Employee Certificate) or ''certificate action,'' including those cases where the farm labor contractor has requested a hearing on civil money penalty(ies) as well as on the certificate action, the date of the hearing shall not be more than sixty (60) days from the date on which the Order of Reference is filed. No request of postponement shall be granted except for compelling reasons.

(c) A copy of the Order of Reference, together with a copy of these regulations, shall be served by counsel for the Secretary upon the person requesting the hearing, in the manner provided in 29 CFR 18.3.

8. Section 500.262 is proposed to be amended by redesignating paragraphs (b), (c), (d), (e), (f), and (g) as (c), (d), (e), (f), (g), and (h) respectively, and adding a new paragraph (b) to read as follows:

§ 500.262 Decision and order of Administrative Law Judge.

* * * * *

(b) In cases involving certificate actions as described in § 500.224(b) the Administrative Law Judge shall issue a decision within ninety (90) calendar days after the close of the hearing.

* * * * *

9. Section 500.268 is amended by revising paragraph (a) to read as follows:

§ 500.268 Final decision of the Secretary.

(a) The Secretary's final Decision and Order shall be issued within 120 days from the notice of intent granting the petition, except that in cases involving the review of an Administrative Law Judge decision in a certificate action as described in § 500.224(b) of this part, the Secretary's final decision shall be issued within ninety (90) days from the date such notice. The Secretary's Decision and Order shall be served upon all parties and the Chief Administrative Law Judge, in person or by certified mail.

* * * * *

[FR Doc. 96–6379 Filed 3–15–96; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–113–FOR]

Pennsylvania Regulatory program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; correction.

SUMMARY: OSM is correcting an error in the **ADDRESSES** section of a proposed rule announcing receipt of a proposed amendment to the Pennsylvania regulatory program (PA–113–FOR) published on Wednesday, February 28, 1996 (61 FR 7446).

On page 7447, the name and address for the Maryland Bureau of Mines was included in error. The correct reference should be: Pennsylvania Bureau of Mining and Reclamation, Room 209, Executive House, Harrisburg, PA 17105, Telephone (717) 787–5103.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, Telephone: (717) 782–4036.

Dated: March 8, 1996.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–6445 Filed 3–15–96; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 946

[VA–104–FOR]

Virginia Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Virginia Abandoned Mine Land Reclamation (AMLR) Program (hereinafter referred to as the Virginia Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment is intended to streamline Virginia's total AMLR plan to be consistent with the Federal regulations.

DATES: Written comments must be received on or before 4:00 p.m. on April 17, 1996. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on April 12, 1996. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on April 2, 1996.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert A. Penn, Director, Big Stone Gap Field Office at the first address listed below.

Copies of the Virginia program, the proposed amendment, a listing of any scheduled public meetings or hearing, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1217, Powell Valley Square Shopping Center, Room 220, Route 23, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303

Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (703) 523–8100

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Big Stone Gap Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981 Federal Register (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and AMLR program amendments are identified at 30 CFR 946.20 and 946.25.

II. Discussion of the Proposed Amendment

By letter received February 29, 1996 (Administrative Record No. VA–871), the Virginia Division of Mined Land Reclamation (DMLR) submitted a proposed Program Amendment to the Virginia Program. This amendment is intended to streamline Virginia's total AMLR plan to more closely parallel the Federal state reclamation plan information requirements of 30 CFR 884.13.

The proposed revisions to the Virginia Program concern public water supplies, interim program sites, prioritization, AML eligibility for mine fires, refuse sites, acid mine drainage, remining, and water project eligibility. The primary purpose of the amendment is to incorporate the 1990 amendments to SMCRA, and the AMLR provisions of the Energy Policy Act of 1992, Pub. L. 102–486, 106 Stat. 2776 (1992).

The full text of the proposed program amendment submitted by Virginia is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations. If approved, the amendment will become part of the Virginia program.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15, OSM is now seeking comment on whether the amendment proposed by Virginia satisfies the applicable requirements for the approval of State AMLR program amendments. If the amendment is deemed adequate, it will become part of the Virginia program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Big Stone Gap Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on April 2, 1996. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be hear following those scheduled. The hearing will end after all persons who desire to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Big Stone Gap Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of the meetings will be posted in advance at the locations listed above under **ADDRESSES.** A summary of

meeting will be included in the Administrative Record.

Executive Order 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or disapproval of State and tribal abandoned mine land reclamation plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and adopted by a specific State or Tribe, not by OSM. Decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1231–1243) and the Federal regulations at 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior [5616 DM 6, appendix 8, paragraph 8.4B(29)].

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 8, 1996.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–6443 Filed 3–15–96; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA114–1–7280; FRL–5439–8]

Approval and Promulgation of Implementation Plans; California—Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTIONS: Notice of proposed rulemaking.

SUMMARY: EPA proposes to approve revisions to the California State Implementation Plan (SIP) for ozone for 7 nonattainment areas: South Coast, Southeast Desert, Ventura, Sacramento, San Diego, San Joaquin Valley, and Santa Barbara, submitted in order to comply with the November 1994 deadline under the Clean Air Act (CAA). In addition, EPA proposes to approve specific local and statewide air pollution control measures, including the California enhanced motor vehicle inspection and maintenance program.

EPA proposes to approve these revisions to the California SIP under provisions of the CAA regarding EPA action on SIP submittals for nonattainment areas.

EPA proposes to establish a consultative process on the potential for additional mobile source controls that can contribute to attainment in the South Coast.

DATES: Written comments on the proposed EPA actions must be received by EPA at the address below on or before May 2, 1996.

ADDRESSES: Written comments on this proposed action should be addressed to: Regional Administrator, Attention: Office of Federal Planning (A–1–2), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901

Copies of the SIP submittal and materials relevant to this rulemaking are contained in Docket No. A–96–13, which is available for viewing during normal business hours at the address shown above.

Copies of the SIP materials are also available for inspection at the addresses listed below:

Environmental Protection Agency, Air Docket (6102), 401 M Street, S.W., Washington, DC

California Air Resources Board, 2020 L Street, Sacramento, California

In addition, copies of the relevant local plan, the State plan (1994 California Ozone SIP), and EPA's technical support documents for this rulemaking are available at the following locations:

Santa Barbara Air Pollution Control District, 26 Castilian Drive B–23, Goleta, California

San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, California

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Fresno, California

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, California

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, California

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California

Electronic Availability

This document and EPA's technical support documents are available at Region 9's site on the Internet's World Wide Web at http://www.epa.gov/region09/air/sip/.

FOR FURTHER INFORMATION CONTACT: Julia Barrow, Director, Office of Federal Planning (A–1–2), Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 744–2434

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I. Background

A. Summary

Air pollution remains a significant public health concern in many parts of the country, including many areas in California. The Clean Air Act requires states to develop state implementation plans (SIPs) that lay out how areas will reduce pollution and attain the health-based air quality standards for a number of pollutants, including ground level ozone.

On the Clean Air Act deadline for ozone SIP submittals, November 15, 1994, the California Air Resources Board (CARB) submitted to EPA the State's ozone plans, including State and local measures and regulations, emission inventories, modeling analyses, rate-of-progress (ROP) plans, and attainment demonstrations. This material was followed by several supplementary SIP submissions and technical documentation over the past year, addressing in still greater detail and more completely the critical ozone planning requirements of the Act.

Together these submissions present a road map of how the State of California envisions meeting the health-based ozone air quality standards in 7 distinct geographic areas within the State by the dates specified in the Clean Air Act. The submittals represent the culmination of years of work and collaboration among stakeholders at the local, regional, State, national, and even international level. The plans were carefully tailored to meet the clean air goals of Californians, reflecting the social and economic priorities of each affected area within the State as well as the legitimate concerns of national and international commerce.

In the last 30 years, California has significantly improved air quality in its cities through efforts by businesses and

communities to reduce ground level ozone pollution. California faces additional challenges in its fight for clean air because of rapid growth in population and motor vehicle use as well as meteorological conditions conducive to ozone formation. Nevertheless, there are still several areas where air pollution continues to threaten public health, including Southern California, which violates the standard on almost one out of every three days—25 times more frequently than the next most polluted urban areas. The current plans build on California's pioneering air pollution control efforts to make progress against, and eventually eliminate, one of the most severe and intractable environmental and public health problems in the Country.

The Clean Air Act guarantees to all Americans healthy air to breathe. Unfortunately, approximately one-quarter of Americans nationwide and more than three-quarters of all Californians are currently exposed to health-threatening levels of air pollution. Of the top ten U.S. urban areas with the most violations of the national ambient air quality standard for ozone, nine are located in California.

Ozone is a highly reactive chemical compound which, at ground level, can affect both biological tissues and man-made materials. Ozone exposure causes a range of human pulmonary and respiratory health effects. While ozone's effects on the pulmonary function of sensitive individuals (e.g., asthmatics) are of primary concern, evidence indicates that high ambient levels of ozone can cause respiratory symptoms in healthy adults and children as well. For example, exposure to ozone for several hours at moderate concentrations, especially during outdoor work and exercise, has been found to decrease lung function, increase airway inflammation, increase sensitivity to other irritants, and impair lung defenses against infections in otherwise healthy adults and children. Other symptoms include chest pain, coughing, and shortness of breath.

There are also public health consequences from direct exposure to the two principal pollutants that cause ozone formation: oxides of nitrogen (or NO_X) and volatile organic compounds (or VOCs). Since attainment of the ozone standard requires reductions in these two precursor pollutants, successful implementation of the ozone SIPs will yield additional health benefits. Exposure to nitrogen dioxide (a major component of NO_X) can reduce breathing efficiency and increase lung and airway irritation even in healthy adults; elevated NO_2 levels also increase symptoms of respiratory illness, lung congestion, wheeze, and increased bronchitis in children. VOCs include many air toxics (such as benzene), which can cause respiratory, immunological, neurological, reproductive, developmental, and mutagenic problems. Some VOCs are also probable or known human carcinogens.

Finally, the conversion of NO_X into fine particulate matter is a serious health concern, especially in Southern California. Studies have shown that high concentrations of fine particulate matter are associated with major human health problems, including deleterious effects on breathing and the respiratory system, aggravation of existing respiratory and cardiovascular disease, alternations in the body's defense mechanisms against foreign materials, and damage to lung tissue resulting in fibrosis, carcinogenesis, and premature death.

In addition to impacts on public health, ozone damages vegetation and NO_X emissions, in the form of acid deposition, both harms plants and causes eutrophication of lakes and streams. Estimates based on experimental studies of the major commercial crops in the U.S. suggests that ozone may be responsible for significant agricultural crop yield losses. In addition, ozone causes noticeable leaf damage in many crops, which reduces their marketability and value.

Efforts to clean the air require significant resources, but the benefits are substantial. While it is easier to put a price tag on a regulation to limit air pollution than it is to assign a dollar value to being able to breathe without losing lung capacity or to see mountains that are a few miles away, we know that impacts on individuals' health associated with air pollution have considerable physiological, psychological, and purely financial costs. Similarly, lower crop yields, decreased forest production, and accelerated building deterioration due to air pollution also have financial costs that will be reduced by attainment of the clean air standards.

At the same time, clean air has benefits even beyond healthy breathing. The technologies and industries that will make air pollution a problem of the past can also be the growth industries that bring to California jobs and dollars from markets all around the world. A recent World Bank study projects a $300 billion worldwide marketplace for clean technologies by the year 2000. Innovative technologies offer the promise of continued economic growth in concert with strong environmental protection.

To achieve public health progress over the past 30 years, California has already adopted uniquely stringent controls on a vast array of industrial sources, consumer products, and motor vehicles. As developed by California and Californians, these existing regulations and the SIP's proposed enhancements to them promote technological advances while meeting the economic and environmental needs of the State. The credit for this achievement is shared by the State's air pollution professionals, regulated industry, and citizens, who continue to explore new and innovative ways to minimize pollution associated with their products and activities.

Plan Approvals

When a state submits a SIP to EPA the Clean Air Act requires the Agency to review the plan to determine if it meets the Act's requirements and environmental goals. California's 1994 Ozone SIP included, for both the State and local agencies, fully adopted regulations and control measures for which regulations must be written. Since November 1994, EPA has already completed approval of all but one of the State's fully adopted regulations and most of the State's commitments to adopt regulations in the future. The State submitted its enhanced motor vehicle inspection and maintenance (I/M) regulations on January 22, 1996. EPA is proposing today approval of the I/M regulations, which should help to assure the maximum benefits from the California motor vehicle emissions standards.

EPA believes that this SIP represents an important blueprint for clean air in California. By today's actions, the Federal government signals its intention to concur with these plans. California's commitments, when implemented, will improve air quality and protect public health. Now it is incumbent on California to meet those commitments. EPA is today generally proposing to approve in full the critical components of all of the plans for all of the areas.

EPA is proposing approval of:

- The emission inventories and modeling analyses in all of the affected areas;
- The 15% rate-of-progress plans for the period 1990–1996 in the South Coast (the Los Angeles basin), Ventura, San Joaquin, San Diego, and Santa Barbara;
- The post-1996 rate-of-progress plans in the South Coast, Ventura, Sacramento, San Joaquin, and San Diego;

- The attainment demonstrations for the South Coast, Southeast Desert, Ventura, Sacramento, San Joaquin, San Diego, and Santa Barbara;
- All of the individual local measures included with the plans.

EPA will take action separately on the 15% progress plan for Sacramento and the progress plans for the Southeast Desert.

The South Coast ozone attainment demonstration raises a unique issue. In the SIP, California assumes that EPA will issue specific national mobile source emission reduction rules to help the South Coast reach attainment. While some additional mobile source standards may be feasible and desirable, EPA believes that it is important to examine and discuss these standards because they have far-reaching implications. As new national and international standards are being discussed, EPA commits to support rather than hinder State and local progress in implementing and updating the ozone attainment demonstration for the South Coast.

To achieve this objective and allow for approval of the South Coast attainment demonstration at this time, EPA proposes an approach which the Agency believes is consistent with EPA's guiding principle for implementing its statutory responsibilities: accomplish environmental goals through innovative approaches that are collaborative rather than adversarial, and that provide flexibility while requiring accountability.

The South Coast attainment demonstration is based primarily on those State and local components (enumerated in the text of the notice) that make up the vast majority of reductions needed for attainment in the South Coast. EPA has already approved most of the State and local adopted regulations and many of the State's new commitments made as part of California's 1994 Ozone SIP. EPA proposes in this document to approve the enforceable State and local commitments that make up the remainder of the plan. These State and local regulations and commitments, together with creditable national controls which EPA has promulgated or proposed, account for well over 90% of the reductions needed for attainment.

To address the small remaining shortfall which the State has assigned to the Federal government, EPA proposes to conduct a public consultative process on future mobile source controls. The Agency also commits to undertake rulemaking, after the consultative process, on any controls which are determined to be appropriate for EPA. Finally, EPA is proposing to require that the State submit, before EPA's final action on the South Coast plan, an enforceable commitment to submit a revised South Coast attainment demonstration and gap-filling State or local control measures, if needed, after the consultative process.

In assigning EPA responsibility for issuing Federal emission standards for various mobile sources, the State argued that attainment in Southern California depends upon emission reductions from national and international mobile sources which could not legally or practically be regulated at the State or local level. EPA and the State have been working together for the past several years to evaluate the potential for additional national emission controls on mobile sources. EPA has recently proposed or finalized national emission controls for construction, farm, and lawn and garden equipment; pleasure craft and some categories of marine vessels; and potential new controls on heavy-duty truck emissions. The proposed nationwide heavy-duty truck controls, in fact, are an outgrowth of an EPA-California joint initiative, developed in consultation with heavy-duty engine manufacturers, which also extends to possible future controls on heavy-duty nonroad engines. Other assignments by the State present unique challenges, such as the establishment of stringent engine emission standards for aircraft and ocean-going vessels—sources which are today regulated by treaty principally at the international level.

EPA proposes to continue to consult with the State and other stakeholders to examine the potential for additional mobile source controls that can contribute to attainment in the South Coast. This period provides an opportunity to agree on a set of emission reductions without adverse consequences to the State or the environment, whether those additional reductions come from national and international emission standards or from new State and local measures. At the conclusion of this consultation, in June 1997, EPA expects that the State and local agencies will be able to amend the attainment demonstration appropriately, based on the final mix of national, State, and local mobile source control responsibilities. During the consultative process, the State and local agencies need to proceed aggressively with implementing other parts of the SIP in order to maintain progress towards cleaning the air.

As mentioned, EPA is proposing to approve all of the local agency commitments to adopt and implement rules by scheduled dates to achieve specified emission reductions. In some cases, most notably the South Coast, scheduled adoption dates have already been missed. It is critically important that these adoption schedules be amended, that the local agency staff and governing board's commit themselves to reasonable and aggressive schedules for rule development and adoption, and that the affected agencies proceed successfully with plan implementation to fulfill their public commitments to deliver clean air. EPA will work with the local agencies, the regulated community, and the public to help the government boards and officials to meet their public health obligations. Implementation failures will prolong the unacceptable current levels of pollution and will expose the areas to potential sanctions under the Clean Air Act.

Section 182(e)(5) of the Clean Air Act authorizes inclusion of conceptual, new-technology measures in the attainment demonstration for the South Coast, the Country's only ''extreme'' ozone nonattainment area. In this 1990 amendment, Congress recognized that the South Coast's enormous emission reduction requirements justified giving more time to allow for the completion of research and development phases that must precede the successful commercialization of practically zero-emitting products, industrial processes, and means of transportation. A large portion of the remaining needed reductions in the 1994 South Coast plan is now assigned to conceptual measures. If these measures are to contribute to the solution of the South Coast's ozone problem in later years, all responsible governmental agencies and private industry must now increase their resource commitments and cooperative efforts to develop the clean technologies and innovative market approaches that will be the basis for the area's economic and environmental progress.

EPA is soliciting public comments on the proposed SIP actions. The Addresses section of this document provides information on the public comment process and opportunities to inspect the SIP and related materials. EPA hopes to take final action soon so that California can continue to make progress in implementing the challenging strategies in the plans.

In transmitting the 1994 California Ozone SIP, the Chairwoman of the California Air Resources Board stated that ''The SIP provides a firm guarantee to citizens of California that clean air

goals will be met within the time frames set out in the CAA.'' Indeed, the goal of the sweeping 1990 Clean Air Act Amendments has been not simply to sustain the historic progress in reducing air pollution, but instead to honor the underlying promise of the Act: clean, healthy air for all Americans. We believe that California's achievement in these plans for the most polluted areas of the nation proves that the Clean Air Act is effective when citizens and public officials work together to focus technical expertise and common sense to protect themselves, the health of their children, and the welfare of future generations. The Federal government is committed to playing its part in this final effort to deliver clean air to all Californians.

B. Requirements of the Act

Title I of the 1990 Amendments to the CAA (CAAA) completely revised the Part D nonattainment provisions for areas which had not attained the national ambient air quality standards (NAAQS) for ozone. In addition, Congress made numerous changes governing EPA's processing of SIPs, as well as the repercussions of State failures to meet the various SIP requirements.

Section 110 of Part A of Title I contains general requirements applicable to all SIP revisions. Section 110(k) describes the Agency's actions on SIP revisions, including findings as to whether submissions are complete (section 110(k)(1)), deadlines for EPA actions (section 110(k)(2)), types of actions the Agency may take on complete submittals (110(k) (3) and (4)), and sanctions which may be applied to areas which fail to meet the Act's requirements (sections 179 and 110(m)) or fail to implement approved SIPs (sections 113(a)(5), 173(4), and 179).

The requirements addressed by this proposal are generally those of Part D of Title I, pertaining to nonattainment areas. Such areas are designated under section 107 of the Act (codified at 40 CFR Part 81). While Subpart 1 of Part D (sections 171 to 179 CAA) describes general requirements for nonattainment areas, Subpart 2 (sections 181 to 185B) lists additional provisions added under the 1990 CAAA for ozone nonattainment areas.

Under this subpart, ozone nonattainment areas are classified according to the severity of the nonattainment problem, and become subject to a graduated series of requirements. The classification scheme for ozone nonattainment areas is listed under section 181, which also establishes deadlines for attainment. The nonattainment classifications and applicable attainment deadlines are: marginal (November 15, 1993), moderate (November 15, 1996), serious (November 15, 1999), severe (November 15, 2005 or 2007), and extreme (November 15, 2010). Section 181(a) further provides that the attainment date shall be ''as expeditiously as practicable but not later than'' these deadlines.

EPA has issued preliminary interpretations of the amended Act's provisions applicable to these SIP obligations. See, for example, the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' (57 FR 13498 [April 16, 1992]). In this proposed rulemaking action, EPA is applying these policies to the proposed California ozone SIP, taking into consideration the specific factual issues presented.

The central SIP requirements for ozone nonattainment areas are demonstrations of reasonable further progress (or ''rate of progress'') and attainment. Section 182(b)(1) requires, for areas classified as moderate or above, submission by November 15, 1993 of a SIP revision providing for reasonable further progress, defined as a reduction from 1990 baseline emissions of at least 15% actual emissions of volatile organic compounds (VOC), taking into account growth, during the first 6 years following enactment of the 1990 CAAA (i.e., up to November 15, 1996).

Baseline emissions for calculating the required ROP reduction are defined at section 182(b)(1)(B). Baseline emissions are relative to a particular year for which the ROP reduction is calculated, and differ from the 1990 base year emissions primarily in excluding reductions for certain Federal programs which were already required prior to the 1990 CAAA. Section 182(b)(1)(C) describes a number of exclusions from creditability for the purposes of meeting the ROP requirement.

For moderate areas, section 182(b)(1) requires submission of a plan revision by November 15, 1993, that provides an attainment demonstration including sufficient annual reductions in VOC and NO_X to attain the ozone NAAQS by November 15, 1996. The attainment demonstration requirement can be met through applying EPA-approved modeling techniques.

Section 182(c)(2)(B) requires, for serious and above areas, submission by November 15, 1994, of reasonable further progress and attainment plans. For these areas, the CAA defines reasonable further progress as an additional ROP reduction above and beyond the required 1996 reductions, of 3% per year of baseline VOC emissions, averaged over each consecutive 3-year period from November 15, 1996 until attainment. Section 182(c)(2)(A) also requires attainment plans, based on photochemical grid modeling, to be submitted by November 15, 1994, for serious and above areas.

Section 182(c)(2)(C) allows for actual NO_X emissions reductions (after accounting for growth) that occur after the base year of 1990 to be used to meet post-1996 ROP emission reduction requirements. The reader is referred to section II.C.1.c. below for a discussion of the Agency's NO_X substitution criteria.

Sections 182(g)(3) and 182(g)(5) specify requirements for areas which fail to submit a ROP milestone compliance demonstration under section 182(g)(2) within the required period or if the Administrator determines that the area has not met any applicable milestone. The first ozone ROP milestone compliance demonstration is due April 1997, for the period 1990–1996. Among the options discussed in section 182(g) for curing a ROP shortfall is the use of an economic incentive program (EIP). Under section 182(g)(4)(B), EPA promulgated requirements for EIPs at 40 CFR Part 51, Subpart U (see 40 CFR 51.490 through 40 CFR 51.494—''EIP Rules and Guidance''). These EIP rules also serve as policy guidance to determine the approvability of SIP measures that rely on economic incentives (see 40 CFR 51.490(b)).

Under section 182(b)(4) of the Act, basic motor vehicle inspection and maintenance (I/M) programs are required in all moderate ozone nonattainment areas. Under section 182(c)(3), ozone nonattainment areas designated as serious and worse with 1980 populations of 200,000 or more are required to meet EPA regulations for ''enhanced'' I/M programs. As required by section 182(a)(2)(B) of the Act, EPA published updated requirements for I/M programs on November 5, 1992 (40 CFR part 51, Subpart S, see also 57 FR 52950). On September 18, 1995, EPA issued flexibility amendments to these I/M rules, allowing for an additional, less stringent enhanced I/M performance standard for areas that can meet the ROP and attainment requirements with an I/M program that falls below the originally promulgated enhanced I/M performance standard (see 60 FR 48029). On November 28, 1995, the National Highway System Designation Act (Public Law 104–59) was enacted. Section 348 of this legislation modifies the I/M provisions

of the Clean Air Act, providing a mechanism for approval with full credit for decentralized or test-and-repair enhanced I/M programs under certain circumstances. The legislation also establishes an 18-month evaluation period to verify that the assigned credits have a basis in fact, prior to permanent program approval.

Part D of the Act includes other ozone SIP requirements. EPA has previously acted upon some SIP revisions addressing these requirements; others will be addressed in future actions. Moreover, the ozone ROP and attainment plans depend upon the successful adoption and implementation of well over 100 State and local rules. EPA will approve or disapprove individual rules relating to each local plan after the State submits the rules and EPA deems them complete.

EPA believes that the law requires and the public expects that the responsible California State and local agencies will honor all of their clean air commitments in these ozone plans, and will consistently pursue reasonable and aggressive plan implementation until the clean air goals are reached. Nevertheless, the Act does allow the State to amend the SIPs in the future, both with respect to the technical foundations of the demonstrations and the specific mix of control measures chosen for achieving progress and attainment. State and local agencies have the flexibility to make changes as necessary and appropriate to improve the plans, but EPA will fulfill the Agency's responsibilities under section 110(l) of the CAA, which provides that ''the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement of the Act.''

C. Affected Areas

When California's ozone nonattainment areas were first classified under the 1990 CAAA, 9 areas were classified as moderate and above, and therefore subject to the progress and attainment requirements. The San Francisco Bay Area was later redesignated to attainment (60 FR 27028, May 22, 1995). CARB has also submitted a request to redesignate the Monterey Bay Area to attainment. EPA will act on the Monterey redesignation in the near future.

This proposal addresses ROP and attainment plans submitted for all of the remaining nonattainment areas. These areas are the South Coast (classified as extreme), the Southeast Desert (comprising the Mojave, Coachella/San Jacinto, and Antelope Valley areas, severe-17), Ventura (severe-15), Sacramento (severe-15), San Diego (serious), San Joaquin Valley (serious), and Santa Barbara (moderate). The boundaries for these areas are set forth at 40 CFR 81.305.

Since a number of the State's measures apply throughout California and thus contribute both toward attainment and maintenance of the ozone NAAQS, the SIP submittal and EPA's proposed approval actions affect all areas in the State.

D. The California Ozone Plans

1. SIP Submittals

On November 15, 1993, in response to the 15% ROP requirements of section 182(b)(1)(A) of the Act, CARB submitted plans for all of the areas addressed in this notice. These submittals have been superseded by revised ROP plans submitted one year later.

On November 15, 1994, CARB submitted a revision to the ''State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards'' (SIP) under cover letter from James Boyd (CARB) to Felicia Marcus (EPA). This SIP revision includes documentation that the public involvement and adoption requirements of the CAA have been met at both the State and local level.

The revision itself consists of: (a) The State's comprehensive ozone plan, including the State's own measures and the State's summaries of, and revisions to, the local plans; (b) the State's previously adopted regulations for consumer products and reformulated gasoline and diesel fuels; and (c) local plans addressing the ozone attainment demonstration and ROP requirements.

The ozone SIP submittal includes the following separate documents:

(a) The State's Comprehensive Ozone Plan

''The 1994 California State Implementation Plan for Ozone,'' volumes I–IV. The November 15, 1994, submittal letter refers to other submittals, described below, as completing the 1994 California Ozone SIP. Volume I provides an overview of the entire submittal; Volumes II and III include the State's measures for mobile sources, consumer products, and pesticides; and Volume IV treats the local plans. On December 29, 1994 and February 7, 1995, the State submitted updates to these documents, incorporating changes made by CARB at the time of adoption, and providing other technical and editorial corrections.

(b) The State's Adopted Regulations

(1) The California Antiperspirants and Deodorants regulations and Consumer Products regulations, as contained in Title 17 of the California Code of Regulations, Sections 94507–94517, adopted on December 27, 1990, August 14, 1991, and September 21, 1992.

(2) The California Diesel Fuel regulations, as contained in Title 13 of the California Code of Regulations, Sections 2281 and 2282, adopted on August 22, 1989, June 21, 1990, April 15, 1991, October 15, 1993, and August 24, 1994.

(3) The California Reformulated Gasoline regulations, as contained in Title 13, of the California Code of Regulations, Sections 2250, 2252, 2253.4, 2254, 2257, 2260, 2262.1, 2262.2, 2262.3, 2262.4, 2262.5, 2262.6, 2262.7, 2263, 2264, 2266–2272, 2296, and 2297, initially adopted by CARB on November 17, 1988, and formally adopted on August 22, 1989, June 21, 1990, April 15, 1991, October 15, 1993, and August 24, 1994.

(c) Local Ozone Progress and Attainment Plans

(1) ''1994 Clean Air Plan for Santa Barbara County.'' The submittal letter for this plan is from James Boyd to Regional Administrator Felicia Marcus and is dated November 14, 1994.

(2) ''1994 Ozone Attainment and Rate-of-Progress Plans for San Diego County.''

(3) ''San Joaquin Valley Attainment and Rate-of-Progress Plans.'' On December 28, 1994, the State submitted the ''Rate-of-Progress and Attainment Demonstration Plans for the Kern County Air Pollution Control District,'' applicable to the Kern desert portion of the San Joaquin Valley nonattainment area.

(4) ''Sacramento Area Proposed Attainment and Rate-of-Progress Plans.'' On December 29, 1994, the State replaced this with the ''Sacramento Area Attainment and Rate-of-Progress Plans.''

(5) ''1994 Air Quality Management Plan for Ventura County.''

(6) ''Rate-of Progress and Attainment Demonstration Plans for the Mojave Desert.''

(7) ''1994 Air Quality Management Plan for South Coast Air Basin, Antelope Valley and Coachella/San Jacinto Planning Area.''

On December 29, 1994, the State submitted the ''Rate-of-Progress Plan Revision: South Coast Air Basin &

Antelope Valley & Coachella/San Jacinto Planning Area.'' [1]

On March 30, 1995, CARB submitted revised 1990 base year emission inventories for each of the California ozone nonattainment areas.

On June 30, 1995, CARB submitted descriptive materials relating to the State's motor vehicle inspection and maintenance program, adopted by the California Bureau of Automotive Repair.

On January 22, 1996, CARB submitted the motor vehicle inspection and maintenance regulations adopted by the California Bureau of Automotive Repair.

2. EPA Completeness Findings

On January 30, 1995, EPA issued a finding of completeness under Section 110(k)(1) of the Act for the following portions of the California ozone SIP submittal: Diesel Fuel Regulations; Reformulated Gasoline Regulations; CARB Measures M2, M3, M5, M8, M9, M11, CP–2, CP–3, CP–4, Additional Measures; and SCAQMD Long Term Measures ADV–CTS–01/02, ADV–FUG, ADV–PRC, ADV–UNSP. These elements of the revision were found complete based on EPA's completeness criteria that are set forth in 40 CFR Part 51 Appendix V.[2]

On April 18, 1995 the EPA issued a finding of completeness for the remaining portions of the November and December 1994 submittals with regard to: (1) attainment and post-1996 RFP requirements at section 182(c)(2) of the Act; (2) 15% ROP requirement of section 182(b)(1)(A); (3) attainment requirement for moderate areas (Santa Barbara) as described at Section 182(b)(1)(A); and (4) 1990 base year inventory requirements of section 182(a)(1).

On June 30, 1995, EPA issued a finding of completeness for the State's submittal of revisions to the State's I/M program.

On February 5, 1996, EPA issued a finding of completeness for the State's I/M regulations.

E. Related SIP Approvals

On February 14, 1995, the EPA Administrator signed documents taking the following approval actions relating to the California ozone SIP:

(1) Final approval of the CARB Antiperspirants and Deodorants regulations, Consumer Products regulations, Diesel Fuel regulations, and Reformulated Gasoline regulations, as submitted on November 15, 1994.

(2) Interim final approval of CARB and SCAQMD New-Technology Measures, submitted as part of the South Coast ozone SIP on November 15, 1994. The measures were approved under the provisions of section 182(e)(5) of the CAA, which authorizes the Administrator to approve fully and credit as part of an extreme ozone area SIP conceptual measures dependent upon new control technologies or new control techniques. The specific measures approved are:

(a) CARB Measure M2, Improved Control Technology for Light-Duty Vehicles, for adoption in the year 2000 and implementation in 2004–5.

(b) CARB Measure M9, Off-Road Diesel Equipment, 2.5 grams per brake horsepower-hour (g/bhp-hr) NO_X standard, for adoption in 2001 and implementation in 2005.

(c) CARB Measure CP–4, Consumer Products Advanced Technology and Market Incentives, for adoption in 2005 and implementation in 2009.

(d) CARB Additional Measures, for adoption and implementation by 2009–2010.

(e) SCAQMD Measure ADV–CTS–01, Advance Technology-CTS (Coating Technologies), for adoption in 2003.

(f) SCAQMD Measure ADV–FUG, Advanced Technology-Fugitives, for adoption in 2003.

(g) SCAQMD Measure ADV–PRC, Advance Technology-Process Related Emissions, for adoption in 2003.

(h) SCAQMD Measure ADV–UNSP, Advance Technology-Unspecified, Stationary Sources, for adoption in 2003.

(i) SCAQMD Measure ADV–CTS–02, Advance Technology-CTS (Coatings Technologies).

(3) Proposed approval of CARB's mid-term control measures: Measures M3, Accelerated Ultra-Low Emission Vehicle (ULEV) requirement for Medium-Duty Vehicles, for adoption in 1997 and implementation in 1998; M5, Heavy-Duty Vehicle NO_X regulations, for adoption in 1997 and implementation in 2002; M8, Heavy-Duty Gasoline Vehicles lower emissions standards, for adoption in 1997 and implementation in 1998; M11, Industrial Equipment, Gas and LPG, for adoption in 1997 and implementation in 2000; and CP2, Mid-Term Consumer Products, for adoption in July 1997.

These actions were taken in conjunction with issuance of ozone Federal Implementation Plans (FIPs) for the South Coast, Ventura, and Sacramento, and a carbon monoxide FIP for the South Coast. Prior to publication of the FIP and SIP actions in the Federal Register, legislation was enacted mandating that these FIPs ''shall be rescinded and shall have no further force and effect'' (Public Law 104–6, Defense Supplemental Appropriation, H.R. 889, enacted April 10, 1995).

On August 21, 1995, EPA announced the rescission of the FIPs (60 FR 43468), and reissued the final and interim final SIP approvals (60 FR 43379) and the proposed SIP approvals (60 FR 43421) referenced above. On December 14, 1995 (60 FR 64126), EPA issued the final SIP approval of the State's mid-term control measures (M3, M5, M8, M11, and CP–2).

II. Review of the State Submittal

On October 7, 1994 the State published a public notice regarding its adoption hearings, to begin on November 9, 1994. Those hearings were extended to November 14 and 15, at which time CARB adopted and submitted the documents listed above (section I.C.).

The local elements of the State plan were the product of plan development, public review and adoption processes conducted in each nonattainment area. Following adoption by the local air pollution control boards, the local plans were submitted to CARB, which amended the plans and incorporated them into the overall California Ozone SIP.

This document discusses the State's submittal in terms of 3 broad categories: measures which the State has adopted, or enforceably committed to adopt (section II.A.); measures assigned by the State to the Federal government (section II.B.); and local ROP and attainment plans and measures (section II.C.).

A. State Measures

Statewide elements of the ozone progress and attainment plans include measures to control mobile sources, consumer products, and pesticides. These control measures consist of existing adopted rules, commitments to adopt rules between 1995 and 1997, and long-term measures scheduled for regulatory adoption in the year 2000 or later.

1. Mobile Sources Measures

a. Introduction. According to data from CARB, mobile sources (on-road and non-road) account for more than 60 percent of ozone precursor emissions in California. Therefore, further reductions in mobile source emissions are essential if attainment of the NAAQS for ozone is to be achieved.

[1] Antelope Valley and Coachella/San Jacinto Planning Area are portions of the Southeast Desert Modified Air Quality Management Area under the jurisdiction of the South Coast Air Quality Management District.

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

CARB has an existing statewide control program for mobile source emissions, which is expected to achieve significant reductions in emissions in the ozone nonattainment areas of the State. A key element of this existing control program is the Low-Emission Vehicle/Clean Fuels (LEV) program which was originally adopted in 1990 and has been amended several times since. The LEV program aims to reduce emissions from future light- and medium-duty vehicles. The program contains several categories of vehicle emission requirements. Increasingly stringent fleet average requirements must be met by vehicle manufacturers beginning in 1994. In addition, the LEV program requires manufacturers to introduce increasing percentages of zero-emission vehicles (ZEVs), beginning with two percent in 1998 (Title 13, California Code of Regulations, Section 1960.1).

Other CARB-adopted mobile source control measures include the California Diesel Fuel Regulations and the California Reformulated Gasoline regulations. Both of these fuel regulations were originally adopted in 1989 and frequently amended. As discussed above, EPA approved the diesel and reformulated gasoline regulations on August 21, 1995 (60 FR 43379).

Beginning in 1988, CARB also adopted the following important sets of mobile source regulations:

(1) Emission standards for diesel farm and construction equipment over 175 hp;

(2) revised evaporative emission test procedures;

(3) Phase 2 on-board diagnostics (OBD) provisions;

(4) Revised emission standards for medium-duty vehicles (MDVs) and light-heavy-duty vehicles (LHDVs); and

(5) Requirements for utility engines and off-highway recreational vehicles/engines.

In addition to the adopted measures, the State has committed in the 1994 California Ozone SIP to future adoption of a series of mobile source measures. The commitments fall chronologically into two categories with regard to the adoption schedule: mid-term commitments to be adopted during the 1995–1997 time frame, and long-term measures scheduled for adoption in the year 2000 or later.

The long-term measures are relied upon only in the South Coast Air Basin. The South Coast is the only area in the country classified as extreme for ozone, and is subject to section 182(e)(5) of the Act, which authorizes EPA to credit conceptual measures using new technologies or control techniques if they are not needed for meeting the first 10 years of ROP (see section II.C.7.e.(1).).

The following is a description of the State's mobile source measures, or M Measures, and EPA's approval actions on the measures.

b. Review of Measures

(i) M1—Accelerated Retirement of Light-Duty Vehicles. The SIP commits to adopt this measure in 1996 and implement it from 1996 to 2010. Responsibility for implementing this measure may be shared between CARB and regional air districts. In this measure, CARB commits to the annual retirement (scrappage or removal) of up to 75,000 older, high-emitting vehicles in the South Coast Air Basin only, beginning in 1999. A smaller number of vehicles will be retired between 1996 and 1998 in order to gain experience with the program. CARB estimates that $1,000 per car will be required to cover costs associated with vehicle purchase and program administration. CARB committed in the SIP to secure a financing mechanism for the program by the end of 1995, and legislative efforts to do so have been partially successful. While all critical near-term revenues should be obtained now, the State also should begin to pursue long-term support for the program. CARB must also ensure that implementation and monitoring of the measure prevents double-counting of reduction credits, since scrappage is also a feature of the State's I/M program and emission reduction credits from scrappage may be claimed as emission reduction credits in trading programs.[3]

While M1 is a commitment to implement an accelerated vehicle retirement program only in the South Coast, the SIP states that ''implementation of light-duty vehicle retirement programs in other non-attainment areas will be considered as a means of further reducing emissions'' (Vol. II, p. B–2).

The emission reductions to be achieved in the South Coast by the measure are displayed by year in the table below, labeled ''Reductions from California Mobile Source Measure M1.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M1 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2007	2008	2010
ROG	5	8	11	12	13	14
NO_X	4	6	9	10	10	11

(ii) M2—Improved Control Technology for Light-Duty Vehicles. CARB commits to adopt this measure in 2000 and begin implementation in 2004–2005. This measure will achieve emission reductions from LDVs through the use of one or more market-based and/or technology-forcing approaches. Emission reductions may be achieved through: (1) cost-effective gasoline engine control technology to meet or exceed Ultra Low-Emission Vehicle (ULEV) standards in the post-2003 time frame; (2) ZEV sales in excess of the 10% requirement beyond 2003; and/or (3) availability of advanced hybrid electric vehicles with emissions substantially lower than ULEVs. The SIP indicates that market forces (e.g., incentives) and/or emission standards may be used to achieve the emission reductions. Emission reductions associated with this measure are relied upon in the South Coast only. The emission reductions to be achieved in the South Coast by the measure are displayed by year in the table below, labeled ''Reductions from California Mobile Source Measure M2.''

[3] These concerns were expressed in a letter from David P. Howekamp, Director, Air & Toxics Division, USEPA Region 9, to James D. Boyd, Executive Officer, CARB, dated June 15, 1995, on follow-up issues to a June 9, 1995 meeting between CARB, USEPA, and the Western States Petroleum Association (WSPA).

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M2 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2007	2008	2010
ROG	0	0	3	7	6	10
NO_X	0	0	5	9	9	15

On August 21, 1995, EPA approved this measure under the provisions of section 182(e)(5) of the Act.

(iii) M3—Accelerated Ultra-Low Emission Vehicle (ULEV) Requirement for Medium-Duty Vehicles (MDVs). CARB commits in the SIP to adopt regulations for this measure in 1997, with implementation occurring from 1998 to 2002. This measure commits to an increase in the fraction of MDV ULEVs from 10 percent of sales of new MDVs in the 1998 model year to 100 percent in the 2002 and later model years. CARB believes that the emission reductions associated with this measure can be achieved by applying advancements in LDV emission control technologies to the medium-duty fleet. This measure offers some flexibility by allowing other mixes of vehicles and technologies that generate equivalent emission reductions. The emission reductions to be achieved by the measure are displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M3.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M3

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	1	1	10	2	21	.....	.....	2	27	3	33
SE Desert	0	0.1	0.1	1.4	0.2	3.5	0.3	4.1				
Ventura	0	0	0	0.5	0.1	1.0						
Sacramento	0	0.2	0	1.7	0.4	3.9						
S. Joaquin	0	0.4										
S. Diego	0.9	6.5										

EPA proposed to approve M3 on August 21, 1995, and finalized approval on December 14, 1995 (60 FR 64126).

(iv) M4—Heavy-Duty Diesel Vehicles (HDDV); Early Introduction of 2.0 g/bhp-hr NO_X engines. The SIP commits to implementation of this measure beginning in 1996. CARB and the Districts share responsibility for this measure. M4 is a commitment to increase the use of existing low-emission engines among on-road HDDVs through locally implemented demand-side programs and market incentives. This program is intended to result in a 5% sales penetration of 2.0 g/bhp-hr NO_X engines through the period 1996–1999, and a 10% sales penetration of these engines between 2000 and 2002. Other combinations of penetrations and emission levels that provide equivalent emission reductions could be implemented. The emission reductions to be achieved in the South Coast by the measure are displayed by year in the table below, labeled ''Reductions from California Mobile Source Measure M4.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M4 (IN SOUTH COAST AIR BASIN IN TONS PER DAY OF NO_X)

1999	2002	2005	2008	2010
2.17	3.90	2.93	2.34	1.36

(v) M5—Heavy-Duty Diesel Vehicles (HDDVs); Additional NO_X Reductions. The SIP commits to adopt this measure in 1997 and begin implementation in 2002. CARB commits to achieve emission reductions through adoption of a 2.0 g/bhp-hr NO_X emissions standard for new HDDV engines sold in California beginning in 2002, or by implementation of alternative measures which achieve equivalent or greater reductions. Alternatives under consideration include expanded introduction of alternative-fueled and low-emission HDDV engines through demand-side programs and incentives, retrofit of aerodynamic devices, reduced idling, and speed reduction. The emission reductions to be achieved by the measure are displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M5.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M5

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	0	0.2	1.7	1.8	22.0	.....	.....	3.1	37.6	4.8	56.2
SE Desert	0	0	0	0.2	0.2	3.9	0.4	5.1				
Ventura	0	0	0	0.1	0.1	1.0						
Sacramento	0	0	0	0.2	0.2	2.7						
S. Joaquin	0	0										
S. Diego	0.7	8.3										

This measure is designed to achieve emission reductions prior to the introduction of a potential national 2.0 g/bhp-hr NO_X standard in 2004. The 1994 California Ozone SIP (''Federal Measure'' M6) assigns to EPA responsibility for adopting such a national standard (see discussion in section II.B.).

Significant progress toward fulfilling the M5 and M6 commitments has been made by CARB, EPA, and truck and engine manufacturers. On March 30, 1995, EPA signed a Memorandum of Understanding with CARB to undertake a joint effort to develop a national program for controlling NO_X, PM, and HC emissions from onroad and nonroad heavy-duty engines. This joint effort will involve sharing technology development and information, resources, and expertise.

Further, on July 11, 1995, CARB, EPA, and members of the Engine Manufacturers Association signed a Statement of Principles (SOP) detailing their agreement on future NO_X, HC, and PM standards for heavy-duty engines. The goal of the SOP is to reduce NO_X emissions from onroad HDEs to approximately 2 g/bhp-hr beginning in 2004. This will be achieved by giving manufacturers the flexibility to choose between two options: (1) A combined non-methane hydrocarbon (NMHC) plus NO_X standard of 2.4 g/bhp-hr and (2) a combined NMHC plus NO_X standard of 2.5 g/bhp-hr together with a NMHC cap of .5 g/bhp-hr. Signatories will work to achieve low emissions throughout the life of the engine. EPA expects that this combined standard will result in NO_X reductions comparable to those achieved with a 2 g/bhp-hr standard and significant reductions in HC emissions.

With respect to California standards, the SOP included the following provision: ''Both EPA and California recognize the benefits of harmonizing state and federal regulations. California confirms its intent to notice a public hearing to consider actions to harmonize its regulations * * * with the federal regulations adopted under this SOP, provided such action would not compromise California's obligations to comply with state and federal law including the SIP.''

On August 31, 1995, EPA published the SOP in an Advance Notice of Proposed Rulemaking (ANPRM). The ANPRM invited public comment on national controls for onroad heavy-duty engines consistent with the SOP, and also described EPA's plans to work cooperatively with engine and equipment manufacturers to consider additional reductions from nonroad heavy-duty engines (see 60 FR 45580–45604).

EPA proposed to approve M5 on August 21, 1995, and finalized approval on December 14, 1995 (60 FR 64126).

(vi) M7—Accelerated Retirement of Heavy-Duty Vehicles. CARB commits to adopt this measure in 1996 and begin implementation in the same year. This measure involves the annual retirement (scrapping or removal) of about 1600 of the oldest, high emitting trucks in the South Coast Air Basin, beginning in 1999. A smaller number of trucks would be scrapped in 1996 to 1998 in order to gain experience with the program and determine the impacts on the used truck market. Incentives are expected to be provided to operators of older trucks in return for retirement and purchase of a newer, lower-emitting model. The incentives may take the form of guaranteed low interest loans, subsidies, or both. The SIP commits to secure a financing mechanism for this measure by the end of 1995. While the SIP commits only to implement this measure in the South Coast, the State indicates that consideration is being given to establishing a truck retirement program in Sacramento and other nonattainment areas. The emission reductions to be achieved in the South Coast by the measure are displayed by year in the table below, labeled ''Reductions from California Mobile Source Measure M7.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M7 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2007	2008	2010
ROG	0	1	1	1	1	1
NO_X	3	6	7	8	9	10

(vii) M8—Heavy-Duty Gasoline Vehicles (HDGVs), Lower Emission Standards. The SIP commits to adoption of this measure by 1997 and implementation beginning in 1998. This measure generates emission reductions through the adoption of a LEV/ULEV program for HDGV engines to obtain 50% reductions of NO_X and ROG emissions through the application of 3-way catalyst technology. The emission reductions to be achieved by the measure are displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California Mobile Source Measure M8.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M8

[Tons per day]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	0	0	0	0.8	0.1	1.8	.....	.....	0.2	2.3	0.3	3.0
SE Desert	0	0	0	0.1	0	0.3	0	0.4				
Ventura	0	0	0	0	0	0.1						
Sacramento	0	0	0	0.2	0	0.4						
S. Joaquin	0	0										
S. Diego	0.1	0.5										

EPA proposed to approve M8 on August 21, 1995, and finalized approval on December 14, 1995 (60 FR 64126).

(viii) M9—Off-road Diesel Equipment; 2.5 g/bhp-hr No_X Standard, California. CARB commits to adopt this measure in 2001 and begin implementation in 2005. The measure requires CARB to adopt a 2.5 g/bhp-hr NO_X standard effective in the 2005 model year for new off-road industrial equipment diesel engines not primarily used in construction and farm equipment. California is preempted from adopting or enforcing any standard or other requirement relating to the control of emissions from new construction and farm equipment or vehicles which are smaller than 175 hp (see section 209(e) of the Act). The SIP anticipates that this emissions standard can be achieved through the transfer of cost-effective on-road diesel engine control technology to new off-road engines. These control technologies include improved engine design (especially in fuel/air management and delivery), exhaust gas recirculation, and exhaust gas aftertreatment. The technology used to meet the 2.5 g/bhp-hr NO_X standard will also further reduce ROG emissions from post-2005 new engines. The SIP only relies on this measure in the South Coast. The emission reductions to be achieved in the South Coast are displayed by year in the table below, labeled ''Reductions from California Mobile Source Measure M9.''

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M9 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2007	2008	2010
ROG	0	0	0	4	1	3
NO_X	0	0	4	35	14	34

On August 21, 1995, EPA approved M9 under the provisions of section 182(e)(5).

(ix) M11—Industrial Equipment; Gas and LPG-California; 3-way catalyst technology. CARB commits to adopt this measure in 1997 and implement it beginning in 2000. The measure requires CARB to adopt emission standards for new gas and liquid petroleum gas (LPG) engines 25 to 175 horsepower that are not primarily used in construction or farm equipment. As noted above, California is preempted from regulating new farm and construction equipment smaller than 175 hp). The standards will be phased-in 2000 and will be based on the use of closed-loop 3-way catalyst systems. The catalyst systems are expected to reduce ROG emissions by 75% and NO_X by at least 50%.

REDUCTIONS FROM CALIFORNIA MOBILE SOURCE MEASURE M11 SOUTH COAST AIR BASIN

[Tons per day]

	1999	2002	2005	2007	2008	2010
ROG	0	4	9	[ ]	15	23
NO_X	0	2	4	[ ]	8	12

EPA proposed to approve M11 on August 21, 1995, and finalized approval on December 14, 1995 (60 FR 64126).

(x) Additional New Control Technologies. In addition to the new control technologies described above in measures M2 and M9, CARB has committed to the implementation of additional innovative measures to achieve the emission reductions needed in the South Coast to reach attainment by 2010. CARB anticipates that these additional measures will include a combination of market-based and technology-based measures. CARB has committed to adoption of these measures no later than 2006 to ensure the needed emissions reductions are achieved by 2009. Table 5 (on page I–21) of Volume II of the 1994 California Ozone SIP lists the following strategies that may be pursued to meet the emission reduction targets:

A. Possible New Control Technologies

- Introduction in fleets of ultra-low emitting heavy-duty trucks, post-2003

B. Possible Market-Incentive Measures

- Incentives to purchase or produce ''cleaner'' technology/vehicles
- Incentives to encourage retrofits of emission control technology
- Incentives for alternative fuel conversions
- Incentives to promote the development of alternative fuel infrastructure
- Revise tax rate structure to promote investment in low-emission technology
- Provide opportunity for low-interest loans
- Preferred state vendor/contract bid status
- Company emission averages
- Air basin emission averages
- Mobile source emission reduction credit/trading programs

C. Possible Operational Measures Applicable to Heavy-Duty Vehicles

- Longer combination vehicles on selected routes
- Increased gross vehicle weight
- Better enforcement of the 55 mile-per-hour speed limit
- Reduced idling time
- Reexamine trailer package concept for local deliveries
- Aerodynamic devices for all power units and trailers
- Other (intermodal transportation, advanced traffic control/tracking technology, alternative fuel for existing fork lifts)

The SIP states that this list of new control technologies is not exhaustive and indicates that other new control technologies and techniques are possible and will be considered as potential sources of emission reductions. Additional control options mentioned in the SIP include: pricing to affect the amount of travel and related emissions (such as congestion pricing or an emission index based on per mile emissions and VMT); retrofit technologies which reduce emissions; additional use of alternative fuels; and episodic controls such as speed reduction and idling curtailment. CARB has committed to further define and quantify these measures and to adopt them by 2006 for implementation by

2009. On August 21, 1995, EPA approved CARB's additional new control technologies measure under the provisions of section 182(e)(5).

c. EPA Action. As described in section I.D. above, EPA has already approved or proposed to approve many of the State's M Measure commitments. On August 21, 1995, EPA approved the CARB new-technology measures M2, M9, and Additional New Technology Measures (described above), and assigned credit in the South Coast ozone attainment demonstration to the measures. At the same time, EPA proposed approval of the State's control measure commitments for M3, M5, M8, and M11. EPA issued finalized approval of the measures on December 14, 1995 (60 FR 64126). Because EPA was at that time not acting on the State's ROP and attainment demonstrations, EPA's approval of the State's commitments did not include assignment of specific emission reduction credits associated with the measures. As discussed below in section II.C., EPA is here proposing to approve the ROP and attainment demonstrations of California ozone nonattainment area plans, which rely, in part, on the M Measure commitments. Therefore, EPA now proposes to assign credit to the State's enforceable commitments to achieve the specific emission reductions associated with M3, M5, M8, and M11, and displayed in the tables above for each measure.

EPA is also proposing to approve, under sections 110(a)(3) and 301(a) of the Act, and assign credit to measures M1, M4, and M7 as part of the ROP and attainment demonstrations for appropriate nonattainment areas, as shown in the tables above. EPA believes that CARB is making significant progress toward the development and adoption of regulations to fulfill the M measure commitments. In several cases, regulations have already been adopted or are expected to be adopted prior to EPA's final action on the ozone SIPs. EPA therefore proposes to approve and credit CARB's enforceable commitments to the M measures under sections 110(k)(3) and 301(a) of the Act, as part of the demonstrations of ROP and attainment in the California ozone nonattainment areas.

2. I/M

a. Review of Program. CARB submitted its motor vehicle inspection and maintenance (I/M) program, known as the Smog Check program, as a revision to its SIP on June 30, 1995. The submittal was made to fulfill EPA's requirements for basic and enhanced I/M programs as set forth in 40 CFR Part 51, Subpart S. EPA found the submittal complete on June 30, 1995. A supplemental revision to the SIP was submitted by the State on January 22, 1996 and found complete on February 5, 1996. Section 348 of the National Highway System Designation Act (Public Law 104–59), hereafter referred to as the Highway Act, which was enacted on November 28, 1995, modified EPA's I/M regulation. In this notice EPA is proposing approval of California's basic program as meeting the requirements of 40 CFR, Part 51, Subpart S as amended (see 60 FR 48029, September 18, 1995) and approval of California's enhanced I/M program as meeting the requirements of 40 CFR Part 51, Subpart S, as amended and section 348(c) of the Highway Act.

The table labeled ''California I/M Program Coverage by County'' shows for every county in the State whether the I/M program is implemented as enhanced or basic, or is required only upon change of ownership. For many counties, the type of I/M program in effect varies depending upon air quality designations and whether the area is urbanized. The State has established these I/M program boundaries within counties based upon ZIP code. The reader may contact the Bureau of Automotive Repair (BAR) to obtain specific program applicability information by ZIP code.

CALIFORNIA I/M PROGRAM COVERAGE BY COUNTY

County	Enhanced	Basic	Change of ownership
Alameda		X	
Alpine			X
Amador			X
Butte		X	
Calaveras			X
Colusa		X	
Contra Costa		X	
Del Norte			X
El Dorado		X	X
Fresno	X	X	
Glenn		X	
Humboldt			X
Imperial			X
Inyo			X
Kern	X	X	
Kings		X	
Lake			X
Lassen			X
Los Angeles	X		
Madera		X	
Marin		X	
Mariposa			X
Mendocino			X
Merced		X	
Modoc			X
Mono			X
Monterey		X	
Napa		X	
Nevada		X	
Orange	X		
Placer	X	X	X
Plumas			X

CALIFORNIA I/M PROGRAM COVERAGE BY COUNTY—Continued

County	Enhanced	Basic	Change of ownership
Riverside	X	X	X
Sacramento	X	X	
San Benito		X	
San Bernardino	X	X	X
San Diego	X	X	X
San Francisco		X	
San Joaquin	X	X	
San Luis Obispo		X	
San Mateo		X	
Santa Barbara		X	
Santa Clara		X	
Santa Cruz		X	
Shasta		X	
Sierra			X
Siskiyou			X
Solano	X	X	
Sonoma		X	X
Stanislaus	X	X	
Sutter		X	
Tehama		X	
Trinity			X
Tulare		X	
Tuolumne			X
Ventura	X	X	
Yolo	X	X	
Yuba		X	

The SIP revision submitted to EPA by CARB includes the laws and regulations relating to California's I/M program which is comprised of pertinent sections of the California Business and Profession Code, the Civil Code, the Health and Safety Code, the Penal Code, the Revenue and Taxation Code, the Welfare and Institutions Code, the Vehicle Code, and the Code of Regulations. Included in the supplemental submittal are final regulations for the mandatory exhaust emissions inspection standards and test procedures for the enhanced program and for the licensing of I/M stations and technicians which became legally effective on December 1, 1995 and December 5, 1995, respectively. Other documents in the submittal are: the Request for Conceptual Design for Test-only Networks and Referee Services; the BAR–90 Test Analyzer System Specifications (June 1995); the California Smog Check Inspection Manual; the Quality Assurance Operations Manual, Chapter 27 of the Department of Motor Vehicles Manual of Registration Procedures; the Smog Check Diagnostic and Repair Manual; the Request for proposal for On-Road Emissions Measurement Systems Services, and the Radian Report entitled ''Evaluation of the California Pilot Inspection/Maintenance (I/M) Program.''

EPA's I/M regulation establishes minimum performance standards for basic and enhanced I/M programs as well as requirements for the following: network type and program evaluation; adequate tools and resources; test frequency and convenience; vehicle coverage; test procedures and standards; test equipment; quality control; waivers and compliance via diagnostic inspection; motorist compliance enforcement program oversight; quality assurance; enforcement against contractors, stations and inspectors; data collection; data analysis and reporting; inspector training and licensing or certification; public information and consumer protection; improving repair effectiveness; compliance with recall notices; on-road testing; SIP revisions; and implementation deadlines. The performance standard for basic I/M programs remains the same as it has been since initial I/M policy was established in 1978, pursuant to the 1977 amendments to the Clean Air Act. The high performance standard for enhanced I/M programs is based on high-technology loaded mode exhaust testing for HC, CO, and NO_X and testing of the integrity and performance of the evaporative control system.

California's basic program is a test-and-repair program utilizing two-speed idle testing. California's enhanced program is a hybrid program in which 15% of the dirtiest vehicles, based upon high-emitter profile and remote sensing results as well as other factors, are targetted for test-only inspection. All vehicles in the enhanced areas will be subject to loaded mode testing. More stringent requirements apply to technicians licensed in the enhanced areas. The two programs are essentially the same in all other respects, excepting that frequency of enforcement related activities such as remote sensing will be much greater in the enhanced areas. (A more detailed discussion of how the elements of California's I/M programs address the requirements of EPA's I/M regulations is contained in the TSD for this notice.) The SIP submittal includes modeling which demonstrates that the program design for California's basic program will meet EPA's performance standard for basic programs. EPA is, therefore, proposing to approve this revision to California's SIP for the basic I/M program.

The Highway Act prohibits the Administrator from disapproving or applying an automatic discount of emission reduction credits to a SIP revision because the I/M program is decentralized or a test-and-repair program. The Highway Act directs the Administrator to propose approval of the program for the full credit proposed by the state if the proposed credits reflect good faith estimates by the state and the revision is otherwise in compliance with the Clean Air Act. The approval remains effective for up to 18 months after the date of final rulemaking. After the 18-month period,

permanent approval of the SIP revision based on the credits proposed by the state shall be granted if the data collected on the operation of the program demonstrates that the credits are appropriate and the program is otherwise in compliance with the Act.

EPA issued guidance regarding approval of I/M plans under the Highway Act on December 12, 1995. EPA believes that at least six months of program operation are needed in order to evaluate the performance of the program. Thus programs must start no later than 12 months after EPA takes final rulemaking action. EPA proposes that if the State fails to start its program on this schedule, the approval granted under the provisions of the Highway Act will convert to a disapproval after a finding letter is sent to the state. As mentioned above, the Highway Act specifies that EPA grant approval if good faith estimates of credits are made. The Conference Report states that good faith estimates may be based on previous I/M program performance, remote sensing programs, or other evidence relevant to effectiveness of I/M programs. EPA has further suggested that good faith estimates could be based on innovative program designs. In order to evaluate the program EPA believes that a continuous sample collection technique should provide sufficient data to determine program effectiveness. Samples may be taken in a variety of ways including roadside pullovers and randomized call-in programs. EPA plans to issue detailed guidance on data collection and analysis after consultation with states and other experts. At the end of the 18-month approval period, EPA will take action to make the approval of the I/M program permanent, if the program evaluation data collected by the state demonstrates that the I/M program is achieving the emission reduction credits claimed in the SIP.

According to the schedule submitted by California test-only inspection began in Sacramento in August 1995. The program is expected to be fully operational in Fresno, Bakersfield and San Diego by the fall of 1996, and in the South Coast areas in early 1997. California has made a good faith estimate that its hybrid enhanced I/M program will meet EPA's high performance standard based on the California Pilot Program and innovative program features including an electronic transmission program, a high visibility remote sensing program, and stringent licensing and training requirements.

The pilot program conducted as part of the Memorandum of Agreement between EPA and California provided data on the effectiveness of targetting high emitting vehicles through the use of the high-emitter profile (HEP) and remote sensing combined with the HEP, and the use of Acceleration Simulation Mode (ASM) testing. The vehicles required to go to test-only facilities for inspection will be comprised of likely high-emitters as identified through use of the HEP and remote sensing, previously identified high emitters which must undergo annual testing for 2 to 5 years, high emitters identified by test-and-repair stations, high mileage fleet vehicles, vehicles for hire, a 2% random sample, and motorists voluntarily choosing to go to test-only stations.

California's program includes an electronic transmission program. A central Vehicle Information Database will be created and an electronic network enabling the test analyzer system units to connect automatically to the database will be established. The central database will be able to restrict the issuance of certificates under certain circumstances, e.g., if a test-only inspection is required, when the vehicle is identified as a high emitter, or when an enhanced test is required. The database will also furnish a real-time communications link to vehicle emissions data which will provide information to BAR enforcement teams to help immediately identify illicit activity. The database will also be used to develop a trigger program to identify shops that are performing improper inspections and to track the location and performance of licensed smog check technicians.

The State will also be phasing in a high-visibility remote sensing program. California plans to identify as least 200,000 high emitting vehicles annually in the enhanced program areas. Data collected from the program will be use as a target parameter for the enforcement program. The program will also serve as a visible reminder to both motorists and test-and-repair stations that improper inspections and/or program avoidance may be detected. Stringent licensing and training requirements are being required for test-and-repair stations and repair technicians, respectively.

California has committed to performing quarterly evaluations of its program to determine if EPA's performance standard is being met and the credits taken for the program are being achieved. California plans to adjust the number of vehicles sent to test-only stations based on these evaluations. EPA will work with California to further define California's data collection protocols and analysis as EPA's guidance on program evaluation is developed.

b. Emissions Reductions. The emission reductions to be achieved by the measure are displayed by nonattainment area and milestone/attainment year in the table below, labeled ''Reductions from California I/M Program.''

REDUCTIONS FROM CALIFORNIA ENHANCED I/M PROGRAM

[Tons per pay]

	1999		2002		2005		2007		2008		2010	
	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X	ROG	NO_X
So. Coast	34.8	32.4	40.3	35.5	32.5	33.0	.....	.....	30.2	34.8	26.2	31.1
SE Desert	2.4	2.3	3.0	2.6	2.9	2.8	2.6	2.8				
Ventura	1.6	1.9	1.8	2.0	1.4	1.9						
Sacramento	5.4	5.7	6.3	6.5	5.1	6.4						
S. Joaquin	4.3	4.9										
S. Diego	0	0										

c. EPA Action. EPA is proposing to approve the California I/M regulations submitted on January 22, 1996, under sections 110(k)(3) and 301(a) of the Act as strengthening the SIP and contributing specific emission reductions toward the progress, attainment, and maintenance requirements of the Act.

EPA is also proposing to approve under sections 110(k)(3) and 301(a) of the Act the California I/M program submitted on June 30, 1995, and the I/M regulations submitted on January 22, 1996, as meeting the requirements of section 182(b)(4) of the Act for basic I/M in applicable areas of the State classified as moderate for ozone.

Finally, under section 348(c) of the Highway Act, EPA is proposing to grant approval for a period of 18 months to the California I/M submittals of June 30, 1995, and January 22, 1996, as meeting the requirements of section 182(c)(3) of the CAA for enhanced I/M in applicable areas of the State classified as serious and above for ozone. Section 348(c)(3) of the Highway Act provides that EPA will take regulatory action to make the approval permanent if, at the expiration of the 18-month period or at an earlier time, the data collected on the operation of the State program demonstrates that ''the credits are appropriate and the revision is otherwise in compliance with the Clean Air Act.''

If the State fails to start its program within 12 months of approval, EPA proposes to have the approval convert to a disapproval after a finding letter is sent to the State. If the required State demonstration is not completed within 18 months or does not show that the credits are appropriate and that the program is otherwise in compliance with the CAA, EPA will take regulatory action to disapprove the program for purposes of compliance with the enhanced I/M requirements of section 182(c)(3). In that event, the SIP will no longer meet the specific requirements of the Act relating to enhanced I/M, but the State's regulations will continue in the SIP as contributing to progress, attainment, and maintenance of the NAAQS.

3. Consumer Products

a. Introduction. ''Consumer products'' are a variety of products generally purchased from a retail establishment for household use by the end user. These products include: cleaning products, insecticides, toiletries, aerosol paints (non-architectural paints are not considered consumer products under California environmental law), adhesives, air fresheners, cooking sprays, disinfectants, and other common household articles that contain volatile organic compounds (VOCs) and are considered ''consumption goods''. The term does not refer to consumer electronics, furniture, appliances, cooking or serving utensils, furnishings, or other items that are considered ''durable goods'', nor does the term refer to food items (except cooking sprays), beverages, or tobacco products.

In its 1994 ozone SIP submittal, CARB presents a discussion of the State's current and anticipated measures for controlling the VOC content of consumer products, and sets forth the claimed emissions reductions. CARB classifies the emissions reductions resulting from regulations on consumer products regulations into 3 main categories: near-term, mid-term, and long-term with regard to date of promulgation and implementation.

CARB's near-term measures are comprised of rules adopted prior to May 1995. The existing consumer products regulations, antiperspirant and deodorant regulations, and the 1996 and 1999 VOC content standards of the recently adopted aerosol paints rule comprise the near-term measures.

CARB's mid-term measures consist of anticipated regulations from categories of consumer products for which regulations had not yet been adopted at the time of the submittal. These reductions are expected to be adopted by July 1, 1997 and implemented by the year 2005, and will cover 150 consumer product categories which are currently not regulated by the State of California. These mid-term measures are needed for attainment demonstrations in the Sacramento Metropolitan and Ventura County air basins. In the SIP, CARB asserts that these measures, like the near-term measures, rely on available technology.

CARB has committed to obtaining further reductions (as compared to the near- and mid-term measures) from consumer products after 2000. These reductions would not rely on available technology, but would currently be considered technology forcing. These long-term measures would be enforced on a statewide basis, but only the South Coast plan relies on the emissions reductions to demonstrate attainment.

CARB has further categorized their emission reduction commitments into 4 classifications, or ''measures'': CP–1, CP–2, CP–3, and CP–4. These measures are either adopted rules or commitments to adopt rules to reduce VOC emissions from consumer products and aerosol paints. A description of each of these measures follows.

b. Adopted Consumer Products Rules

i. Measure CP–1. Measure CP–1 is comprised of two rules, both adopted prior to November 1994, that are designed to control VOC emissions from commercial products. One rule controls VOC emissions from antiperspirants and deodorants; the other rule controls emissions from household products, such as air fresheners, shaving cream, and hairsprays. Both rules were submitted to EPA on November 15, 1994. EPA approved these rules into the SIP on August 21, 1995 (see 60 FR 43379).

ii. Measure CP–3 (Aerosol Paints). Measure CP–3 is a near term commitment to adopt and implement VOC content standards in aerosol paints. Regulations meeting these commitments were adopted in mid-1995. These regulations limit the VOC content of aerosol paints by establishing sets of VOC content standards for various coating types. These standards establish the maximum percentage of VOC by weight allowed in the various types of aerosol coatings. The coating standards are divided into two phases. In the first phase, which is due to take effect January 1, 1996, aerosol coatings' VOC content will have limits that range from 60 percent to 95 percent, depending on the coating.

In the second phase, currently due to take effect December 31, 1999, aerosol coatings' VOC content limits will range from 30 percent to 80 percent, depending on the type of coating. Before the second phase of content limits can be implemented, CARB must conduct a public hearing to determine if the limits are commercially and technologically feasible. If the Board determines that they are not feasible, the implementation of some or all of the limits may be postponed for up to 5 years. However, CARB may not submit the 1999 limits to EPA as a SIP revision until after the Board has determined that they are technologically and commercially feasible, and is prohibited from doing so by section 41712(f)(3) of the California Health and Safety Code.

EPA approval action on both phases of the aerosol paint rules will be taken in separate rulemakings following SIP submittal of the rules.

c. Mid-Term Committal Measure CP–2. Measure CP–2 is a mid-term commitment to adopt additional regulations prior to 1997 to further reduce VOC emissions from household consumer products. These reductions are anticipated to result from the further regulation of new categories of consumer products through technology that is currently feasible and commercially viable. EPA proposed to approve CP–2 on August 21, 1995, and finalized approval on December 14, 1995 (60 FR 64126).

d. Long-Term Committal Measure CP–4. Measure CP–4 is a long-term measure to further reduce emissions after measures CP–1, CP–2, and CP–3 are implemented. The control strategies committed to in CP–4 depend on

advancement of manufacturing technology for consumer products and aerosols. On August 21, 1995, EPA approved CARB's Measure CP–4 as meeting the requirements of section 182(e)(5).

e. Alternative Compliance Plans (ACPs). In order to provide industry with flexibility in meeting the VOC content limits for aerosol paints, CARB has adopted regulations that will allow manufacturers to meet the VOC standards on an average basis. The regulations, CARB's Alternate Control Plan (ACP) for consumer products and aerosol coatings, require that manufacturers carefully track sales and VOC content of all products being averaged together in order to determine total VOC emissions from their products and compliance with the rule. EPA will act on the ACP regulations following submittal by the State.

f. Emission Reductions. The following table describes the ROG emission reductions in terms of tons per day, as identified in the SIP submittal. Credits for near-term consumer products (CP–1) are not included, since they were presumed in baseline emissions projections as adopted regulations. The ROP and attainment demonstrations for San Diego, San Joaquin Valley or Santa Barbara do not rely on reductions from the consumer products measures, although real reductions will occur in those areas. Credits for consumer products and aerosol paints (near-term and long-term) are combined. Credit for CP–4 is claimed only for South Coast.

REDUCTIONS FROM CALIFORNIA CONSUMER PRODUCTS AND AEROSOL PAINT PROGRAM

[Reductions beyond those achieved by CP–1] [tons per day of ROG]

	1999	2002	2005	2007	2008	2010
South Coast	0	8	39.2	.....	42.2	89.2
SE Desert	0	0.4	3.5	4.0		
Ventura	0	0.4	2.2			
Sacramento	0	1.1	5.6			
San Joaquin	0					
San Diego	16.6					

g. EPA Action. As discussed above, EPA has already fully approved all of the State's consumer products rules and committal measures with the exception of CP–3 (Aerosol Paints). EPA is now proposing to approve CP–3 under sections 110(k)(3) and 301(a) of the Act, and assign credit to this measure, as well as to the previously approved consumer products measures, as part of the ROP and attainment demonstrations for appropriate nonattainment areas. EPA will take regulatory action on the recently adopted ACP and Aerosol Paints regulations themselves in separate rulemakings.

4. Pesticides

a. Review of Measure. California's 1994 SIP submittal includes a commitment to reduce VOC emissions from the application of agricultural and structural pesticides. The submittal describes relevant authority in Section 6220 of Title 3 of the California Code of Regulations that has been granted to the California Department of Pesticide Regulation (DPR). However, since CARB has overall responsibility for developing the SIP, California's pesticide commitment is described in a letter from DPR to CARB,[4] which CARB then submitted to EPA with the balance of the 1994 SIP. In May 1995, California used a similar mechanism to clarify technical details of the pesticide commitment.[5] This clarification is considered part of California's SIP.

b. Emission Reductions. As described in the SIP, California has committed to adopt and submit to U.S. EPA by June 15, 1997, any regulations necessary to reduce VOC emissions from agricultural and commercial structural pesticides by specific percentages of the 1990 base year emissions,[6] by specific years, and in specific nonattainment areas as listed in the table labeled, ''Reductions from 1990 Pesticide Emissions Baselines.'' The table labeled ''Reductions from Pesticides Measure'' shows reductions counted toward the ROP milestones and attainment in each area.

REDUCTIONS FROM 1990 PESTICIDE EMISSIONS BASELINES

Ozone nonattainment area	1996 (percent)	1999 (percent)	2002 (percent)	2005 (percent)
Sacramento Metro	8	12	16	20
San Joaquin Valley	8	12	16	20
South Coast	8	12	16	20
Southeast Desert	8	12	16	20
Ventura	8	12	16	20

REDUCTIONS FROM PESTICIDES MEASURE

[Tons per day of ROG]

	1999	2002	2005	2007	2008	2010
South Coast	1.5	1.6	1.3	.....	1.6	1.7
Southeast Desert	0	0	1.2	1.5	.....	.....

[4] James Wells (DPR) to James Boyd (CARB), dated November 15, 1994.

[5] May 9, 1995 letter from Wells to Boyd under a May 11, 1995 cover letter from Boyd to Felicia Marcus (EPA).

[6] In a March 31, 1995 letter from Wells to David Howekamp (EPA), California clarified its commitment to limit future VOC emissions from pesticides to the target percentages of the 1990 base year emissions, regardless of future growth in emissions that might otherwise occur. ''Therefore, the proposed 20 percent reduction goal could be considered to be greater than 20 percent if one includes growth in pesticidal VOC emissions.'' (March 31 letter, page 2.)

REDUCTIONS FROM PESTICIDES MEASURE—Continued

[Tons per day of ROG]

	1999	2002	2005	2007	2008	2010
Ventura	0	0	2.4	.....	.....	.....
Sacramento	0	0	2.7	.....	.....	.....
San Joaquin	13	.....	.....	.....	.....	.....
San Diego	0.2	.....	.....	.....	.....	.....

The pesticide component of California's SIP also describes education and outreach programs intended to achieve these emission reductions voluntarily. EPA strongly encourages these programs, and hopes to work with DPR and the affected industries to make them successful. In the event, however, that additional control strategies are needed, California's commitment to adopt and submit any necessary pesticide regulations is sufficient to ensure those emission reductions described in the table labeled, ''Reductions from 1990 Pesticide Emissions Baselines.''[7]

c. EPA Action. EPA is proposing to approve the Pesticides measure under sections 110(k)(3) and 301(a) of the Act, and assign credit to the measure as part of the ROP and attainment demonstrations for appropriate nonattainment areas. EPA will take regulatory action on the State's Pesticides regulations, if any regulations are required and are submitted, in separate rulemakings.

B. Federal Assignments

1. State Approach

In addition to, and in association with, the State's mobile source control measures, the 1994 California Ozone SIP sets forth a group of 7 specific mobile source control measures that the State would not be responsible for adopting and implementing.

These new ''Federal assignments'' and the adoption and implementation dates in the California SIP are as follows:

M6—Heavy-Duty Diesel Vehicles: a national standard of 2.0 g/bhp-hr, to be adopted in 1997 and implemented in 2004. M10—Off-Road Diesel Equipment: a national standard of 2.5 g/bhp-hr, to be adopted in 2001 and implemented in 2005. M12—Industrial Equipment, Gas and LPG: a national standard reflecting application of three-way catalyst systems, to be adopted in 1997 and implemented from 2000 to 2004.

M13—Marine Vessels: national and international standards to reduce NO_X emissions from new engines by 30 percent, and operational controls, including shipping lane changes and vessel speed reduction, to be adopted in 1996 and implemented from 1998 to 2001.

M14—Locomotives: national standards for new and rebuilt locomotive engines, along with provisions to ensure that by 2010 locomotive fleets in the South Coast Air Basin will emit on average no more than the 2005 emission level for new locomotives, to be adopted in 1995 and implemented from 2000 to 2010.

M15—Aircraft: national standards to effect a 30 percent reduction in ROG and NO_X emissions, to be adopted in 1999 and implemented in 2000.

M16—Pleasure Craft: national standards (both Phase I and II).

CARB's decision to place responsibility on the Federal government for these controls rests on the State's conclusion that: (1) State and local agencies lack the legal authority or practical ability to control these source categories; (2) the reductions contributed by the new Federal assignments are essential for progress and attainment in California; and (3) there are no feasible alternative sources of reductions that are available to the State, given the stringent level of control of all other source categories reflected in the SIPs.

2. EPA Action

While EPA does not believe that the CAA authorizes a state to assign responsibility to the Federal government for meeting SIP requirements, the Agency agrees that it has both the authority and responsibility under the Act for regulating certain national sources of air pollution. The 1990 Clean Air Act Amendments, in fact, extended EPA's authority to regulate nonroad vehicles and engines and expressly required EPA to evaluate nonroad engine emissions, determine whether these emissions contribute significantly to ozone or CO in areas which have failed to attain the ozone or CO NAAQS, and regulate these emissions categories if found to be significant. Under this authority, EPA completed a Nonroad Engine and Vehicle Emission Study and issued an affirmative determination of significance (59 FR 31306, June 17, 1994). EPA has also proposed, and in some cases finalized, rules for various nonroad vehicles and engines, including several of the California SIP ''Federal measure'' source categories. The current status of EPA's actions on each of the ''Federal measure'' categories is summarized in the Appendix to this document.

EPA recently established a new policy that allows States to incorporate into their ROPs and attainment demonstrations the estimated emission reductions associated with court-ordered or statutorily-mandated measures prior to final promulgation of the Federal regulations.[8] Consistent with this policy, EPA is proposing to assign to the California Ozone SIPs emissions reduction credit for nonocean-going marine vessels, locomotives, and pleasure craft, based on EPA's current estimates of the reductions that will be achieved by these national measures. These credits are sufficient, in conjunction with those attributed by California to the State and local measures, to demonstrate progress and attainment of the ozone NAAQS in all of the California ozone nonattainment areas except for the South Coast.

Additionally, EPA has been evaluating other potential future ''Federal measures,'' including controls for most categories of mobile sources. These measures have significance in the

[7] Note that for purposes of ROP and attainment demonstrations in the SIPs, California has not claimed emission reduction credit for the 8% pesticide emission reductions planned for 1996.

[8] This policy (January 30, 1996 memorandum from Mary Nichols, Assistant Administrator for Air & Radiation, to EPA Regional Administrators, on ''SIP Credits for Federal Nonroad Engine Emissions Standards and Certain Other Mobile Source Programs'') supersedes EPA's prior policy, expressed in a November 23, 1994 memorandum from Mary Nichols on the same subject. The earlier memorandum allowed SIP credit for national mobile source measures required but not yet promulgated ''provided states also commit to adopt gap-filling measures to account for any shortfalls, identified later, between currently anticipated and actual final rule benefits.'' EPA is now eliminating the requirement for state commitments. If the final national measure delivers less than credited in the SIP, EPA may issue a call for plan revision under section 110(k)(5) if the SIP for an area becomes, as a result, substantially inadequate to comply with any requirement of the Act, including the provisions relating to demonstrations of ROP and attainment.

South Coast. EPA's evaluation of these possible national controls has been ongoing from the period of FIP preparation through the present, and has evolved into a consultative process.

In the area of onroad controls, EPA's heavy-duty vehicle initiative, developed in cooperation with CARB, is one aspect of this process. This consultative initiative, which is consistent with the State's measure M6, has already shown success and recently culminated in a Statement of Principles (SOP) signed by EPA, individual members of the heavy-duty engine industry, and CARB regarding future national standards for on-highway heavy-duty engines. The goal of the SOP is to reduce NO_X emissions from on-highway heavy-duty engines to levels approximating 2.0 g/bhp-hr beginning in model year 2004, while also achieving reductions in HC. For further details on the SOP and initiative, see EPA's Advance Notice of Proposed Rulemaking (60 FR 45580, August 31, 1995). EPA is also engaged in cooperative efforts with the State of California to discuss with affected industry a similar heavy-duty nonroad initiative.

As discussed more fully in section II.C.7.e., below, setting forth EPA's proposed approval of the South Coast attainment demonstration, EPA agrees with the State that national and international mobile source emissions are increasingly significant contributors to ozone pollution, particularly in the South Coast. EPA also agrees with the State that CARB and EPA share responsibility for controlling new mobile sources. To address this challenge cooperatively, the CARB Board, in its resolution of adoption of the 1994 California Ozone SIP, included specific direction to the CARB Executive Officer to continue to meet and confer with EPA regarding the federal assignments (CARB Resolution No. 94–60, November 15, 1994).

Following adoption of the 1994 California Ozone SIP, EPA and CARB have discussed the affected mobile source control categories and, while the agencies have not reached consensus on difficult issues of jurisdiction and responsibility, the two agencies share a strong mutual interest in further consultation on and collaboration in identifying and developing the most effective and least disruptive approaches to achieving further reductions in air emissions from the various categories of mobile sources.

Building on this interagency cooperation, EPA proposes to continue and expand the ongoing consultative process with California and other appropriate parties to examine the potential for additional mobile source controls that can contribute to progress and attainment, and that are compatible with other important regulatory considerations, including those associated with interstate and international commerce. EPA proposes that this consultative process conclude in June 1997 with a decision on those additional measures that are appropriate for each party to pursue. EPA further proposes to make an enforceable commitment to undertake rulemakings, after the consultative process, on control measures needed to achieve the emission reductions which are determined to be appropriate for EPA.

Finally, EPA proposes to approve the South Coast attainment demonstration if CARB submits, before EPA's final action, an enforceable SIP commitment to adopt and submit as a SIP revision: (a) by December 31, 1997, a revised attainment demonstration for the South Coast as appropriate after the consultative process; and (b) by December 31, 1999, enforceable emission limitations and other control measures needed to achieve the emission reductions which are determined to be appropriate for the State.

C. Local ROP and Attainment Plans and Measures

1. Introduction and Common Elements

This section discusses the progress and attainment plans for each area, including local, state and Federal measures, and describes EPA's proposed action on those plans with regard to the ROP requirements of sections 182(b)(1)(A) and 182(c)(2)(B), and the attainment requirements of sections 182(b)(1)(A) and 182(c)(2)(A).

As described earlier, following local adoption of the plans, the State took further action on the plans, adding a statewide measure component and, in some cases, modifying the locally adopted plan. Volume IV of the 1994 California Ozone SIP presents CARB's adjustments to the local plans, and summarizes the ROP and attainment demonstrations. CARB also supplied detailed spreadsheets delineating projected emissions reductions in each area, by State measure and milestone year, to complete the technical documentation of each area's ROP and attainment demonstrations.

a. Emission Inventories.

(1) 1990 Base Year Inventories

Section 182(a)(1) of the CAA requires that a comprehensive, accurate, and current base year inventory of actual emissions be submitted to EPA as a SIP revision for each area designated as nonattainment and classified marginal and higher for ozone. The 1990 emissions inventory is defined as the base year inventory and provides a benchmark for ROP and attainment planning.

Annual and ozone season weekday inventories of actual emissions are required for VOC, NO_X, and CO for each ozone nonattainment area. These inventories detail emissions for all categories of stationary point sources, area sources, onroad vehicles, offroad engines, and biogenics (for VOC). The inventories use the best available emission factors and activity indicators representative of the ozone season.

The 1990 base year inventories were initially submitted by CARB in November 1992 and improved inventories were submitted again as part of the 1994 California Ozone SIP. On March 30, 1995, CARB submitted revised 1990 base year inventories which further refined the inventory estimates. EPA is proposing approval of the March 30, 1995, inventory submittal.

Annual emission inventory estimates are adjusted to represent the ozone season weekday inventory (the ''planning inventory''). Seasonal throughput, seasonal activity factors, and temperature considerations are used, as appropriate, to develop the planning inventory. Although EPA recommends a 3 month peak ozone season as the basis for the planning inventory estimates, because of the persistence of ozone violations in California from May through October, the CARB uses a 6 month average operating day emissions estimate.

Stationary sources are broadly grouped into point and area sources. Point sources typically include permitted equipment located at a fixed, identifiable establishment (e.g., a refinery). Actual emissions are reported annually to local air pollution agencies as a part of an ongoing operating permit renewal and emission statement processes. Operating permit requirements generally pertain to sources emitting at least 10 tons per year, with lower limits in some areas. This information is used by the local air district to periodically update inventory estimates for stationary sources.

Area sources generally include small point sources (e.g., gasoline dispensing facilities) and ubiquitous emissions not associated with a permit (e.g., consumer products). CARB and the local air pollution control districts share the responsibility for calculating emissions from the over 200 area source categories. The emission and activity factors used

to develop area source inventories are described in CARB guidance.[9]

Mobile source estimates are divided into on-road and off-road categories. On-road emissions are estimated by vehicle class, roadway type and vehicle age. Caltrans, CARB, local government agencies, and the Department of Motor Vehicles supply the data necessary to estimate emissions from on-road mobile sources. On-road mobile source emissions inventories for SIP purposes are generally developed using the latest version of MOBILE, EPA's mobile source emission factor model, but in California, CARB has developed its own on-road mobile source emission factor model, EMFAC. Together with CARB's WEIGHT model, which estimates accumulated mileage and activities by vehicle year, and BURDEN model, which estimates vehicle trips and vehicle miles travelled by vehicle type, CARB develops the on-road mobile source emissions inventories for the nonattainment areas. The version of EMFAC used for the November 15, 1994 and March 30, 1995 submittals was EMFAC7F version 1.1.

The off-road mobile source inventory includes emissions from categories ranging from lawn mowers to ocean-going vessels. Emission estimates are a function of emission factors, activity rates, and control factors. Emission factors and methodologies used to calculate emissions are based on information compiled by EPA, CARB, and the local districts.

The CARB base year inventory includes biogenic emission estimates. EPA's biogenic emission estimation software, Biogenic Emission Inventory System, was used in conjunction with temperature inputs representative of the area of concern, consistent with EPA guidance. This software is used to estimate emissions from natural sources (e.g., trees, crops, etc.). Although biogenic emissions represent an uncontrollable source, these potentially significant emissions are included in the attainment demonstration modeling.

Because the CARB inventories represent actual emissions, the inventories already reflect excess, noncompliant emissions and, consistent with EPA's guidance[10], they do not require further adjustment by the 80% rule effectiveness discount.

While CAA requirements and EPA guidance are stated in terms of VOC, some California District plans estimate their inventories in terms of either Reactive Organic Gases (ROG) or Reactive Organic Compounds (ROC). The Santa Barbara, San Joaquin Valley, and Sacramento area plans use ROG while Ventura uses ROC. The only difference between VOC and ROG/ROC is the inclusion of ethane in the ROG/ROC inventory estimates.

EPA has concluded that the VOC, NO_X, and CO inventories of actual emissions for the ozone nonattainment areas satisfy the requirements of the Act and EPA's associated approval criteria. Therefore, under section 182(a)(1) of the Act, EPA is proposing to approve the 1990 base year inventories for each of the ozone nonattainment areas addressed in this document.

(2) Inventory Projections

Future year inventories are needed to estimate milestone and attainment year inventories. These estimates are then used in projecting and calculating ROP and attainment. Future year inventories are developed using base year inventory estimates adjusted using growth and control factors. Growth factors are developed using socioeconomic forecasts (i.e., population, housing, employment, and motor vehicle activity) and Standard Industrial Classification data. Growth rates for motor vehicles consider projected changes in vehicle miles traveled, trips, and vehicles in use. Control factors are used to adjust future year inventory estimates to account for reductions from adopted and scheduled measures. EPA proposes to approve the inventory projections for each of the nonattainment areas, since the projections meet all applicable requirements.

b. ROP Targets. The CAA outlines and EPA guidance details the method for calculating the ROP requirements for the milestone years. Section 182(b)(1)(A) requires a 15% VOC reduction by November 15, 1996, from the adjusted 1990 base year inventory (i.e., 3% per year reduction from 1990 to 1996). Section 182(c)(2)(B) requires that after 1996, an additional 3% per year VOC (or NO_X equivalent) emission reduction be achieved (in 3 year increments) until the attainment date. The percent reduction requirements by milestone year and by area classification are shown below in the table labeled ''ROP Requirements.''

ROP REQUIREMENTS

Classification	Year	Reduction (percent)
Moderate and above	1996	15
Serious and above	1999	24
Severe I and above	2002	33
	2005	42
Severe II and above	2007	48
Extreme	2008	51
	2010	57

Section 182(b)(1) requires that ROP reductions: (1) Be in addition to those needed to offset any growth in emissions between the base year and the milestone year; (2) exclude emission reductions from 4 prescribed Federal programs (i.e., the Federal motor vehicle control program (FMVCP), the Federal Reid vapor pressure (RVP) requirements, any Reasonably Available Control Technology corrections previously specified by EPA, and any I/M program corrections necessary to meet the basic I/M level); and (3) be calculated from an ''adjusted'' baseline relative to the year for which the reduction is applicable. The adjusted ROP base year inventory excludes the emission reductions from fleet turnover between 1990 and 1996 and from Federal RVP regulations promulgated by November 15, 1990 or required under section 211(h) of the Act.

The net effect of these adjustments is that states are not able to take credit for emissions reductions that would result from fleet turnover of current Federal standard cars and trucks, or from already existing Federal fuel regulations. However, the SIP can take full credit for the benefits of any new (i.e., post-1990) vehicle emissions standards, as well as any other new Federal or State motor vehicle or fuel program that will be implemented in the nonattainment area, including Tier I exhaust standards, new evaporative emissions standards, reformulated gasoline, enhanced I/M, California low emissions vehicle program, transportation control measures, etc.

When compared to the national tailpipe and fuel standards promulgated by EPA, California has had more stringent standards for some time. The methodology used in the November 1993 15% ROP submittals was not necessarily the most appropriate way to model the exclusions, in light of the effects of these differing standards. Therefore, CARB recalculated the exclusions for Federal RVP and FMVCP for its adjusted base year inventories and submitted revised ROP plans in November 1994. The resulting ROP targets conform to applicable requirements and EPA proposes to

[9] *Methods for Assessing Area Source Emissions in California* (CARB, September 1991 and updates).

[10] EPA policy memorandum from OAQPS to Regional Air Division Directors (April 27, 1995).

approve them as part of the approval of the ROP demonstrations.

c. NO_X Substitution. Section 182(c)(2)(C) allows for NO_X reductions (after accounting for growth) which occur after 1990 to be used to meet the post-1996 ROP emission reduction requirements, provided that such NO_X reductions meet the criteria outlined in EPA's NO_X substitution guidance.[11] The criteria require that: (1) the sum of all creditable VOC and NO_X reductions must meet the 3% per year ROP requirement; (2) substitution is on a percent-for-percent of adjusted base year emissions for the relevant pollutant; and (3) the sum of all substituted NO_X reductions cannot be greater than the cumulative NO_X reductions required by the modeled attainment demonstration. While the Act and the guidance do allow use of 1990–1996 NO_X reductions for substitution in the post-1996 period, the amount of NO_X reductions available for substitution is subject to the same creditability exclusions described above. As discussed below in the review of the individual plans, the California ozone areas relying on NO_X substitution in post-1996 ROP demonstrations (San Joaquin, San Diego, Sacramento, and Ventura) meet applicable requirements pertaining to NO_X substitution.

The term ''VOC equivalents'' is used in the ROP tables for the areas relying on NO_X substitution. This term was taken from CARB's November 1994 SIP. VOC equivalents is not meant to imply that NO_X reductions were substituted for VOC reductions on a one-for-one basis. The amount of NO_X substitution was determined by calculating the VOC shortfall percentage, and then converting the percentage into an equivalent reduction of NO_X. For the areas relying on NO_X substitution, CARB and the districts have demonstrated that the NO_X reductions are creditable and not in excess of what is necessary for attainment. A companion EPA technical support document provides a more detailed description of the calculations and amount of NO_X reduction used to represent the VOC equivalents.

d. Modeling.

(1) Introduction

An attainment demonstration is a key part of a State Implementation Plan: using air quality modeling, it shows that the proposed emission control measures are sufficient for the NAAQS to be attained by the applicable deadline. For ozone nonattainment areas classified serious, severe, or extreme, section 182(c)(2)(A) requires an attainment demonstration based on photochemical grid modeling, for which the Urban Airshed Model (UAM) is the EPA-approved model. (See Appendix W of 40 CFR Part 51.)

The modeling portions of the SIP submittals were generally reviewed in terms of technical accuracy, and for consistency with EPA modeling guidelines. The guidelines are the Guideline for Regulatory Application of the Urban Airshed Model (EPA, 7/91), Guideline for Regulatory Application of the Urban Airshed Model for Areawide Carbon Monoxide (EPA, 6/92), and Guidance on Urban Airshed Model (UAM) Reporting Requirements for Attainment Demonstration (EPA, 3/94). Thus, the review covered the appropriateness of data sources, appropriateness of technical judgements and procedures followed in input preparation, performance of quality assurance and diagnostic procedures, adequacy of model base case performance, consistency of control measure simulation inputs with the submitted control measures, adequacy of the demonstration of attainment of the NAAQS, and consistency and completeness of documentation. EPA's confidence in the conclusions reached in the review is enhanced because of EPA's participation in technical committees and meetings for each area, and other communications with State and local technical staff, as the model applications were being developed.

The UAM model uses an inventory of pollutant emissions, together with air quality and meteorological data, as input to a system of algorithms incorporating chemistry and dispersion, in order to simulate an observed pollution episode. Once a ''base case'' is developed that meets the minimum performance criteria, projected future emissions are used as input to simulate air quality in the attainment deadline year. Various combinations of geographically uniform emission reductions are simulated to determine approximate attainment reduction targets. Planners design a control strategy to meet these targets, and then simulate it with UAM, including the spatially and temporally varying effects of the selected controls. Attainment is demonstrated when the modeled air quality with emission controls in effect is below the NAAQS throughout the geographical modeling domain.

(2) Uncertainty and Model Performance

A modeling attainment demonstration is subject to several uncertainties. The meteorological and air quality inputs have their own associated uncertainties, both in measurement and in representativeness. In addition, not all variables can be measured for all hours, so default and interpolated values must be used. Processes such as chemical reaction and advection necessarily appear in the model in simplified form. The selected episodes may not represent all conditions conducive to high pollutant levels. Finally, base case and projected emissions are uncertain. Biogenic emission inventory methodologies are in a state of flux. In spite of these sources of uncertainty, photochemical grid modeling is the best tool that is available for determining the emission reductions that are needed for NAAQS attainment. The Guideline procedures are meant to ensure that inputs are set in a scientifically sound manner, and to uncover compensating errors that can be present even when the model predicts ozone well.

As explained in the Guideline, episodes are chosen for modeling based on their high ozone levels, data availability, and other criteria. Generally, episodes should be chosen that are approximately as severe as the area's design value, which is based on the historical ozone highs. During a particular episode, the observed ozone peak may be higher or lower than the design value; but as long as it is relatively close, that episode can be accepted for use in an attainment demonstration. See also the discussion of the attainment test, below.

Once an episode is chosen, modelers attempt to simulate it with UAM. Various performance statistics and diagnostic tests are available to gauge their success. Three of the statistics are presented in the table in this notice. The most commonly stated one is the peak accuracy, since it is the ozone peak that is ultimately to be reduced to the NAAQS level. However, it uses only one place and time out of all those simulated. In judging model performance to be acceptable, predictions at many places and times are examined. Also, the overall pattern of ozone and other chemical species are evaluated, in light of the changing emissions and meteorology occurring during the episode. Sometimes a lengthy process of diagnostic testing and refinement of inputs is required. Thus, the finally accepted base case may show some bias (e.g., simulated ozone peak not matching the observed), and yet be fully adequate as a simulation of the episode, and for use in an attainment demonstration. Except where noted, all of the submitted California modeling

[11] ''NO_X Substitution Guidance,'' OAQPS, USEPA, December, 1993; ''Guidance on the Post-1996 Rate-of Progress Plan and the Attainment Demonstration,'' EPA–452/R–93–015, OAQPS, USEPA, January, 1994.

episodes had acceptable performance, meeting EPA Guideline criteria.

(3) Number of Episodes

The Guideline calls for a minimum of 3 primary episode days to be modeled. EPA elected to allow areas to use just two if they were based on a field study, since this provides substantially more complete data, and so more confidence in model development procedures and results. The tradeoff of higher quality modeling for fewer episodes is deemed by EPA to be a reasonable one. Unfortunately, due to problems of model performance or transport, some areas were only able to develop modeling for a single ozone episode. The Guideline is silent on what should be done in cases where, in spite of an area's best effort, the model simply cannot be made to perform for a given ozone episode. EPA is electing to accept the California efforts as adequate.

(4) Attainment Test

Recently, questions have arisen over what test an area has to meet to demonstrate attainment; this has been thought of as showing that every geographical point within the model domain is reduced to .12 ppm ozone for every hour, for every episode modeled. However, the statistical nature of the ozone NAAQS allows each point in space to have one NAAQS exceedance per year (3 year average). Adding this to the uncertainties in model inputs and in the model itself, the above test may be overly conservative. In borderline cases, the overall weight of evidence of modeling, emissions and meteorological characteristics of an area may provide a useful adjunct to the attainment test, though this was not used in the California SIP submittal.

(5) Transport

Pollutant transport between areas is an issue of continuing concern for the areas of Sacramento, San Diego, San Joaquin Valley, Santa Barbara, South Coast, and Ventura. For Sacramento and for the portions of southern California downwind of South Coast, attainment has not been demonstrated under transport conditions. The ozone episodes modeled either did not include high levels of transported pollutants, were found to be dominated by transport and then abandoned as not representative, or the model did not perform particularly well. Ideally, upwind and downwind areas would be included within a single modeling domain; this was done in the SARMAP study centered on the San Joaquin Valley, but thus far the model does not perform well for the Sacramento area. Only a limited number of episodes have so far been modeled, some of them having little transported pollution.

Nevertheless, EPA accepts the modeling done so far as adequate, because it is the best modeling available, and does show attainment of the NAAQS for locally generated days. However, the emission reductions indicated as required by the modeling to date must be viewed as valid for this stage of planning only; additional reductions may be necessary in these nonattainment areas or in other areas upwind (such as the San Francisco Bay Area) to guarantee attainment of the NAAQS. EPA expects that this will be determined by the modeling additional transport episodes over the next few years; this effort was not feasible for the November 15, 1994 deadline because of constraints on available data, funds and staff. In part because of the California Clean Air Act with its more stringent ozone standards, modeling will continue in these areas; for example, a Southern California Transport study is currently being planned. SIP revisions may become necessary should such future modeling indicate the need for additional emissions controls.

EPA proposes to approve the modeling in all of the ozone plans acted on in this notice, as meeting the requirements for attainment demonstrations in sections 182(b)(1)(A) and 182(c)(2)(A).

2. Santa Barbara

a. Identification of Plan. On November 3, 1994, the Santa Barbara County Air Pollution Control Board adopted Santa Barbara's 1994 Clean Air Plan (CAP). On November 14, 1994, CARB submitted the plan to EPA to comply with ROP and attainment demonstration requirements of the Act.[12]

b. 1990 Base Year Inventories. The SIP provides detailed estimates of the actual VOC and NO_X emissions that occurred in Santa Barbara in 1990. These base year inventories are summarized in the table labeled ''1990 Santa Barbara SIP Inventories.'' [13] A discussion of these inventories and of EPA's proposed action on them can be found in section II.C.1.a. of this notice.

[12] November 14, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA, forwarding the Santa Barbara SIP and CARB Executive Order No. G–125–163 approving the Santa Barbara Plan. The Santa Barbara submittal includes a November 3, 1994 letter from Douglas Allard (SBAPCD) to James Boyd (CARB) forwarding the 1994 Santa Barbara CAP.

[13] More detailed summaries of this inventory can be found in the 1994 CAP, Table 3–3.

1990 SANTA BARBARA SIP INVENTORIES

[tons per summer day]

Category	ROG	NO_X
Stationary	32	12
Mobile	25	36
OCS	6	22
Total	63	70

c. SIP Control Measures.

(1) Description

The submittal describes a series of rules that have been adopted in order to reduce ROG and NO_X emissions in Santa Barbara. Chapters 4 and 5 of the CAP describes the control measures relied upon for demonstrating compliance with the Act's progress and attainment requirements. With the exception of contingency measure T–21, Enhanced Inspection and Maintenance Program, all required measures identified in Chapters 4 and 5 of the CAP have been adopted. Because the Santa Barbara area will not achieve attainment of the ozone NAAQS by November 1996 with currently adopted controls, as described later under section II.C.2.f., EPA expects that measure T–21 will be adopted in 1996 and implemented in 1997 as described in the CAP. Reductions of approximately .6 tons per day (tpd) of ROG and NO_X are expected from the implementation of T–21.

Table 5–1 describes the plan's transportation control measures (TCMs), which, collectively, supersede the TCM list in the previously approved 1982 Air Quality Attainment Plan (AQAP). The TCMs are projected to result in net emissions reductions for the 1996 target attainment year of .3 tpd ROG and .2 tpd NO_X.

(2) EPA Action

EPA proposes to approve, under sections 110(k)(3) and 301(a) of the Act, the control measures portion of the plan, including the enforceable commitment to adopt contingency measure T–21.

EPA approval of the applicable State and local fully-adopted and SIP-submitted regulations either has already occurred or will be completed in separate rulemaking in the future. As requested by the State, EPA also proposes to delete from the current SIP the 1982 transportation control measures.

d. ROP Provisions.

(1) ROP Emission Targets

The submittal describes the ROG emission reductions needed to meet

ROP requirements based on Santa Barbara's adjusted 1990 base year inventories. The SIP also provides emission estimates for 1996, the only applicable ROP milestone year, by determining the impacts of the control strategy and calculating anticipated changes in emissions resulting from projected levels of population, industrial activity, motor vehicle use, etc. A summary of the ROP targets and the projected ROG emissions is provided below in the Table labeled ''Santa Barbara ROP Forecasts and Targets'' (see 1994 CAP, Tables 9–2 and 9–5). The plan provides for achievement of the ROP target emission levels for 1996, the only applicable milestone year for a moderate ozone area.

SANTA BARBARA ROP FORECASTS AND TARGETS [14]

[In tons of ROG per summer day]

1990 Base Year Inventory	57
1996 Projections (Adopted Measures)	41
1996 ROP Target	42

[14] For the ROP determination, OCS emissions were not included.

(2) ROP Control Strategy

In general, only adopted measures may be relied upon in meeting the 15% ROP requirement. This requirement is met, since the plan relies only on adopted regulations to achieve the required ROP reductions. A detailed description of Santa Barbara's 15% ROP demonstration is provided in Chapter 9 of the CAP.

(3) EPA Action

The Santa Barbara 1994 CAP meets the ROP requirements of the Act, including the requirement to achieve by 1996 a minimum of 15% of creditable VOC emission reductions from the 1990 base year. EPA therefore proposes to approve Santa Barbara's ROP plan under section 182(b)(1) of the Act.

e. Demonstration of Attainment. Santa Barbara is classified as a moderate nonattainment area for ozone. As a result, the SIP must contain adequate control measures and commitments to demonstrate attainment of the ozone NAAQS by 1996.

(1) Control Strategy

The control strategy for Santa Barbara's SIP attainment demonstration incorporates all of the measures identified in Chapters 4 and 5 of the CAP. The demonstration presumes the measures, which are already fully adopted as regulations, will be implemented as shown in the plan, resulting in the emission reductions indicated in the CAP.

(2) Modeling and Attainment Demonstration

The 1994 SIP describes urban airshed modeling analysis performed to demonstrate that the control strategy identified above will result in NAAQS attainment. A summary of the emission reductions needed to attain the standard is provided below in the table labeled ''Emission Reductions Needed in Santa Barbara,'' which is derived from information in the 1994 CAP.

EMISSION REDUCTIONS NEEDED IN SANTA BARBARA

[Tons per summer day]

	ROG	NO_X
1990 Baseline Emissions Inventory	63	70
Carrying Capacity	44	56
Reductions Needed	19	14

A summary of the emission reductions projected from the SIP control strategy is provided below in the table labeled ''Santa Barbara Attainment Demonstration,'' which is derived from the information in the 1994 CAP.

SANTA BARBARA ATTAINMENT DEMONSTRATION

[Tons per summer day]

	ROG	NO_X
Reductions from adopted measures	19	14
Committed local measures	0	0
Committed State measures	0	0
Total	19	14

The Santa Barbara area was classified as a moderate ozone nonattainment area based on a design value of .14 ppm, recorded at the Carpenteria site. This was based on 1987–1989 data. The attainment demonstration for Santa Barbara is based on Urban Airshed Modeling even though use of photochemical modeling is not a specific Clean Air Act requirement for a moderate area. Modeling for the Santa Barbara area is discussed in two documents: the ''Santa Barbara County Photochemical Modeling Investigation (May, 1994)'' and in the 1994 CAP (Chapter 7 and Appendix D: Photochemical Modeling Documentation).

In the Santa Barbara County Photochemical Modeling Investigation, a county-wide assessment of the July 29–31, 1991 episode was analyzed. The peak ozone concentration measured during this period was .13 ppm at the Paradise Road Monitoring station. The model performance statistics did not meet EPA performance requirements as the peak ozone concentrations were underpredicted by approximately 50%. Because of the lack of performance, an attainment demonstration was not performed with this episode.

Santa Barbara APCD and Ventura County APCD collaborated on a joint modeling effort to satisfy the attainment demonstration requirements of the Clean Air Act. This collaborative effort is summarized in the 1994 CAP. Two 1984 episodes were selected for the joint modeling effort: September 5–7 and September 16–17. The episodes and modeling statistics are discussed further in the accompanying technical support document. Using 1996 emission forecasts, the photochemical modeling demonstrated attainment of the ozone standard, although attainment for the September 5–7 episode required removal of the in-transit shipping channel emissions.

Although the modeling does not fully meet EPA's performance criteria, EPA believes that the modeling is sufficient to propose approval of the attainment plan.

(3) EPA Action

EPA believes that the Santa Barbara attainment demonstration satisfies CAA requirements. EPA therefore proposes to approve Santa Barbara's attainment demonstration under section 182(b)(1)(A) of the Act.

f. Overall EPA Action. EPA proposes to approve fully the Santa Barbara ozone SIP with respect to the Act's requirements for emission inventories, control measures, and demonstrations of ROP and attainment.

The November 14, 1994, SIP submittal included an ozone redesignation request and maintenance plan for the Santa Barbara nonattainment area. During 1994–5, however, the Santa Barbara area recorded a number of exceedances of the ozone standard. This will prevent the area from attaining the ozone standard in 1996, since attainment of the ozone NAAQS requires no more than three exceedances over a three year period.

On July 18, 1995, the State agreed to withdraw its request for EPA action on the redesignation request and the maintenance plan. As a result, EPA is not taking action on the redesignation request and maintenance plan at this time. However, even though the 1994–5 exceedances will prevent Santa Barbara from achieving the ozone standard by 1996, EPA is proposing to approve Santa Barbara's 1994 CAP. If

the Santa Barbara area experiences no more than one exceedance during the 1996 ozone season and the state has complied with all requirements and commitments in the Santa Barbara SIP, section 181(a)(5) of the Act authorizes EPA to grant a one-year extension of the attainment date upon request by the State. Up to two extensions can be granted. Therefore, disapproval of the 1994 CAP and a reclassification of the area to serious for failure to attain is not yet warranted.

3. San Diego

a. Identification of Plan. On November 1, 1994, the Board of the San Diego Air Pollution Control District (SDAPCD) adopted the ''1994 Ozone State Implementation Plan Revision''. On November 15, 1994, CARB adopted the SIP revision as the local element of the 1994 California Ozone SIP, which CARB then submitted to EPA [15] to comply with ROP and attainment demonstration requirements.

b. 1990 Base year Inventories. The SIP provides detailed estimates of the actual VOC and NO_X emissions that occurred in San Diego in 1990. These base year inventories are summarized in the table below, labeled ''1990 San Diego SIP Inventories.'' A more specific breakdown of 1990 base year emissions can be found on page 9 of the plan, and further inventory information is provided in the appendices to the plan. A discussion of these inventories and of EPA's proposed action on them can be found in section II.C.1.a., above.

1990 San Diego SIP Inventories

[Tons per summer day]

Category	VOC	NO_X
Stationary	100.0	28.0
Mobile	212.5	209.9
Total	312.5	237.9

c. SIP Control Measures.

(1) Description

The plan lists the VOC and NO_X control measures relied upon for demonstrating compliance with the Act's progress and attainment requirements, all of which had been adopted at the time of the plan submittal (see Table 4, ''1999 Attainment Demonstration Control Measures'' on p. 29 of the SIP).

(2) EPA Action

EPA proposes to approve, under sections 110(k)(3) and 301(a) of the Act, the control measures portion of the plan. EPA approval of the adopted regulations has already occurred or will be completed in separate rulemakings in the future.

d. ROP Provisions.

(1) ROP Emission Targets

The 1994 SIP describes the VOC emission reductions needed to meet ROP requirements based on San Diego's adjusted 1990 base year inventories (see pp. 33 and 35). The SIP also provides emission estimates for the ROP milestone years by projecting the impacts of the control strategy and of anticipated changes in population, industrial activity, and other socio-economic factors. A summary of the ROP VOC targets and the projected VOC emissions is provided below in the table labeled ''San Diego ROP Forecasts and Targets.''

As the table shows, VOC reductions alone were not projected to be sufficient to meet the ROP target levels for milestone years after 1996. Section 182(c)(2)(C) of the Act and EPA guidance allows reductions in NO_X emissions to be substituted for post-1996 VOC reductions so long as certain conditions are met (see discussion above in section II.C.1.c.). The San Diego plan meets those conditions and the corresponding NO_X reductions as substituted for VOC reductions are also shown in the table. EPA concludes that the plan provides for achievement of the ROP target emission levels for all years.

San Diego ROP Forecasts and Targets

[Tons per summer day]

Milestone year	1996	1999
1990 Base Year VOC Inventory	312.6	312.6
VOC Projections (Adopted Measures)	236.1	232.0
ROP VOC Target	241.2	212.2
VOC Shortfall	0	19.8
NO_X Substitution in VOC Equivalents [16]	0	19.8

[16] The term ''VOC equivalents'' is not meant to imply that NO_X reductions were substituted for VOC reductions on a one-for-one basis. The amount of NO_X substitution was determined by calculating the VOC shortfall percentage, and then converting the percentage into an equivalent reduction of NO_X. CARB and the district have demonstrated that the NO_X reductions are creditable and not in excess of what is necessary for attainment. A companion TSD provides a more detailed description of the calculations and amount of NO_X reduction used to represent the VOC equivalents.

(2) ROP Control Strategy

In general only adopted measures may be relied upon in meeting the 15% ROP requirement in section 182(b)(1) of the Act. Since the plan relies only on adopted regulations, this requirement is met. According to the submitted plan, the post-1996 ROP control strategy includes all those VOC measures relied upon for the 15% ROP demonstration, as well as fully adopted NO_X regulations.

(3) EPA Action

The San Diego SIP meets the CAA requirements for ROP. EPA therefore proposes to approve San Diego's 15% and post-1996 ROP plans under sections 182(b)(1) and 182(c)(2) of the Act.

e. Demonstration of Attainment. San Diego County is classified as a serious nonattainment area for ozone (see 40 CFR 81.305). As a result, the SIP must contain adequate control measures to demonstrate attainment of the ozone NAAQS by 1999.

(1) Control Strategy

The San Diego SIP attainment demonstration includes all of the measures described earlier. The demonstration presumes the measures will continue to be implemented, resulting in the emission reductions shown.

(2) Modeling and Attainment Demonstration

The 1994 SIP describes urban airshed modeling analysis performed to demonstrate that the control strategy described in above will result in NAAQS attainment. A summary of the emission reductions needed to attain the standard is provided below in the table labeled ''Emission Reductions Needed in San Diego,'' which is taken from the

[15] November 15, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA, forwarding the San Diego component of the SIP and CARB Board Resolution No. 94–63 approving the San Diego plan revision. The San Diego submittal includes a November 3, 1994 letter from Richard Sommerville (SDAPCD) to James Boyd (CARB) forwarding the 1994 San Diego plan and the SDAPCD Board Resolution approving the SIP revision.

1994 California Ozone SIP, Volume IV, Table F–1.

EMISSION REDUCTIONS NEEDED IN SAN DIEGO

[Tons per summer day]

	VOC	NO_X
1990 Baseline Emissions Inventory	313	238
Carrying Capacity	232	175
Reductions Needed	81	63

A summary of the emission reductions projected from the SIP control strategy is provided below in the table labeled ''San Diego Attainment Demonstration,'' which is taken from the 1994 California Ozone SIP, Volume IV, Table F–2.

SAN DIEGO ATTAINMENT DEMONSTRATION

[Tons per summer day]

	VOC	NO_X
Reductions from Adopted Measures	81	63
Committed Local Measures	0	0
Committed State Measures	1	1
Total	82	64

The San Diego area was originally classified as a severe ozone nonattainment area based on a rounded 1987–1989 design value of .19 ppm, recorded at the Del Mar station. This was later changed to serious, since the actual value was .185 ppm, which is within 5 percent of the cutoff for serious (.180 ppm), as allowed under section 181(a)(4) of the Act (see 60 FR 3771, January 19, 1995). Exceedances of the ozone NAAQS typically occur in the San Diego area more than 20 times per year. Most of these exceedances are classified by the SDAPCD as due to transport of pollutants from the South Coast. Locally generated ozone episodes are more in the neighborhood of .15 ppm.

In order to simulate air quality for the SIP and other planning needs, San Diego contracted with Radian Corporation to conduct the San Diego Area Air Quality Study (SDAQS) study during the summer of 1989, and to perform subsequent modeling (summarized in draft report, November 1991). That work was later extended by SDAPCD staff, with participation by CARB. The field study involved a network of air quality and meteorological instruments, including airplanes, to measure ozone and its precursors and the meteorological inputs needed for UAM.

Two episodes were selected for modeling from among those recorded during the field study. The August 28–29, 1989 episode had a monitored maximum of .154 ppm, at Alpine. After diagnostic simulations and refinement of model inputs, a base case was developed for the August episode, representing a locally generated ozone exceedance. The model performance statistics were within the goals set in EPA guidance, and the episode simulation was judged adequate for determining emission reduction targets.

A second episode, September 20–22, 1989, having a .156 ppm peak, was strongly affected by upper air transport of pollutants from the Los Angeles area. Only limited data was available on this transported pollution. While the model's performance for NO_X was poor, and the expected phenomenon of a transported ozone cloud aloft mixing down to the ground was not simulated well, the model met EPA statistical performance goals for ozone.

Significant uncertainties remain, but the modeling does show the beneficial effect on San Diego of the upwind Los Angeles area's emissions reductions. EPA expects that additional study of transport, to be conducted over the next few years, may result in the revisiting of San Diego's air quality problems. The District is an active participant in the planning of this study. Since San Diego has demonstrated that such high levels are due primarily to pollutants transported from the South Coast, additional San Diego emission reductions are not required for attainment (see 60 FR 3771–2). Finally, the impact of adopted State and SCAQMD reductions in the 1999 attainment year further support assumptions that transport of ozone and ozone precursors into the San Diego area will decline significantly in future years.

Using 1999 boundary conditions and a projected emission inventory including the effect of already-adopted local and state emission control measures, the ozone peaks were simulated to be .111 ppm and .116 ppm for the August and September episodes, respectively, thus demonstrating attainment of the ozone NAAQS.

(3) EPA Action

EPA believes that the San Diego component of the 1994 SIP fulfills the CAA attainment demonstration requirements. EPA is therefore proposing to approve the San Diego attainment demonstration under section 182(c)(2)(A) of the Act.

f. Overall EPA Action. EPA proposes to approve fully the San Diego ozone SIP with respect to the Act's requirements for emission inventories, control measures, and demonstrations of ROP and attainment.

4. San Joaquin Valley

a. Identification of Plan. On November 14, 1994, the Board of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) adopted the Ozone Attainment Demonstration Plan for the San Joaquin Valley. On November 15, 1994, CARB modified the plan and adopted it as the local element of the 1994 California Ozone SIP, which CARB then submitted to EPA to comply with the ROP and attainment demonstration requirements of the Act.[17]

b. 1990 Base year Inventories. The SIP provides detailed estimates of the actual VOC and NO_X emissions that occurred in San Joaquin in 1990. These base year inventories are summarized in the table below, labeled ''1990 San Joaquin Valley SIP Inventories.'' A discussion of the inventories and of EPA's proposed action on them can be found in section II.C.1.a. of this notice.

SAN JOAQUIN VALLEY 1990 SIP INVENTORIES

[In tons per summer day]

Category	VOC	NO_X
Stationary	325.64	382.56
Mobile	218.28	327.80
On-Road	170.86	228.53
Non-Road	47.44	99.28
Total	543.9	710.4

c. SIP Control Measures.

(1) Description

The State of California and SJVUAPCD have already adopted many measures which will contribute to the necessary emissions reductions for meeting 15% ROP, post-1996 ROP and attainment requirements. In addition, the SIP describes a series of rules that SJVUAPCD has recently adopted or committed to adopt in order to reduce VOC and NO_X emissions (SJVUAPCD Attainment Demonstration Plan, table 4–1 & 1994 California Ozone SIP,

[17] November 15, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA forwarding the San Joaquin Valley Ozone Attainment Demonstration Plan and CARB Board Resolution no. 94–65 approving the San Joaquin Valley revised 1993 Rate-of-Progress Plan, Post-1996 Rate-of-Progress Plan and the Attainment Demonstration Plan as revisions to the SIP. The San Joaquin Valley submittal includes a November 14, 1994 letter from David Crow (SJVUAPCD) to James Boyd (CARB), forwarding the San Joaquin Valley Ozone Attainment Demonstration Plan and the SJVUAPCD Board Resolution (94–11–02a) approving the plan.

Volume IV, Table G–9. The table labeled ''San Joaquin Local Control Measures'' indicates the dates of rule adoption and implementation and the emission reductions presumed to occur by 1999. No reductions from local measures are assumed in the 15% ROP plan for 1996.

SAN JOAQUIN LOCAL CONTROL MEASURES

Rule No.	Control measure title	Implementing agency	Adoption date	Implementation date	Reductions	
					VOC	NO_X
1999 Emission Reductions						
4403 (VOC)	Components Serving Gas Production	SJVUAPCD	2Q/91	2Q/91	4.55	
4703	Stationary Gas Turbine Engines	SJVUAPCD	3Q/94	3Q/2000		11.92
4653	Adhesives	SJVUAPCD	1Q/94	1Q/95	1.3	
4623	Organic Liquid Staorage	SJVUAPCD	2Q/91	2Q/96	13.2	
	TCMs		Ongoing	Ongoing	1.8	1.5
4601	Architectural Coatings	SJVUAPCD	1Q/96	1Q/98	1.51	
4692	Commercial Charbroiling	SJVUAPCD	2Q/96	2Q/98	0.39	
4354	Glass Melting Furnaces	SJVUAPCD	1Q/96	4Q/99		2.87
4607	Graphic Arts	SJVUAPCD	4Q/95	4Q/97	0.84	
4642	Landfill Gas Control	SJVUAPCD	1Q/95	4Q/99	1.41	
4412	Oil Workover Rigs	SJVUAPCD	2Q/96	2q/98		0.87
4623	Organic Liquid Storage	SJVUAPCD	3Q/95	3q98	3.0	
4662	Organic Solvent Degreasing	SJVUAPCD	1Q/96	1Q/98	2.44	
4663	Organic Solvent Waste	SJVUAPCD	2Q/96	2Q/98	0.19	
4306	Small Boilers, Process Heaters and Steam Generators	SJVUAPCD	3Q/95	3Q/99		7.6
4611	Smaller Printer Operations	SJVUAPCD	4Q/95	4Q/97	0.30	
4702	Stationary IC Engines	SJVUAPCD	2Q/95	4Q/99		12.44
4621 & 4622	Stationary Storage Tanks/Fuel Transfer into Vehicle Tanks	SJVUAPCD	2Q/96	2Q/98	0.41	
	Waste Burning	ND	ND	ND		
4411	Well Cellars	SJVUAPCD	2Q/96	2Q/98	0.56	

(2) EPA Action

According to the State's submissions, these measures are relied upon in meeting the ROP and attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA proposes to approve, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures by the dates specified to achieve the emission reductions shown. EPA also proposes to assign credit to the measures for purposes of ROP and attainment. EPA approval of the adopted regulations will be completed in separate rulemakings in the future.

d. ROP Provisions.

(1) ROP Emission Targets

The SIP describes the VOC emissions to meet the ROP target and the VOC emissions with plan reductions (see the 1994 California Ozone SIP, Table G–7). Additional information regarding the ROP provisions is presented in the 1994 San Joaquin Valley Ozone Attainment Demonstration Plan, Table 2–1. A summary of the ROP VOC targets and the projected VOC emissions is provided below in the table labeled ''San Joaquin Valley ROP Forecasts and Targets.''

As the table shows, VOC reductions alone were not projected to be sufficient to meet the ROP target levels for milestone year 1999. Section 182(c)(2)(C) of the Act and EPA guidance allows reductions in NO_X emissions to be substituted for post-1996 VOC reductions so long as certain conditions are met (see discussion above in section II.C.1). The San Joaquin Valley plan meets those conditions and the corresponding NO_X reductions as substituted for VOC reductions are also shown in the table.

SAN JOAQUIN VALLEY ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone year	1996	1999
VOC Emissions to Meet ROP Target	433	383
VOC Emissions with Plan Reductions	430	430
NO_X Substitution in VOC Equivalents [18]	0	47

[18] See footnote 16.

The SIP includes a separate ROP analysis for the Kern District portion of the San Joaquin Valley.

SAN JOAQUIN VALLEY (KERN DISTRICT) ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone year	1996	1999
VOC Emissions to Meet ROP Target	13.2	11.7

SAN JOAQUIN VALLEY (KERN DISTRICT) ROP FORECASTS AND TARGETS—Continued

[Tons per summer day]

Milestone year	1996	1999
VOC Emissions with Plan Reductions	13.2	13.3
NO_X Substitution in VOC Equivalents	0	1.6

(2) 15% ROP Control Strategy

In general, only adopted measures may be relied upon in meeting the 15% ROP requirement. The San Joaquin Valley control strategy for the 15% ROP requirements, therefore, excluded all committed control measures listed in the table labeled ''Control Strategy for San Joaquin Valley.'' The description of adopted measures relied upon in providing for this requirement is in the San Joaquin Valley Ozone Attainment Demonstration Plan in Tables 4–1 and 3–2.

(3) Post-1996 ROP Control Strategy

According to the submitted plan, the post-1996 ROP control strategy includes all those measures relied upon for the 15% ROP demonstration, plus any measures for which emissions reductions are shown for milestones occurring after 1996, excluding

projected reductions from Federal measures.

(4) EPA Action

The San Joaquin Valley SIP meets the CAA requirements for 15% ROP and post-1996 ROP, including the requirement that the plan provide for achievement of the ROP target emission levels for all years. EPA therefore proposes to approve San Joaquin Valley's 15% ROP and post-1996 ROP plans under sections 182(b)(1) and 182(c)(2) of the Act.

e. Demonstration of Attainment. The San Joaquin Valley is classified as a serious nonattainment area for ozone (see 40 CFR 81.305). As a result, the SIP must contain adequate control measures to demonstrate attainment of the ozone NAAQS by 1999.

(1) Control Strategy

The San Joaquin Valley attainment demonstration includes all of the measures described earlier. The demonstration presumes the measures will be adopted and implemented as scheduled, resulting in the emission reductions shown.

(2) Modeling and Attainment Demonstration

The 1994 SIP describes the urban airshed modeling analysis performed to demonstrate that the control strategy described above will result in attainment. The attainment analysis is based on the model developed as part of the San Joaquin Valley Air Quality Study, and divides the nonattainment area into three subregions, and the Kern District portion. CARB notes that the model is being further refined and appropriate changes in the SIP may be made in the future.

The area was classified as serious based on a design value of .17 ppm, recorded at the Edison site. This was based on 1987–1989 data.

CARB applied the SARMAP Air Quality Model to develop the attainment demonstration for the San Joaquin Valley SIP. The SARMAP model is a nonhydrostatic version of the Regional Acid Deposition Model, with several modifications. The EPA approved UAM version IV was also applied to the domain for performance comparison. The SARMAP field study, conducted during the summer of 1990, provided an enhanced database of air quality and meteorological data, both at the surface level and aloft.

The model has been applied to one episode from the study period, August 5–6, 1990. The episode was chosen because it represents a typical regime conducive to relatively high ozone peaks. The peak ozone concentration for the episode was .16 ppm, compared to the design concentration of .17 ppm.

The EPA recommended statistical criteria for ozone were met for the episode using the SARMAP model. The predicted peak for the episode for the southern portion of the domain was .14 ppm, as compared to the measured concentration of .16 ppm, an underprediction of 13%. The predicted peak for the central portion of the domain was .152 ppm, compared to the predicted peak of .131 ppm, an overprediction of 16%. For the northern portion of the domain, a value of .137 ppm was predicted compared to the measured value of .150 ppm, an underprediction of 9%.

A summary of the emission reductions needed to attain the standard is provided below in the table labeled ''Emission Reductions Needed in the San Joaquin Valley,'' which is taken from the 1994 California Ozone SIP, Volume IV, Tables G–1, G–3, and G–5.

EMISSION REDUCTIONS NEEDED IN THE SAN JOAQUIN VALLEY

[Tons per summer day]

	North		Central		South	
	ROG	NO_X	ROG	NO_X	ROG	NO_X
1990 Baseline Emissions Inventory	129	124	126	115	217	367
Carrying Capacity	>129	>124	88	90	145	165
Reductions Needed	.....	.....	38	25	72	202

CARB's preliminary attainment calculations for the 3 subregions are provided below in the table labeled ''San Joaquin Valley Attainment Demonstration,'' which is taken from the 1994 California Ozone SIP, Volume IV, Tables G–2, G–4, and G–6.

SAN JOAQUIN VALLEY ATTAINMENT DEMONSTRATION

[Tons per summer day]

	North		Central		South	
	ROG	NO_X	ROG	NO_X	ROG	NO_X
Reductions from Adopted Measures	15	8	27	9	58	164
Committed Local Measures	5	.....	8	6	22	20
Committed State Measures	8	2	4	2	3	1
Total	28	11	39	16	83	185

For purposes of the attainment demonstration, the Kern District portion of the San Joaquin Valley was not separately modeled, under the assumption that attainment in this area should result primarily from upwind reductions achieved in the South San Joaquin sub-region.

(3) EPA Action

EPA believes that the San Joaquin Valley component of the 1994 SIP fulfills the CAA attainment demonstration requirements. EPA is therefore proposing to approve the San Joaquin attainment demonstration under section 182(c)(2)(A) of the Act.

f. Overall EPA Action. EPA proposes to approve fully the San Joaquin ozone SIP with respect to the Act's

requirements for emission inventories, control measures, and demonstrations of ROP and attainment.

5. Sacramento

a. Identification of Plans. The Sacramento Metropolitan Area nonattainment area includes 6 counties (whole and in part) and jurisdiction is divided among 5 local air pollution control agencies: the Sacramento Metro Air Quality Management District (SMAQMD), the Yolo-Solano Air Pollution Control District (YSAPCD), the Feather River Air Quality Management District (FRAQMD), the Placer County Air Pollution Control District (PCAPCD), and the El Dorado County Air Pollution Control District (ECAPCD). Each local air pollution control agency adopted and submitted the Sacramento Area Regional Ozone Attainment Demonstration Plan which was transmitted to CARB. On December 29, 1994, CARB then submitted the plan to EPA.

SACRAMENTO OZONE SIP ADOPTIONS

Agency	Date of adoption	Resolution No.
SMAQMD	Dec. 1, 1994	94–0014
YSAPCD	Dec. 14, 1994	94–28
FRAQMD	Dec. 12, 1994	1994–13
PCAPCD	Dec. 20, 1994	94–07
ECAPCD	Dec. 13, 1994	321–94

b. 1990 Base Year and Projected Inventories. The Sacramento Area ozone attainment plan provides detailed estimates of 1990 emissions from all VOC and NO_X sources in the Sacramento nonattainment area in 1990. These base year inventories are summarized in the table labeled ''1990 Sacramento Area SIP Inventories.'' [19] A discussion of these inventories and of EPA's proposed action can be found in section II.C.1.c. of this notice.

1990 SACRAMENTO AREA SIP INVENTORIES

[Tons per summer day]

Category	ROG	NO_X
Stationary	88	12
Mobile	134	151
On-road	110	118
Off-road	24	34
Total	222	164

c. SIP Control Measures.

(1) Description

The State of California and the local air districts in Sacramento Area have already adopted many measures which will contribute to the necessary emissions reductions for meeting 15% ROP, post-1996 ROP, and attainment requirements. In addition, the 1994 SIP describes a series of rules that the Sacramento Area air pollution control districts have committed to adopt in order to reduce VOC and NO_X emissions in the Sacramento Area. The table labeled ''Sacramento Local Control Measures'' describes the dates by which the plans presume adoption and implementation, and the emission reductions presumed to occur by each milestone, from 1999 through the attainment year (2005), to the extent that information was available in the submitted plan.

SACRAMENTO LOCAL CONTROL MEASURES

[Tons per day]

VOC control measure title	Implementing agency	Adoption date	Implementation date	Emission reductions		
				1996	2002	2005
ROG Control Measures						
Adhesives	ECAPCD	2/95	1996	1.2	1.3	1.4
	PCAPCD	2/95				
	SMAQMD	5/95				
	YSAPCD	Adopted '94				
Architectural Coatings	ECAPCD	Adopted	1996	0.9	1.3	1.6
	PCAPCD	4/95				
	Amendment to existing rule SMAQMD.	Adopted				
	YSAPCD	3/95				
Auto Refinishing	ECAPCD	Adopted '94	1996	2.1	2.6	3.2
	PCAPCD	Adopted '94				
	SMAQMD	5/95				
	YSAPCD	Adopted '94				
Fugitive HC Emissions	ECAPCD	4/95	1999	1.4	1.4	1.4
	PCAPCD	Adopted				
	SMAQMD	Adopted				
	YSAPCD	Adopted 5/94				
Graphic Arts	ECAPCD	Adopted 9/94	June 1995	0.4	0.5	0.5
	PCAPCD	11/94				
	SMAQMD	'81, '93				
	YSAPCD	Adopted 5/94				

[19] More detailed summaries of this inventory can be found in the 1994 Sacramento Area Regional Ozone Attainment Demonstration, tables C–1 and C–2.

SACRAMENTO LOCAL CONTROL MEASURES—Continued

[Tons per day]

VOC control measure title	Implementing agency	Adoption date	Implementation date	Emission reductions		
				1996	2002	2005
Landfill Gas Control	ECAPCD	12/94	1996	1.2	1.2	1.2
	PCAPCD	Adopted	1996.			
	SMAQMD	2/95	1997.			
	YSAPCD	Adopted	1996.			
Pleasure Craft Coating Operations	ECAPCD	4/96	1996–1999	0.2	0.2	0.2
	PCAPCD	12/94				
	SMAQMD	1998				
	YSAPCD	Adopted				
Pleasure Craft Refueling	ECAPCD	3/98	1999	0.1	0.1	0.2
	PCAPCD	3/98				
	SMAQMD	3/98				
	YSAPCD	3/98				
Polyester Resin Operations	ECAPCD	2/96	1997	0.2	0.2	0.2
	PCAPCD	1/96	1997.			
	SMAQMD	1998	1999.			
	YSAPCD	Adopted '93				
Semiconductor Mfg	PCAPCD others?.	2/95	1996	0.1	0.2	0.2
SOCMI Distillation/Reactors	SMAQMD others?.	9/95	1997	1.4	1.5	1.6
Surface Preparation and Cleanup	ECAPCD	2/95	1996	3.0	3.3	3.6
	PCAPCD	2/95				
	SMAQMD	2/95				
	YSAPCD	Adopted 5/94				
Vents on Underground Gasoline Storage Tanks	SMAQMD	2/95	1995	0.1	0.2	0.2
	YSAPCD	1/95				
	(Both amend current rules).					
Wood Products Coatings	ECAPCD	2/95	1996	0.5	0.5	0.5
	PCAPCD	Adopted 11/94	1996.			
	SMAQMD	Adopted 11/94	1996.			
	YSAPCD	Adopted 11/94				
Regional NO_X Control Measures						
Boilers and Steam Generators	ECAPCD	Adopted '94	1996–1997	0.8	0.9	1.0
	PCAPCD	Adopted '94				
	SMAQMD	2/95				
	YSAPCD	Adopted '94				
Gas Turbines	PCAPCD	Adopted 10/94	1997	0.2	0.3	0.3
	SMAQMD	2/97				
	YSAPCD	5/94				
Internal Combustion Engines	ECAPCD	Adopted '94	Phased in 1997.	0.3	0.4	0.5
	PCAPCD	12/95				
	SMAQMD	2/95				
	YSAPCD	Adopted '94				
Residential Water Heaters	ECAPCD	1996	1995–1997	0.3	0.4	0.5
	PCAPCD	12/95				
	SMAQMD	1996				
	YSAPCD	Adopted 11/94				
Woodwaste Boilers	PCAPCD	5/95	???	???	?	?
Mobile NO_X Measures:						
1. Off-Road Heavy Duty Vehicles	All	12/95	1/97	2.0	3.0	5.0
2. On-Road Heavy Duty Vehicles						

(2) EPA Action

According to the State's submissions, these measures are relied upon in meeting the post-1996 ROP and attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA proposes to approve, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures by the dates specified to achieve the emission reductions shown. EPA also proposes to assign credit to the measures for purposes of post-1996 ROP and attainment. EPA approval of the adopted regulations will be completed in separate rulemakings in the future.

d. Rate of Progress.

(1) ROP Emission Targets

The 1994 SIP describes the VOC emission reductions needed to meet ROP requirements based on Sacramento's adjusted 1990 base year

inventories.[20] The SIP also provides emission estimates for the ROP milestone years by projecting the impact of the control strategy and of anticipated changes in population, industrial activity, and other socio-economic factors. A summary of the ROP VOC targets and the projected VOC emissions is provided below in the table labeled ''Sacramento ROP Forecasts and Targets.''

As the table shows, VOC reductions alone were not projected to be sufficient to meet the ROP target levels for milestone years after 1996. As discussed earlier (section II.C.1.c.), the Clean Air Act allows substitution of reductions in NO_X emissions for VOC reductions so long as certain conditions are met. The Sacramento Area plan meets those conditions and the corresponding NO_X reductions are also shown in the table below labeled ''Sacramento ROP Forecasts and Targets.''

SACRAMENTO ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone year	1996	1999	2002	2005
1990 Base Year VOC Inventory	211	211	211	211
VOC Inventory Projection	175	167	163	159
ROP VOC Target	162	142	124	107
Preliminary VOC Shortfall	13	25	39	52
VOC Reductions from Committal Measures	0	19	23	14
Total VOC Shortfall	13	6	16	38
NO_X Substitution in VOC Equivalents [21]	13	6	16	38

[21] See footnote 16.

(2) 15% ROP Control Strategy

On November 15, 1993, CARB submitted to EPA a ROP plan intended to demonstrate that VOC emissions would be reduced by 15% by 1996. EPA determined that this ROP plan was incomplete because it relied on controls not yet adopted in regulatory form. Appendix G of the 1994 SIP submittal updates Sacramento's 1993 ROP plan. EPA has deemed this plan complete. EPA will act on the Sacramento Area's 15% ROP submittal in separate rulemaking.

(3) Post-1996 ROP

Appendix G of the Sacramento Area Regional Ozone Attainment Plan provides detailed information on the ROP emissions reductions from 1996 to 2005. The following summary can be found at Table G–1 of the Sacramento Area Regional Ozone Attainment Plan and provides a general summary of how the expected ROP reductions will be met.

(4) EPA Action

EPA believes that the Sacramento area component of the 1994 SIP meets the CAA requirements for post-1996 ROP. EPA is, therefore, proposing to approve the Sacramento area's post-1996 ROP plan under section 182(b)(2) of the Act. EPA will act on Sacramento's 15% ROP Plan in separate rulemaking.

e. Attainment of the Ozone NAAQS. The Sacramento Area is classified as a severe nonattainment area for ozone. As a result, the SIP must contain adequate control measures and commitments to demonstrate attainment of the ozone NAAQS by 2005.

(1) Control Strategy

The control strategy for the Sacramento Area's SIP attainment demonstration includes all of the State measures and the local measures identified in the Table labeled ''Sacramento Local Control Measures.'' The demonstration presumes the measures will be adopted and implemented by the dates shown, resulting in the emission reductions shown.

(2) Modeling and Attainment Demonstration

The 1994 SIP describes urban airshed modeling analysis performed to demonstrate that the control strategy will result in ozone NAAQS attainment. A summary of the emission reductions needed to attain the standard is provided below in the table labeled ''Emission Reductions Needed in Sacramento,'' taken from Table D–1 in Volume IV of the 1994 California Ozone SIP.

EMISSION REDUCTIONS NEEDED IN SACRAMENTO

[Tons per summer day]

	ROG	NO_X
1990 Baseline Emissions Inventory	222	164
Attainment Inventory	137	98
Reductions Needed	85	66

A summary of the emission reductions projected from the SIP control strategy is provided below in the table labeled ''Sacramento Attainment Demonstration,'' which is based on Table D–2 from Volume IV of the 1994 California Ozone SIP.

SACRAMENTO ATTAINMENT DEMONSTRATION

[Tons per summer day]

	VOC	NO_X
Reductions from Adopted Measures	55	40
Committed Local Measures	17	7
Committed State Measures	15	14
Reductions from National Measures [1]	1.6	4.3
Total	88.6	65.3

[1] Credit shown is EPA's estimate of reductions from statutorily-mandated national rules.

Based on the Sacramento Area's classification as a severe ozone nonattainment area and the results of an Urban Airshed Modeling analysis, Sacramento must reduce its 2005 emissions inventory to 137 tons per day of VOC and 98 tons per day of NO_X in order to demonstrate attainment of the NAAQS. The expected emissions reductions from the combination of adopted measures and commitments to adopt measures listed above and in the Sacramento's 1994 Regional Ozone Attainment Plan will achieve the necessary reductions to meet the attainment targets.

The Sacramento area was classified as a serious ozone nonattainment area based on a design value of .16 ppm, recorded at the Folsom station. This was based on 1987–1989 data; the 1990–1992 value was also .16 ppm. Exceedances of the ozone NAAQS occur in the Sacramento area about 6 to 10 times per year.

[20] See the Sacramento Area Regional Ozone Attainment Plan, Tables G–1, G–2 and G–3 for ROP targets and lists of measures included in meeting those targets.

In order to simulate air quality for the SIP and other planning needs, CARB and the Sacramento local agencies started planning the Sacramento Area Ozone Study (SAOS) early in 1989, with intensive data collection performed during the summer of 1990. This involved an extended network of air quality and meteorological instruments, including on airplanes, to measure ozone and its precursors and the meteorological inputs needed for UAM. The Sacramento Modeling Advisory Committee (SMAC) was established for technical oversight of the modeling effort, and included regulatory, industry, and environmental group participants. CARB and its contractor, Systems Applications International, prepared a modeling protocol which was accepted by EPA as meeting EPA Guideline requirements.

Two episodes were selected for modeling from those recorded during the field study. Ozone maxima occurred in the Interstate 50 and in the Interstate 80 corridors, downwind (east and northeast) of Sacramento. While the observed ozone peaks were less than the design value of .16 ppm, they were high enough to meet EPA guidelines for episode selection, especially considering the excellent database available for analysis. They had features typical of urban ozone episodes, including temperatures exceeding 100 °F, low wind speeds, and a temperature inversion that tended to trap pollutants near the ground. After extensive diagnostic simulations and refinement of model inputs, a base case was developed for the July 11–13, 1990 episode. While not outstanding, the model performance statistics were well within the goals set in EPA's Guideline. This episode's performance was judged adequate for determining emission reduction targets.

A second episode, August 8–10, 1990, was strongly affected by upper air transport of pollutants into the area. Only limited data was available on this transported pollution, so it was difficult to set boundary conditions for the model. In addition, the source areas were not certain; the San Francisco Bay Area, the San Joaquin Valley, and recirculation from Sacramento itself are all possible sources for the pollutant influx. For these reasons, an attainment demonstration using this episode would be of little value and, after consultation with EPA, the State did not pursue it.

Sacramento and the San Francisco Bay area are included within the modeling domain of the SARMAP study, conducted for the San Joaquin Valley nonattainment area. Ideally, modeling of transport should be performed with both upwind and downwind areas in the same modeling domain, as was the case here. Although the SARMAP episodes were not chosen with a Sacramento attainment demonstration in mind, there is significant transport to Sacramento in the San Joaquin Valley modeling. Since that modeling showed attainment throughout the whole domain, including Sacramento, EPA deems that attainment under transport conditions has been addressed for Sacramento. Should additional information analyses be performed for these areas, the issue of transport to Sacramento will need to be revisited.

Using 2005 and boundary conditions and a projected emission inventory without additional emission controls, the ozone peak was simulated to be .134 ppm. Additional controls, giving reductions relative to the 1990 baseline of 34% VOC and 40% NO_X, brought emissions under the carrying capacity of 137 tpd of VOC and 98 tpd of NO_X, and brought the ozone peak down to .124 ppm, thus demonstrating attainment of the ozone NAAQS.

(3) EPA Action

EPA believes that the Sacramento Area component of the 1994 SIP fulfills the CAA attainment demonstration requirements. EPA is therefore proposing to approve, under section 182(c)(2)(A) of the Act, the Sacramento Area attainment demonstration.

f. Overall EPA Action. EPA proposes to approve fully the Sacramento Area ozone SIP with respect to the Act's requirements for emission inventories, control measures, and demonstrations of post-1996 ROP and attainment. EPA will take action separately on Sacramento's 15% ROP provisions.

6. Ventura

a. Identification of Plan. On November 8, 1994, the Ventura County Air Pollution Control District (VCAPCD) adopted Ventura's 1994 Air Quality Management Plan (AQMP). On November 15, 1994, CARB modified the AQMP and adopted it as the local element of the 1994 California Ozone SIP, which CARB then submitted to EPA to comply with ROP and attainment demonstration requirements of the Act.[22]

b. 1990 Base Year Inventories. The SIP provides detailed estimates of the actual VOC and NO_X emissions that occurred in Ventura in 1990. These base year inventories are summarized in the table below, labeled ''1990 Ventura SIP Inventories.'' A more specific breakdown of 1990 base year emissions can be found in Tables 9–3 and 9–4 of the 1994 AQMP. A discussion of these inventories and of EPA's proposed action on them can be found in section II.C. of this notice.

1990 VENTURA SIP INVENTORIES

[Tons per summer day]

Category	ROG	NO_X
Stationary	44	18
Mobile	41	55
Outer Continental Shelf[23]	2	8
Total	87	81

[23] OCS emissions are included because they are included in the modeled attainment demonstration.

c. SIP Control Measures.

(1) Description

The 1994 AQMP (Tables 6–1 and 6–2) and 1994 California Ozone SIP (Volume IV, Table E–6) describe a series of rules that the VCAPCD has adopted or committed to adopt in order to reduce ROG and NO_X emissions in Ventura. Control measures not already adopted at the time of the plan submittal are listed below in the table labeled ''Ventura Local Control Measures.'' The table describes not only the dates by which the plans presume adoption and implementation, but the emission reductions presumed to occur by each milestone, to the extent that information was available in the submitted plan. The information contained in the table below reflects revisions in Ventura's recently adopted 1995 Air Quality Management Plan, adopted on December, 19, 1995. The 1995 Plan slightly revised adoption dates, implementation dates, and reductions for numerous district measures already contained in the 1994 SIP. These revisions will have no adverse impact on ROP or attainment. Although these revisions have not been formally submitted from CARB to EPA at this time, CARB has indicated to EPA that they intend to submit the revised adoption and implementation dates prior to EPA's final action on the plan.

[22] November 15, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA, forwarding the Ventura AQMP and CARB Board Resolution No. 94–62 approving the Ventura plan. The Ventura submittal includes a November 8, 1994 letter from Richard Baldwin (VCAPCD) to James Boyd (CARB) forwarding the 1994 Ventura AQMP and the VCAPCD Board Resolution approving the AQMP.

VENTURA LOCAL CONTROL MEASURES

[Tons per day]

Rule No.	Control measure	Adoption date	Implementation date	ROG/NO_X reductions [1]			
				1996	1999	2002	2005
N–101	Gas Turbines	3/95	4/97	0.0	0.45	0.47	0.49
N–102	Boilers, Steam generators, Heaters, <1 mmbtu.	6/96	1/97	0.0	0.05	0.06	0.06
R–105	Glycol Dehydrators	12/94	7/96	0.41	0.73	0.65	0.57
R–317	Clean-up Solvents and Solvent Wastes	12/95	7/96	1.45	1.57	1.67	1.76
R–322	Painter Certification	6/97	12/97–12/98	0.0	0.48	0.51	0.53
R–324	Screen Printing Operations	6/96	6/97	0.0	0.29	0.30	0.31
R–327	Electronic Component Manufacture	6/96	7/97	0.0	0.07	0.07	0.08
R–403	Vehicle Gas Dispensing—Phase II	5/95	1/96	0.24	0.22	0.22	0.23
R–410	Marine Tanker Loading	6/96	7/97	0.0	0.0	0.0	0.0
R–419	Tank Degassing Operations	11/94	3/95	0.04	0.03	0.03	0.02
R–420	Pleasure Craft Fuel Transfer	6/97	7/98	0.0	0.08	0.08	0.08
R–421	Utility Engine Refueling Operations	9/96	9/97	0.0	0.19	0.20	0.20
R–424	Gasoline Transfer/Dispensing	5/95	1/96	0.01	0.03	0.04	0.04
R–425	Enhanced Fugitive I/M Program	12/95	5/97	1.45	1.21	1.07	0.95
R–606	Soil Decontamination	9/95	9/95	0.10	0.10	0.10	0.11

[1] ''R'' refers to ROG control measures, ''N'' refers to NO_X control measures. The reduction estimates were taken from the 1994 Ventura County AQMP (Tables 11–1 and 11–2). The reductions do not reflect the most recent estimates in the 1995 AQMP revision. In addition, the table does not include measure R–303, Architectural Coatings. Overall, the revised reduction estimates do not negatively impact ROP or attainment. If a SIP revision with the revision reduction estimates and measure R 303 is submitted before EPA's final action, EPA proposes to approve it without further opportunity for public comment.

(2) EPA Action. According to the State's submissions, these measures are relied upon in meeting the ROP and attainment requirements of the Act. Accordingly, and because the measures strengthen the SIP, EPA proposes to approve, under sections 110(k)(3) and 301(a) of the Act, the enforceable commitments to adopt and implement the control measures by the dates specified to achieve the emission reductions shown. EPA also proposes to assign credit to the measures for purposes of ROP and attainment. EPA approval of the adopted regulations will be completed in separate rulemakings in the future.

d. ROP Provisions.

(1) ROP Emission Targets

The 1994 AQMP (Chapter 11) and Volume IV of the CA SIP (Table E–3) describe the VOC emission reductions needed to meet ROP requirements based on Ventura's adjusted 1990 base year inventories. The SIP also provides emission estimates for the ROP milestone years by projecting the impacts of the control strategy and of anticipated changes in population, industrial activity, and other socio-economic factors. A summary of the ROP VOC targets and the projected VOC emissions is provided below in the table labeled ''Ventura ROP Forecasts and Targets.'' [24]

The VOC reductions alone were not projected to be sufficient to meet the ROP target levels for milestone years after 1996. As discussed earlier (section II.B.1.b.iii.), reductions in NO_X emissions may be substituted for VOC reductions so long as certain conditions are met. The Ventura plan meets those conditions and the corresponding NO_X reductions substituted for VOC reductions are also shown in the table.

VENTURA ROP FORECASTS AND TARGETS

[Tons per summer day]

Milestone year	1996	1999	2002	2005
1990 Base Year VOC Inventory	85	85	85	85
VOC Inventory after Adopted Measures	64	61	58	56
ROP VOC Target	69	60	53	46
VOC Inventory Including Committals	64	61	58	56
VOC Shortfall	0	1	5	10
NO_X Substitution in VOC Equivalents [25]	0	1	5	10

(2) 15% ROP Control Strategy

In general only adopted measures may be relied upon in meeting the 15% ROP requirement. The Ventura control strategy for the 15% ROP requirement, therefore, excluded all committed control measures listed in the table above labeled ''Ventura Local Control Measures.'' The description of adopted measures relied upon in providing for this requirement is in the 1994 AQMP in Tables 6–1, 6–2, 11–1, and 11–2.

(3) Post-1996 ROP Control Strategy

According to the submitted plan, the post-1996 ROP control strategy includes all those measures relied upon for the 15% ROP demonstration, plus any measures for which emissions reductions are shown for milestones after 1996.

(4) EPA Action

EPA believes that the Ventura component of the 1994 SIP meets the CAA requirements for 15% ROP and post-1996 ROP. EPA is, therefore, proposing to approve Ventura's ROP plan under sections 182(b)(1) and 182(c)(2) of the Act.

e. Demonstration of Attainment. Ventura County is classified as a severe nonattainment area for ozone. As a result, the SIP must contain adequate control measures and commitments to demonstrate attainment of the ozone NAAQS by 2005.

(1) Control Strategy

The control strategy for Ventura's SIP attainment demonstration includes the State and local measures identified above. The demonstration presumes the measures will be adopted and implemented by the dates shown, resulting in the emission reductions shown.

[24] See 1994 SIP, Tables 11–3 through 11–14, and California Ozone SIP, page IV–33.

[25] See footnote 16.

(2) Modeling and Attainment Demonstration

The UAM analysis described below demonstrates that the control strategy discussed above will result in attainment of the ozone NAAQS. A summary of the emission reductions needed to attain the standard is provided below in the table labeled ''Emission Reductions Needed in Ventura,'' derived from the 1994 California Ozone SIP, Volume IV, Table E–1. Since the November 1994 submittal, additional modeling refinements and technical clarifications have resulted in a revised estimate of the reductions needed for attainment. These technical clarifications to the 1994 SIP were submitted to EPA by CARB on February 6, 1996.[26] The summary table below reflects the revised reductions needed for attainment.

EMISSION REDUCTIONS NEEDED IN VENTURA

[Tons per summer day]

	ROG	NO_X
1990 Baseline Emissions Inventory	87	81
Attainment Inventory	45	52
Reductions Needed	42	29

A summary of the emission reductions projected from the SIP control strategy is provided below in the table labeled ''Ventura Attainment Demonstration,'' taken from the 1994 California Ozone SIP, Volume IV, Table E–2. As described above, the table below reflects the revised estimate of the reductions needed.

VENTURA ATTAINMENT DEMONSTRATION

[In tons per summer day]

	ROG	NO_X
Reductions from Adopted Measures	30	24
Committed Local Measures	5	1
Committed State Measures	6	4
Reductions from National Measures [1]	1	1
Total	42	30

[1]Credit shown is EPA's estimate of reductions from statutorily-mandated national rules.

The Ventura area is classified as a Severe ozone nonattainment area based on a design value of .174 ppm, recorded at the Simi Valley and based on 1987–1989 data.

Ventura's photochemical modeling analysis was based on two episodes, September 5–7, 1984 and September 16–17, 1984. The episodes were selected from the period for which an enhanced database was available from the 1984 South Central Coast Cooperative Aerometric Monitoring Program. The peak measured concentration for the September 5–7 episode was .18 ppm, measured at the Casitas Pass site. The episode was representative of widespread, high ozone. The peak measured concentration for the September 16–17 episode was .14 ppm, also measured at Casitas Pass. The episode represents an episode with less transport of ozone and precursors from the South Coast Air Basin.

For the 1994 AQMP, VCAPCD and their contractor used the UAM Version IV for the photochemical modeling exercise. The Diagnostic Wind model was used to generate meteorological input to the model. A discussion of the modeling can be found in Chapter 10 of the 1994 AQMP. The modeling was submitted as part of the November 1994 SIP.

In 1994–5, CARB staff refined the modeling application by reviewing and modifying the input files to better reflect the most accurate information for the Ventura nonattainment area. These refinements and improvements are detailed in CARB's report, ''Revisions to the Base Case and Future Year Urban Airshed Model Simulations for Ventura County in Support of the 1994 State Implementation Plan.'' The report reflects improvements made to the previous modeling submitted as part of the 1994 SIP. The modeling improvements were submitted by CARB on February 6, 1996. The TSD contains information regarding the performance of the improved model application for the peak days of the episode. The performance of the model meets EPA criteria.

The revised model application predicted peak ozone concentrations in the year 2005 of .12 ppm for the September 5–7 episode and .11 ppm for the September 16–17 episode.

(3) EPA Action

EPA has determined that the Ventura attainment demonstration meets CAA requirements. EPA is therefore proposing to approve the Ventura modeling and attainment demonstration under section 182(c)(2)(A) of the Act.

f. Overall EPA Action. EPA proposes to approve the Ventura ozone SIP with respect to the Act's requirements for emission inventories, control measures, modeling, and demonstrations of 15% ROP and post-1996 ROP and attainment.

7. South Coast

a. Identification of Plans. On September 9, 1994, the SCAQMD Governing Board adopted the South Coast 1994 Air Quality Management Plan (AQMP). On November 15, 1994, CARB modified the AQMP and adopted the ozone attainment, ozone ROP, and particulate matter (PM–10) Best Available Control Measures (BACM) component of the AQMP, which CARB then submitted to EPA to comply with ROP, attainment demonstration, and other requirements of the Act.[27] On December 9, 1994, CARB submitted further revisions to the 15% ROP plan.[28]

b. 1990 Base Year Inventories. The SIP provides detailed estimates of the VOC and NO_X emissions that occurred in the South Coast in 1990. These base year inventories are summarized in the table below labeled, ''1990 South Coast SIP Inventories.'' [29] A discussion of these inventories and of EPA's proposed action on them can be found in section II.C.1.a. of this notice.

[26] Prior to the February 6, 1996 CARB letter, EPA, CARB, and Ventura County APCD agreed on the need to clarify the attainment demonstration and federal assignments in the 1994 SIP submittal. This clarification was necessary because of two principle factors. Recent modeling indicated that moving the shipping channel was no longer essential for attainment of the ozone NAAQS in Ventura County and, on December 19, 1995, Ventura County adopted revisions to their AQMP which removed the measure requiring movement of the shipping channel.

[27] November 15, 1994 letter from Jacqueline Schafer, CARB, to Felicia Marcus, EPA, forwarding 1994 California SIP. The SIP includes a November 15, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA, forwarding the South Coast AQMP component of the SIP and CARB Board Resolution No. 94–61 approving the South Coast component. The South Coast component includes an October 6, 1994 letter from James M. Lents (SCAQMD) to James Boyd (CARB) forwarding the 1994 South Coast AQMP and the SCAQMD Board Resolution 94–36 approving the AQMP.

[28] On November 15, 1993, CARB submitted to EPA a rate-of-progress plan intended to demonstrate that 1990 VOC emissions would be reduced by at least fifteen percent by 1996 pursuant to Section 182(b)(1) of the Act. On April 13, 1994, EPA determined that this ROP plan was incomplete because it relied on controls not yet adopted in regulatory form. The 1994 SIP updates South Coast's 1993 ROP plan in order to correct this deficiency.

[29] More detailed summaries of this inventory can be found in Appendices III–A and III–B of the 1994 AQMP.

1990 SOUTH COAST SIP INVENTORIES

[Tons per summer day]

Category	VOC	NO_X
Stationary	666	245
Mobile	851	1116
Total	1517	1361

c. SIP Control Measures.

(1) Description

The State of California and the South Coast have already adopted many measures which will contribute to the necessary emissions reductions for meeting the 15% ROP and post-1996 ROP and attainment requirements. In addition, the 1994 SIP describes a series of rules that the South Coast has committed to adopt in order to reduce VOC and NO_X emissions in the area. The table labeled ''South Coast Local Control Measures'' describes the dates by which the plan presumes adoption and implementation, and the emission reductions presumed to occur by each milestone, every 3 years from 1996 through the attainment year (2010), to the extent that information was available in the submitted plan.[30] No reductions from local measures are assumed in the 15% ROP plan for 1996. The SCAQMD committed to adopt specific enforceable measures by the date specified in the table, or within 1 year after the date of approval of the ozone plan, whichever is earlier.

[30] 1994 CARB Ozone SIP, Volume IV, Table A–5; CARB Ozone SIP Emission Reductions for South Coast; 1994 AQMP, Appendix I–C, Post-1996 Federal Clean Air Act Requirements—Detailed Calculations.

SOUTH COAST LOCAL CONTROL MEASURES

[Tons per day of VOC/NO_X]

Control measure No.	Control measure title	Implementing agency	Adoption date	Implementation dates	1996	1999	2002	2005	2008	2010
CTS–01	VOC RECLAIM	SCAQMD	1995	1998–2010						
CTS–02	Emission Reductions from Solvents and Coatings at Non-RECLAIM Sources.	SCAQMD	1997	1998–2005	0/0	25.0/0	58.1/0	80.9/0	88.3/0	92.8/0
CTS–03	Consumer Product Labeling Program	SCAQMD		1998–2005	0/0	0/0	0/0	0/0	0/0	0/0
CTS–04	Public Awareness/Education Programs—Area Sources	SCAQMD		1997–1997	0/0	0/0	0/0	0/0	0/0	0/0
CTS–05	Further Emission Reductions from Perchloroethylene Dry Cleaning Operations.	SCAQMD	1994	1996–1996	2.14/0	2.49/0	2.73/0	2.9/0	2.99/0	2.99/0
CTS–07	Further Emission Reductions from Architectural Coatings (Rule 1113).	SCAQMD	1997	2001–2006	0/0	0/0	27.49/0	40.5/0	60.65/0	62.26/0
FUG–01	Emission Reductions from Organic Liquid Transfer	SCAQMD	1995	1996–1996	4.42/0	4.96/0	5.11/0	5.01/0	4.98/0	4.98/0
FUG–02	Emission Reductions from Active Draining of Liquid Products	SCAQMD	1995	1996–1996	5.08/0	5.52/0	5.73/0	5.49/0	5.05/0	4.76/0
FUG–03	Further Emission Reductions from Floating Roof Tanks	SCAQMD	1996	1998–1998	0/0	0/0	0/0	0/0	0/0	0/0
FUG–04	Further Emission Reductions of Fugitive Emissions	SCAQMD	1997	2000–2010	0/0	0/0	.75/0	.75/0	.75/0	.75/0
RFL–01	Emission Reductions from Utility Engine Refueling Operations	SCAQMD	1997	2000–2010	0/0	0/0	.04/0	.04/0	.05/0	.06/0
RFL–02	Further Emission Reductions from Gasoline Dispensing Facilities.	SCAQMD	1995	1996–1997	1.96/0	4.94/0	5.06/0	5.2/0	5.44/0	5.58/0
RFL–03	Emission Reductions from Pleasure Boat Fueling Operations	SCAQMD	1995	1996–1996	.74/0	.77/0	.80/0	.83	.86/0	.88/0
CMB–01A	Control of Emissions from Miscellaneous Combustion	SCAQMD	1997	1998–2000	0/0	0/.75	0/.79	0/.87	0/.89	0/.97
CMB–01B	Control of Emissions from Small Boilers and Process Heaters	SCAQMD	1997	1998–2000	0/0	0/.12	0/.26	0/.26	0/.28	0/.28
CMB–01C	Control of Emissions from Curing and Drying Ovens	SCAQMD	1997	1998–2000	0/0	0/.45	0/.47	0/.52	0/.53	0/.57
CMB–01D	Control of Emissions from Afterburners	SCAQMD	1997	1998–2000	0/0	0/0	0/.52	0/.55	0/.60	0/.65
CMB–01E	Control of Emissions from Metal Melting Furnaces	SCAQMD	1997	1998–2000	0/0	0/0	0/.06	0/.06	0/.06	0/.08
CMB–01F	Further Emission Reductions from Internal Combustion Engines	SCAQMD	1997	1998–2008	0/0	3.36/4.91	3.79/4.64	4.31/3.78	4.71/2.46	4.81/1.4
CMB–02A	Control of Emissions from Miscellaneous Combustion	SCAQMD	1997	1998–2000	0/0	0/3.87	0/4.21	0/4.56	0/4.92	0/5.16
CMB–02B	Control of Emissions from Small Boilers and Process Heaters	SCAQMD	1997	1998–2000	0/0	0/1.34	0/2.98	0/3.19	0/3.40	0/3.55
CMB–02C	Control of Emissions from Curing and Drying Ovens	SCAQMD	1997	1998–2000	0/0	0/1.11	0/1.08	0/1.15	0/1.21	0/1.26
CMB–02F	Further Controls of Emissions from Internal Combustion Engines.	SCAQMD	1997	1998–2008	0/0	1.52/6.83	1.74/6.62	1.99	2.19	2.29/2.20
CMB–03	Area Source Credits for Commercial and Residential Combustion Equipment.	SCAQMD	1995	1997–2000	0/0	0/0	0/0	0	0	0
CMB–04	Area Source Credits for Energy Conservation	SCAQMD	1995	1997–2000	0/0	0/0	0/0	0	0	0
CMB–05	Clean Stationary Fuels	SCAQMD	1995	1996–2008	0/0	1.22/1.01	2.27/1.76	3.53	3.99	4.09
CMB–06	Emission Standard for New Residential and Commercial Water Heaters.	SCAQMD/ local govts	1994	1996–2002	0/.56	0/2.28	0/7.21	0	0	0
CMB–07	Emission Reductions from Petroleum Refinery Flares	SCAQMD	1997	1999–1999	0/0	0/0	0/0	0	0	0
CMB–10	Emission Reductions from Glass Melting Furnaces (Non-RECLAIM).	SCAQMD	1995	1998–1998	0/0	0/.41	0/.42	0	0	0
CMB–11	Emission Reductions from Non-RECLAIM Incinerators	SCAQMD	1995	1996	0/.64	0/.72	0/.68	0	0	0
MSC–01	Promotion of Lighter Color Roofing and Road Materials and Tree Planting.	SCAQMD/ local govts		1996–1998	0/0	0/0	0/0	0/0	0/0	0/0
MSC–02	In-Use Compliance Program for Air Pollution Control Equipment.	SCAQMD	1996	1997–1997	0/0	0/0	0/0	0/0	0/0	0/0
PRC–02	Further Emission Reductions from Bakeries	SCAQMD	1996	1998–2001	0/0	.24/0	.64/0	.68/0	.72/0	.75/0
PRC–03	Emission Reductions from Restaurant Operations	SCAQMD	1994	1996–2001	1.23/0	8.55/0	10.77/0	11.14/0	11.49/0	11.7/0
PRC–04	Emission Reductions from Rubber Products Manufacturing	SCAQMD	1996	1997–1997	0/0	.13/0	.13/0	.13/0	.13/0	.13/0
PRC–05	Emission Reductions from Malt Beverage Production Facilities and Wine or Brandy Making Facilities.	SCAQMD	1996	1997–1997	0/0	0/0	0/0	0/0	0/0	0/0
SIP–01	SIP Amendments—for Miscellaneous Sources	SCAQMD	(1)	1998–1998	0/0	.06/0	.06/0	.06/0	.05/0	.05/0
WST–01	Emission Reductions from Livestock Waste	SCAQMD	1995	1996–2003	5.63/0	8.39/0	8.86/0	9.31/0	9.77/0	10.07/0
WST–02	Emission Reductions from Composting of Dewatered Sewage Sludge.	SCAQMD	1997	1998–2000	0/0	0/0	0/0	0/0	0/0	0/0
WST–03	Waste Burning		1996	1998–1998	.7/0	.7/0	.7/0	.6/0	.06/0	.06/0
WST–04	Disposal of Materials Containing Volatile Organic Compounds		1996	1998–2001	0/0	.8/0	2.12/0	2.21/0	2.31/0	2.37/0
TCM–01	Transportation Improvements	SCAG	1997	2000–2010	0/0	0/0	0/0	0/0	0/0	0/0
ISR–01	Special Event Centers (SCAG Measure TCM #10)	SCAQMD/ local govts	1995	1997–2010	.9/1.03	.77/.84	1.4/1.67	1.07/1.43	.81/1.26	1.33/2.27

SOUTH COAST LOCAL CONTROL MEASURES—Continued

[Tons per day of VOC/NO_X]

Control measure No.	Control measure title	Implementing agency	Adoption date	Implementation dates	1996	1999	2002	2005	2008	2010
ISR–02	Shopping Centers (SCAG Measure TCM #11)	SCAQMD/ local govts	1996	1997–2010	0/0	1.36/1.5	2.30/2.73	1.75/2.35	1.34/2.07	1.69/2.89
ISR–03	Registration and Commercial Vehicles (SCAG Measure TCM #12).	SCAQMD	1995	1997–2000	0/0	0/0	0/0	0/0	0/0	0/0
ISR–04	Airport Ground Access (SCAG Measure TCM #13)	SCAQMD/ local govts	1997	1999–2010	0/0	.38/.42	.77/.92	.59/.79	.45/.7	.38/.65
ISR–05	Trip Reduction for Schools (SCAG Measure TCM #14)	SCAQMD/ local govts	1995	1997–2010	0/0	.21/.24	.47/.63	.46/.72	.35/.64	.38/.74
ISR–06	Enhanced Rule 1501 (SCAG Measure TCM #15)	SCAQMD/ local govts	1996	1997–2000	0/0	2.86/3.15	3.01/3.59	2.30/3.08	1.75/2.72	1.48/2.51
ISR–07	Parking Cash-Out (SCAG Measure TCM #16)	SCAQMD/ local govts	1995	1995–1997	.2/.22	.17/.17	.13/.14	.10/.12	.08/.11	.06/.1
MON–01	Emission Reduction Credits for Low-Emission Retrofit Fleet Vehicles.	SCAQMD/ CARB	1996	1996–2010	0/0	0/0	0/0	0/0	0/0	0/0
MON–02	Eliminate Excessive Car Dealership Vehicle Starts; Educational	SCAQMD/ local govts	.....	.....	0/0	0/0	0/0	0/0	0/0	0/0
MON–04	Eliminate Excessive Curb Idling; Educational	SCAQMD/ local govts	.....	.....	0/0	0/0	0/0	0/0	0/0	0/0
MON–05	Emissions Reduction Credit for Heavy-Duty Buses	SCAQMD	1995	1995–2010	0/0	0/0	0/0	.12/.65	.11/.65	.11/.65
MON–06	Emissions Reduction Credit for Heavy-Duty Trucks	SCAQMD	1995	.....	0/0	0/0	0/0	0/0	0/0	0/0
MON–07	Emission Reductions for High Emitters	SCAQMD	1995	1996–1999	25.54/0	5.15/0	0/0	0/0	0/0	0/0
RME–01	Regional Mobility Adjustment	.....	.....	.....	2.37/0	11.3/1.15	15.98/6.58	18.5/13.74	20.64/21.77	22.26/27.67
MOF–03	Emission Reduction Credits for Leaf Blowers	SCAQMD/ local govts	1995	1996–2010	0/0	0/0	0/0	0/0	0/0	0/0
MOF–04	Off-Road Mobile Source Emission Reduction Credit Programs	SCAQMD	1995	1996–2010	0/0	0/0	0/0	0/0	0/0	0/0
ATT–01	Telecommunications	SCAQMD/ SCAG/ local govts	.....	1995–2010	0/0	0/0	0/0	0/0	0/0	0.0
ATT–02	Advanced Shuttle Transit	SCAQMD/ SCAG/ local govts	.....	1995–2010	0/0	0/0	0/0	0/0	0/0	0/0
ATT–03	Zero Emission Vehicle/Infrastructure	Partnership	.....	1995–2010	0/0	0/0	0/0	0/0	0/0	0/0
ATT–04	Alternative Fuel Vehicles/Infrastructure	Partnership	.....	1995–2010	0/0	0/0	0/0	0/0	0/0	0/0
ATT–05	Intelligent Vehicle Highway Systems	SCAQMD/ SCAG/ local govts	.....	1995–2010	0/0	0/0	0/0	0/0	0/0	0/0
MKT–01	Emission/VMT	SCAG	.....	2008–2010	0/0	0/0	0/0	0/0	0/0	0/0
MKT–02	At-the-Pump Fee	SCAG	.....	2008–2010	0/0	0/0	0/0	0/0	0/0	0/0
FSS–01	Stage I Episode Plans	SCAQMD	.....	2005–2010	0/0	0/0	0/0	0/0	0/0	0/0
ADV–CTS–01	Advanced Technology—Coating Technologies	SCAQMD	.....	.....	0/0	0/0	0/0	0/0	14.35/0	23.88/0
ADV–FUG	Advanced Technology—Fugitive Emission Controls	SCAQMD	.....	.....	0/0	0/0	0/0	0/0	14.13/0	23.11/0
ADV–PRC	Advanced Technology—Process Related Emissions	SCAQMD	.....	.....	0/0	0/0	0/0	0/0	7.55/0	12.27/0
ADV–UNSP	Advanced Technology—Unspecified Stationary Source Controls	SCAQMD	.....	.....	0/0	0/0	0/0	0/0	39.45/0	66.97/0
ADV–CTS–02	Advanced Technology—Coating Technologies	SCAQMD	.....	.....	0/0	0/0	0/0	0/0	0/0	54.69/0

[1] Various.

(2) EPA Action

EPA proposes to approve, under sections 110(k)(3) and 301(a) of the Act, the control measures, including the commitment of the SCAQMD to adopt and implement rules by scheduled dates to achieve specified emission reductions. EPA action on the SCAQMD's adopted regulations will be taken in separate rulemakings following their submittal as SIP revisions.

The SCAQMD is currently considering adoption of a revised regulatory agenda that shifts to 1996 all rule adoption dates that have lapsed. In the final action on the South Coast SIP, EPA intends to approve substitute dates if adopted by the SCAQMD and submitted as a SIP revision before EPA's final action on the ozone SIP. The amended schedule must be accompanied by a demonstration that this revision would not interfere with any applicable requirement of the Act. Unless the amended schedule and demonstration are submitted, EPA cannot approve and credit the measures whose adoption dates have passed.

EPA wishes to encourage the SCAQMD to pursue the most aggressive possible implementation of the AQMP, which remains an otherwise valid and critically important blueprint for progress and eventual attainment of the ozone NAAQS. EPA emphasizes that the failure of the SCAQMD to adopt most of the rules scheduled for adoption in 1995 is not evidence either that the AQMP is impractical or that the SCAQMD has failed in meeting its overall commitment to air quality progress. The AQMP needs amendment at this time only to replace the initial AQMP adoption dates with an updated timetable for rule adoption.

d. ROP Provisions.

(1) ROP Emission Targets

The 1994 SIP describes the VOC emission reductions needed to meet ROP requirements based on South Coast's adjusted 1990 base year inventories.[31] The SIP also provides emission estimates for the ROP milestone years by projecting the impacts of adopted control measures and of anticipated changes in population, industrial activity, and other socio-economic factors. A summary of the ROP VOC targets and the projected VOC emissions is provided below in the table labeled, ''South Coast ROP Forecasts.''[32]

SOUTH COAST ROP FORECASTS

[In tons per summer day]

	1996	1999	2002	2005	2008	2010
VOC emissions to meet ROP target	1074.4	976.6	846.6	732.2	617.6	544.1
VOC emissions with plan reductions	1066.4	976.6	846.6	732.2	470.0	312.8

(2) 15% ROP Control Strategy

In general only adopted measures may generally be credited towards the 15% ROP requirement. In addition, pre-1990 Federal motor vehicle emission controls, Federal RVP limits on gasoline, and several other existing measures cannot be credited in ROP plans. The control strategy for the 15% ROP requirement, therefore, includes all VOC control measures listed above, except for those showing no emission reductions in the 1996 column.

(3) Post-1996 ROP Control Strategy

The post-1996 ROP control strategy includes all those measures listed in above, except for those showing no emissions for the ROP milestone years. As discussed, the SIP identifies no surplus measures for the post-1996 ROP requirements. Therefore, all of the VOC emission reductions in the post-1996 ROP control strategy are needed to meet the post-1996 ROP requirements.

(4) EPA Action

EPA believes that the South Coast component of the 1994 SIP meets the CAA requirements for ROP. EPA is, therefore, proposing to approve South Coast's 15% ROP and post-1996 ROP plans under sections 182(b)(1) and 182(c)(2) of the Act.

e. Demonstration of Attainment. The Los Angeles-South Coast Air Basin Area is classified as an extreme nonattainment area for ozone. As a result, the SIP must contain adequate control measures and commitments to demonstrate attainment of the ozone NAAQS by 2010.

(1) Control Strategy

The control strategy for South Coast's SIP attainment demonstration includes all of the State and local measures identified above. Among those measures are several ''new-technology'' measures, which are needed to achieve reductions beyond what could be accomplished with existing control technologies or control techniques.

The 1990 Amendments to the Act added section 182(e)(5), which applies exclusively to extreme ozone areas. This provision authorizes the State to use conceptual, as yet unadopted measures for its ozone attainment demonstration and ROP after the year 2000, if these measures anticipate new or improved technology or control techniques, the measures are not needed to meet the progress requirements for the first 10 years, and the State commits to submit contingency measures to be implemented if the anticipated technologies do not achieve planned reductions.

CARB and the SCAQMD included with their new-technology measures commitments to submit contingency measures and a demonstration that reductions from the CARB and SCAQMD new-technology measures are not needed to achieve the first 10 years of required progress. Because the section 182(e)(5) approval criteria are met by both the CARB and SCAQMD submittals, EPA issued final approval of the new-technology measures on August 21, 1995. See 60 FR 43379 for further details on the new-technology control measures and EPA's action on them. EPA has therefore already approved and credited the following SCAQMD and CARB new-technology provisions.

Because much of the needed reductions in the 1994 South Coast plan is now assigned to these conceptual measures, air quality progress in future years requires substantial State and local staff and resource investment at this time to lay the foundations for the necessary advances in control technology or control techniques. EPA urges both CARB and the SCAQMD to set out the timing and stages of projected control measure development, and to involve the public and the

[31] See 1994 AQMP, Appendix I–C.

[32] See 1994 AQMP, Appendix I–C, Table 3–4, and Attachment A. The AQMP also calculates a ROP target for NO_X and computes ROP emissions reductions for NO_X, but the AQMP depends upon NO_X substitution only for the 1999, 2002, and 2005 ROP milestones.

regulated community in a process by which they can understand and contribute to the Agency's steady progress in developing the control approaches. The SCAQMD's annual report to the California Legislature is one mechanism for displaying the District's technology advancement projects and ensuring that necessary resource needs are identified.

Finally, EPA also encourages both CARB and the SCAQMD to reduce the dimensions of the section 182(e)(5) component of the plan by substituting near-term control regulations as soon as these controls can be identified, developed, and adopted. Such action not only comports with the Act's requirements for attainment ''as expeditiously as practicable'' (see, for example, section 181(a)(1)) but also accelerates air quality progress in the interim, both within the SCAB and in downwind nonattainment areas.

SCAQMD New-Technology Measures

Advance Tech–CTS (Coating Technologies), ADV–CTS–01, adoption 2003, 23.9 tpd ROG;

Advanced Tech-Fugitives, ADV–FUG, adoption 2003, 23.1 tpd ROG;

Advance Tech-Process Related Emissions, ADV–PRC, adoption 2003, 12.3 tpd ROG;

Advance Tech-Unspecified, Stationary Sources, ADV–UNSP, adoption 2003, 67 tpd ROG;

Advance Tech–CTS (Coatings Technologies), ADV–CTS–02, 54.7 tpd ROG.

CARB New-Technology Measures

Improved Control Technology for LDVs, M–2, adoption 2000, implementation 2004–5, 2010 emission reductions—10 tpd ROB, 15 tpd NO_X;

Off-road diesel equipment—2.5 g/bhp-hr NO_X standard, M–9, adoption 2001, implementation 2005, 2010 emission reductions—3 tpd ROG, 31 tpd NO_X;

Consumer products advanced technology and market incentives measures, CP–4, adoption 2005, implementation 2009, 2010 emission reductions 46 tpd ROG;

Additional measures, 2010 emission reductions 79 tpd ROG, 60 tpd NO_X. The measures include possible market-incentive measures and possible operational measures applicable to heavy-duty vehicles.

(2) Modeling and Attainment Demonstration

The 1994 SIP describes urban airshed modeling analysis performed to demonstrate that the control strategy described above will result in NAAQS attainment. A summary of the emission reductions needed to attain the standard is provided below in the table labeled, ''Emission Reductions Needed in South Coast.''

EMISSION REDUCTIONS NEEDED IN SOUTH COAST

[Tons per summer day]

	VOC	NO_X
1990 Baseline Emissions Inventory	1517	1361
Carrying Capacity	323	553
Reductions Needed	1194	808

A summary of the emission reductions projected from the SIP control strategy is provided below in the table labeled, ''South Coast Attainment Demonstration.''

SOUTH COAST ATTAINMENT DEMONSTRATION

[Tons per summer day)

	VOC	NO_X
Reductions from Adopted measures	463	429
Committed Local measures	453	43
Committed State measures	231	227
Assigned Federal measures	47	109
Total	1194	808

The SIP attainment demonstration was based on a modeling simulation of 4 episodes of high ozone from the 1987 intensive air quality study. In addition, one episode of very high ozone (.36 ppm) on June 5–7, 1985 was selected. The September 5–7, 1987 episode represents typical high ozone episode, with a peak concentration of .33 ppm. The Urban Airshed Model was used to model air quality. The wind field were generated using the EPA Diagnostic Wind Model.

The model application does not meet all EPA performance criteria with the unadjusted mobil source inventory. The base case indicates a bias of -25% to -71%, indicating that the model tends to underpredict the peak ozone concentration. In the sensitivity analysis with the motor vehicle emission inventory increased by a factor of two, the model performance is enhanced. The model predicts higher ozone values for both the base and future years. Under the proposed emission reduction strategy but with the grown motor vehicle inventory, the model still predicts attainment of the standard by 2010.

Key uncertainties in the modeling analysis include mobile source and biogenic emission inventory uncertainties. A 1997 field study designed to study air quality in the Southern portion of the state of California should improve the performance of the model. The model inputs and performance are discussed in greater detail in the TSD.

(3) EPA Action

Despite the stringent existing State and local regulations and the ambitious commitments by CARB and SCAQMD, the ozone attainment demonstration for the SCAB is insufficient as submitted by the State since, without any fall back State commitments, it depends upon additional reductions, stemming from assignments to EPA to establish specific future controls on national and international mobile sources and EPA is not obligated by statute or court order to do so. As discussed above, EPA has concluded that, while credit may be taken for those national rules that are statutorily mandated, EPA does not propose to credit the California SIP with Federal controls that are discretionary. With respect to the South Coast SIP, the table titled ''Federal Assignments in the California SIP for the South Coast'' indicates what emission reductions are assigned by the State to EPA for discretionary rules.

FEDERAL ASSIGNMENTS IN THE CALIFORNIA SIP FOR THE SOUTH COAST

[Reductions from discretionary national measures]

SIP measure	SIP 2010 reductions	
	ROG	NO_X
M6—heavy-duty diesel vehicles (2.0 g/bhp-hour NO_X standard)	1.5	15.5
M10—nonroad diesel equipment (2.5 g/bhp-hour NO_X standard)	5.3	44.2
M12—industrial equipment, gas and LPG	25.1	12.6
M13—marine vessels [1]	0	1.7
M14—trains [2]	0	7.2
M15—planes	2.7	4.1
Total Reductions	34.6	85.3

[1] SIP Measure M13 includes both the statutorily-mandated ship controls and discretionary controls on ocean-going ships. The emissions reductions shown are those beyond what EPA estimates from the statutorily-mandated ship controls, which were proposed on November 9, 1994 (59 FR 55930).

[2] The SIP includes in Measure M14 both the statutorily-mandated national locomotive emission standards and additional reductions to be achieved in the South Coast through a provision that requires that by 2010 the locomotive fleet in the SCAB will emit on average no more than the 2005 emissions level for new locomotives. The emission reductions shown are those specific to the South Coast, in excess of reductions that would result from the national standards alone.

The unusually high emissions associated with these sources in the SCAB is in part a reflection of the South Coast's dominant role as a Pacific Rim trade center, heavily dependent upon every form of goods transportation. For example, the Ports of Long Beach and Los Angeles, now the busiest ports in the nation, annually move goods valued at almost $150 billion, using a complex intermodal network of ships, trains, trucks, airplanes, and every variety of loading and handling equipment.

While stationary, area source, and light- and medium-duty vehicle emissions are projected to decline very significantly as a result of State and local control measures applicable in the SCAB, emissions from the remaining mobile source categories are predicted to increase substantially through the attainment year in the absence of further controls.

EPA and CARB are already engaged in a cooperative process involving engine manufacturers and other stakeholders to review the potential for establishing standards for new heavy-duty motor vehicle engines, heavy-duty nonroad engines, and controls or prohibitions on fuels and fuel additives, in accordance with the terms of EPA's authority in sections 202(a)(3), 213, and 211(c) of the Act. This process of evaluating the appropriateness of new national standards and issuing standards in formal rulemaking is not expected to be concluded until mid-1997.

Moreover, international standard setting is now in progress under the jurisdiction of the International Maritime Organization and the International Civil Aviation Organization relating to ocean-going ships and commercial aircraft, respectively. Again, by mid-1997 greater certainty is expected regarding any new international emissions control standards and the degree to which these standards would affect predicted levels of SCAB emissions in 2010.

In view of the unique relevance to the SCAB of these ongoing standard-setting projects, EPA believes that it is appropriate to examine further the extent to which specific additional mobile source controls might contribute to ozone attainment in the SCAB. Through June 1997, EPA will continue to engage in a consultative process with CARB, the SCAQMD, and other stakeholders to examine the potential for additional mobile source controls that can contribute to progress and attainment. This review will focus not only on unilateral Federal controls but also on the potential for cooperative and community-based controls that reconcile, to the greatest extent practicable, State/local interests and the legitimate concerns of interstate and international commerce. EPA expects that the Agency and the State entities will continue to work cooperatively to identify additional measures that are appropriate and feasible for each party to pursue. As discussed above in section II.B.2., EPA proposes to make an enforceable commitment to undertake rulemakings, after the consultative process, on control measures needed to achieve the emission reductions which are determined to be appropriate for EPA.

EPA proposes to approve the South Coast attainment demonstration if CARB submits, before EPA's final action, an enforceable SIP commitment to adopt and submit as a SIP revision:

(a) A revised attainment demonstration for the South Coast as appropriate after the consultative process. This SIP revision would be due December 31, 1997; and

(b) Enforceable emission limitations and other control measures needed to achieve the emission reductions which are determined to be appropriate for the State. This SIP revision would be due no later than December 31, 1999.

EPA believes that this gap-filling commitment and schedule for additional SIP submissions for the SCAB is a reasonable application of the Clean Air Act requirements for SIP submissions to the current circumstances. EPA is mindful of the requirement in Clean Air Act section 182(c)(2)(A) for submission of an attainment demonstration by November 15, 1994. The SCAB has submitted modeling coupled with SIP measures and commitments that provide the great bulk of reductions needed for attainment. Granting additional time, as described above, for the remaining measures is consistent with the statutory scheme because the time delays are brief, in the context of the SCAB attainment process, and EPA intends to ensure that there will be no adverse impact on progress, attainment, or any other Part D requirement as a result of the extended deadlines. EPA wishes to emphasize that the South Coast attainment demonstration is clearly dependant on the ability of the State and local agencies to faithfully adhere to their rule adoption schedule. Their failure to do so will clearly jeopardize the attainment demonstration no matter what resolutions are achieved through the consultative process.

The South Coast attainment demonstration relies, in part, on reductions from a fully-enhanced I/M program. As discussed in EPA's proposed approval of California's enhanced I/M program (see section II.A.2.c.), credits associated with this control measure will become permanent following the State's submission of the required analysis demonstrating that the enhanced I/M program is achieving the emission reductions claimed in the attainment demonstration. At that point, EPA's approval of the South Coast attainment demonstration will also become permanent.

EPA believes that the current modeled attainment demonstration is valid insofar as it projects attainment by the statutory attainment date. EPA proposes to approve the modeling analysis at this time.

f. Overall EPA Action. EPA proposes to approve the South Coast ozone SIP with respect to the Act's requirements for emission inventories and demonstrations of 15% ROP and post-1996 ROP. EPA also proposes to approve the State and local control measures and the modeling analysis. With respect to the attainment demonstration, EPA proposes to approve the attainment demonstration portion of the SIP if the State submits, before EPA's final action on the ozone SIP, a commitment to adopt a revised attainment demonstration and gap-filling measures, if any are necessary after EPA's consultative process.

8. Southeast Desert

a. Identification of Plans. The Southeast Desert Modified Air Quality Maintenance Area (''Southeast Desert'') is classified as a severe-17 area based on a .24 ppm ozone design value measured in Banning. Section 181(a)(2) of the Act

establishes a severe-17 classification for severe areas with a 1988 ozone design value between .19 ppm and .28 ppm, allowing these areas 17 years (rather than 15 years) to attain the ozone NAAQS. The Southeast Desert covers the Victor Valley/Barstow region in San Bernardino County (''Mojave''), the Coachella Valley/San Jacinto region in Riverside County (''Coachella''), and the Antelope Valley region in Los Angeles County (''Antelope''). The first of these areas is the responsibility of the Mojave Desert Air Quality Management District (MDAQMD). The second and third areas are the responsibility of the SCAQMD. Separate ROP and attainment demonstrations were prepared for each of the areas. Air quality in all three areas is overwhelmingly impacted by transport of ozone and ozone precursors from the South Coast Air Basin.

On September 9, 1994, the SCAQMD Governing Board adopted the 1994 Air Quality Management Plan for the Coachella-San Jacinto Planning Area (Appendix I–B of the South Coast 1994 AQMP) and the 1994 Air Quality Management Plan for Antelope Valley (Appendix I–A of the South Coast 1994 AQMP).[33] On October 26, 1994, the MDAQMD Board adopted the post-1996 Attainment Demonstration and Reasonable Further Progress Plan for the San Bernardino County Portion of the Southeast Desert AQMA, and the Rate-of-Progress Plan for the San Bernardino County Portion of the Southeast Desert AQMA.[34]

b. 1990 Base Year Inventories. The SIP provides detailed estimates of the actual VOC and NO_X emissions that occurred in 1990 in each of the three portions of the Southeast Desert. These base year inventories are summarized in the table labeled ''1990 Southeast Desert SIP Inventories.'' More detailed inventory breakdowns appear in Chapter 3 of Appendix I–B of the South Coast 1994 AQMP (Coachella), Chapter 3 of Appendix I–A of the South Coast 1994 AQMP (Antelope), and Appendix A of the Mojave RFP Plan.

1990 SOUTHEAST DESERT SIP INVENTORIES

[Tons per summer day]

Category	Coachella		Antelope		Mojave	
	VOC	NO_X	VOC	NO_X	VOC	NO_X
Stationary	12.4	3.1	15.7	1.9	20.0	51.6
Mobile	36.9	41.1	19.2	26.2	26.5	62.0
Total	49.4	44.3	34.9	28.1	46.5	113.6

c. SIP Control Measures.

(1) Description

The SCAQMD's existing rules and committal measures apply not only throughout the South Coast Air Basin but also in the SCAQMD's portions of the Southeast Desert. The SIP includes the State measures and a subset of the SCAQMD measures discussed above in sections II.A. and II.C.7., but does not add to that list any unique State or local controls for the Coachella and Antelope regions. The MDAQMD included in the Mojave Plan the measures listed below as well as several mobile source measures taken from EPA's Federal Implementation Plan (FIP) for the South Coast. CARB eliminated the FIP measures from the State's submittal.

MOJAVE SIP CONTROL MEASURES AND VOC/NO_X REDUCTIONS

[In Tons/day for 1996]

MDAQMD measure	VOC	NO_X
Rule 1113 Architectural Coatings	0.92	.....
Rule 1160 Internal Combustion Engines	0.23	6.08
Rule 461 Gasoline Transfer Dispensing	3.74	.....

(2) EPA Action

EPA proposes to approve the control measures portion of the Mojave plan under sections 110(k)(3) and 301(a) of the Act as strengthening the SIP.

d. ROP and Attainment Provisions.

(1) ROP and Attainment Emission Targets

CARB's summary of ROP targets in Volume IV of the 1994 California Ozone SIP identifies the following 15% ROP targets for the three subregions within the Southeast Desert: Coachella 38 tpd VOC, Antelope 29 tpd VOC, Mojave 36 tpd VOC. CARB did not provide similar information with respect to post-1996 ROP or attainment.

(2) State Approach

The SIP submittal for the three subregions includes detailed information relating to compliance with the 15% ROP plan requirements. With respect to the post-1996 ROP requirements, CARB and the SCAQMD requested a waiver from the requirements for the Coachella and Antelope subregions, based on the provisions of section 182(c)(2)(B)(ii) of the Act, which allows the Administrator to approve post-1996 ROP plans that achieve less than the 3% per year required reductions if the State demonstrates that the plan includes all measures that can be feasibly implemented in the area, including all measures achieved in practice by sources in the same source category in nonattainment areas of the next higher classification. CARB also asserted that

[33] November 15, 1994 letter from Jacqueline Schafer, CARB, to Felicia Marcus, EPA, forwarding the 1994 California Ozone SIP. The SIP includes a November 15, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA, forwarding the South Coast AQMP component of the SIP and CARB Board Resolution No. 94–61 approving the South Coast component. The South Coast component includes an October 6, 1994 letter from James M. Lents (SCAQMD) to James Boyd (CARB) forwarding the 1994 South Coast AQMP and the SCAQMD Board Resolution 94–36 approving the AQMP. On November 15, 1993, CARB submitted to EPA a rate-of-progress plan intended to demonstrate that 1990 VOC emissions would be reduced by at least fifteen percent by 1996 pursuant to Section 182(b)(1) of the Act. On April 13, 1994, EPA determined that this ROP plan was incomplete because it relied on controls not yet adopted in regulatory form. The 1994 SIP updates South Coast's 1993 ROP plan in order to correct this deficiency.

[34] November 15, 1994 letter from James Boyd (CARB) to Felicia Marcus, EPA, forwarding the MDAQMD portion of the SDMAQMA ozone SIP and CARB Resolution No. 94–64 approving the Mojave Desert Plan. Among other things, this submittal modifies an earlier 15% Reasonable Further Progress Demonstration, adopted on March 23, 1994. EPA deemed this earlier SIP submittal incomplete on April 13, 1994.

the post-1996 ROP requirements should be waived in all three subregions based simply on the overwhelming transport into the Southeast Desert (1994 California Ozone SIP, Volume IV, pp. IV–16 and IV–17).

In submitting the ROP and attainment demonstration plans for the Southeast Desert, CARB asserted that ''the stringency of the NO_X and VOC precursor control strategy necessary for the district to meet the 1994 ozone planning requirements for attainment and rate of progress demonstrations is primarily dependent upon the severity of the problem in the South Coast, as well as the mix and location of sources which contribute to ozone precursor concentrations and the timing and stringency of previously adopted controls in that area.'' (CARB Resolution No. 94–64, ¶ 4)

The three local plans provide further documentation of the overwhelming transport from the South Coast Air Basin. In the case of the Coachella area, ozone and ozone precursors are transported by the prevailing sea breeze through San Gorgonio (or Banning) pass. The Antelope area is impacted by polluted air masses passing northward through the Newhall and Soledad pass. The Mojave portion of the nonattainment area is a vast, sparsely-populated high desert region, at a greater distance from, but still strongly affected by, SCAB emissions to the west and southwest.

CARB and the local agencies believe that the Southeast Desert will attain the NAAQS by the 2007 deadline by virtue of the successful implementation of the South Coast plan. The Mojave plan includes further information to support MDAQMD's conclusion that opportunities for further VOC and NO_X reductions within the area are greatly limited by the absence of significant sources of anthropogenic emissions in the area, and the current degree of control imposed upon those sources.

(3) Modeling and Attainment Demonstration

Photochemical grid modeling was required for the attainment demonstration for the Southeast Desert Basin, because of the area's severe-2 classification. Because of the relatively important role of the western boundary conditions, it was determined that modeling the SEDAB basin along with the South Coast Air Basin was preferable to modeling the SEDAB basin alone.

Therefore, the attainment demonstration was performed by the SCAQMD, using a domain that includes the South Coast Air Basin, much of the Southeast Desert Basin, and Ventura County. The SCAQMD did not enlarge the domain to include the entire Southeast Desert Basin. Ideally, the domain would cover the entire nonattainment area. However, the portions of the nonattainment area not covered by the domain were expected to be below the NAAQS, when the other portions of the area are able to demonstrate compliance with the standard.

The air quality results for the year 2007 projected inventories were determined for the purpose of analyzing the ability of the Southeast Desert to attain by the severe-2 attainment date. Five episodes were modeled for the attainment demonstration. The episode selection process was determined by the availability of an enhanced data base of air quality and meteorological data, generated primarily by the 1987 South Coast Air Quality Study. Since the modeling was performed for the SCAB, the primary criteria for episode selection was the presence of high ozone in the SCAB, rather than high ozone in the Southeast Desert. The highest level of ozone recorded in the Mojave Desert for the five episodes was .15 ppm, compared to a design value of .24 ppm. Because of the high level of resources required to compile the necessary air quality, emissions inventory, and meteorological data for each episode, EPA accepts the decision not to model an additional episode with higher levels of ozone in the Southeast Desert.

Using the emission reductions from proposed control measures, including South Coast Air Basin emission reductions, the modeling results show that peak predicted ozone concentrations for the year 2007 are below the ozone NAAQS.

In order to improve understanding of the formation of ozone in the SCAB and transport between the South Coast, Southeast Desert, Ventura, and San Diego air basins, a joint study is being planned by the local, State, and Federal agencies, as well as the National Weather Service and the Department of Defense. The purpose of the study is to provide an enhanced data base of air quality and meteorological measurements, both at the surface level and aloft, to allow modeling of more recent episodes and a larger domain than is currently possible.

(4) EPA Action

EPA agrees with the State that attainment of the ozone NAAQS in the Southeast Desert is heavily dependent upon reductions in the South Coast. Modeling information, based on the South Coast UAM analysis, supports the State's contention that reductions from the South Coast SIP (along with SIP reductions within the area) will bring the Southeast Desert into attainment by the statutory deadline. EPA therefore proposes to approve the Southeast Desert modeling and attainment demonstration under section 182(c)(2) of the Act.

e. Overall EPA Action. EPA proposes to approve fully the Southeast Desert ozone SIP with respect to the Act's requirements for emission inventories, control measures, and demonstration of attainment. EPA will take action on the 15% ROP and the post-1996 ROP plan elements for the three Southeast Desert subregions in separate rulemakings.

III. Summary of EPA Actions

EPA proposes to approve the following elements of the 1994 California Ozone SIP for the listed areas, as meeting applicable CAA requirements:

(1) Emission Inventories for Santa Barbara, San Diego, San Joaquin, Sacramento, Ventura, South Coast, and Southeast Desert, under section 182(a)(1) of the CAA.

(2) 15% ROP Plans for Santa Barbara, San Diego, San Joaquin, Ventura, and South Coast, under section 182(b)(1).

(3) Post-1996 ROP Plans for San Diego, San Joaquin, Sacramento, Ventura, and South Coast, under section 182(c)(2)(B) of the CAA.

(4) Modeling and Attainment Demonstrations for Santa Barbara, San Diego, San Joaquin, Sacramento, Ventura, Southeast Desert, and South Coast, under section 182(c)(2) of the CAA.

(5) All of the local control measures listed above in section II.C., for each of the nonattainment areas, including the specific emissions reductions for each milestone year, under sections 110(k)(3) and 301(a) of the CAA. In the case of delinquent control measures in the South Coast, EPA proposes approval only if a revised adoption schedule is submitted.

(6) All of the State's control measures contained in the 1994 California Ozone SIP that EPA has not previously approved: M1—Accelerated Retirement of LDVs, M4—Early Introduction of 2g/bhp-hr Heavy-Duty Diesel Vehicles, M7—Accelerated Retirement of HDVs, CP3—Aerosol Paints, and Pesticides). EPA also proposes to assign specific emissions reductions by nonattainment area and milestone year (as displayed in the tables in section II.A.) for all of the State control measures, including those previously approved under sections 110(k)(3), 182(e)(5), and 301(a) of the

CAA. All of these actions are proposed under sections 110(k)(3) and 301(a) of the CAA.

EPA proposes to approve California's I/M regulations under sections 110(k)(3) and 301(a). EPA also proposes to approve the State's basic I/M program under section 182(b)(4) of the CAA and the enhanced I/M program, including the assignment of specific emissions reductions identified in section II.A.2. above, under section 182(c)(3) of the CAA and section 348(c) of the Highway Act.

EPA will take separate regulatory action on the 15% ROP Plans for Sacramento and the Southeast Desert, and the post-1996 ROP Plan for the Southeast Desert.

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

IV. Regulatory Process

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

SIP approvals under sections 110 and 301 and subchapter I, part D of the Clean Air Act, do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal/state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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

V. Unfunded Mandates

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

Through submission of these SIP revisions, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182 of the CAA. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved today will impose any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 4, 1996.

Felicia Marcus,

Regional Administrator.

Appendix: Status of EPA'S Activities Relating to the ''Federal Measures'' in the California SIP Submittal

The information below represents the current status of EPA's activities, including ongoing rulemaking, with respect to each of the mobile source categories identified as ''Federal Measures'' in the 1994 California Ozone SIP.

Heavy Duty Diesel Vehicles

Measure M6 of the 1994 California Ozone State Implementation Plan (''the SIP'') provides for adoption by EPA of a Federal oxides of nitrogen (NO_X) standard for new heavy-duty diesel on-highway vehicles. The NO_X standard called for in the SIP is 2.0 grams per brake horsepower-hour (g/bhp-hr), to be implemented beginning in 2004. A Federal standard would help reduce emissions from the large number of out-of-state trucks which operate in California.

EPA is fulfilling its commitment to propose tighter NO_X emission standards for Federal on-highway heavy-duty vehicles as part of the NO_X/PM (particulate matter) Initiative. On July 11, 1995, EPA, the California Air Resources Board (CARB), and the leading manufacturers of heavy-duty engines signed a Statement of Principles (SOP) that established a consensus plan to substantially reduce emissions from future trucks and buses on a nationwide basis. The goal of the SOP is to ensure cleaner air in a manner which is both realistic for the heavy-duty engine industry and responds to environmental needs as well. As a result of the SOP, EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) on August 31, 1995. The ANPRM announced plans to propose a non-methane hydrocarbon (NMHC) plus NO_X standard of 2.4 g/bhp-hr, or a combined NMHC plus NO_X standard of 2.5 g/bhp-hr with an NMHC cap of .5 g/bhp-hr. Engines meeting these future standards are expected to be over 80 percent cleaner than pre-control engines. EPA is currently preparing a Notice of Proposed Rulemaking (NPRM) and expects to publish the NPRM late in the spring of 1996. The Final Rule has a target publication date of winter 1996–1997. The new standards would be implemented beginning in 2004 and would apply to all on-highway heavy-duty engines.

CARB played a very important role in the achievement of the Statement of Principles (SOP). In addition, CARB has given EPA tremendous support in the development of the ANPRM and the NPRM. As a result of the SOP and rulemaking processes, EPA and CARB will have harmonized programs for new heavy-duty engines, an advantage for engine manufacturers.

Off-Road Industrial Equipment (Diesel)

Measure M10 of the SIP provides for adoption by EPA of a Federal NO_X standard for, at a minimum, new farm

and construction equipment with diesel engines rated at less than 175 hp (130 kw). These are the engines which California is preempted from regulating under the 1990 Clean Air Act Amendments. The NO_X standard called for in the SIP is 2.5 g/bhp-hr (3.3 g/kw-hr), to be implemented beginning in 2005.

In its 1991 Nonroad Study, EPA determined that nonroad diesel engines rated at 37 kw and more, including those covered in SIP measure M10, emit a substantial portion of the nation's NO_X inventory. In response, EPA set a 9.2 g/kw-hr NO_X standard for these engines in 1994, to be phased-in beginning in 1996. The Agency also expressed its intent to undertake a second tier of standard setting to further control these emissions. The Clean Air Act provides for this as a discretionary effort and contains no requirements or guidance regarding the level or timing of the standards.

Initial work on this second tier of standard setting is currently underway as part of the NO_X/PM Initiative. The NO_X/PM Initiative has been a joint program of both EPA and CARB. EPA and CARB recognize that harmonizing Federal and California standards would help to achieve air quality goals in all states by eliminating the potential for equipment with higher-emitting engines being transported across state borders. Harmonized standards would also have obvious advantages for manufacturers. The participation of CARB staff on this initiative has been invaluable.

At this time, no decisions have been made regarding the level of the second tier of Federal standards. Although substantial NO_X reductions are being pursued, there is no assurance that setting a standard as low as 3.3 g/kw-hr in the 2005 timeframe will be the most appropriate approach nationwide. A number of issues are likely to make it difficult to set standards at such a level. Among these issues is the strong desire by engine manufacturers for harmonization with European nonroad equipment standards which are considerably less stringent than the levels contained in the SIP. Another issue is the effect that significant engine technology changes due to standards could have on equipment designs. In order to fit redesigned engines into their equipment, manufacturers may need to modify many of their products to meet visibility, safety and performance specifications which may require additional leadtime. Regardless of these issues, EPA is committed to pursuing a second tier of standards for the heavy-duty diesel nonroad engines covered by this measure.

Gas and LPG Equipment 25–175 Horsepower

Measure M12 of the SIP provides for adoption by EPA of a Federal program that will implement three-way catalyst technology on new nonroad equipment powered by gasoline or liquefied petroleum gas (LPG) engines rated at between 25 hp (18 kw) and 175 hp (130 kw). The goal of this measure is to reduce NO_X emissions by at least 50 percent and hydrocarbon emissions by 75 percent. This is a complementary measure to measure M10 and much of the discussion of that measure applies here as well.

EPA does not currently have any emission standards for gasoline or LPG engines in this category. However, under a consent decree signed by EPA with the Sierra Club on June 10, 1993, EPA agreed to determine by November 30, 1996 whether or not to regulate large gasoline nonroad engines and, if so, by what schedule. At this time, the Agency is considering setting standards for these engines as part of the NO_X/PM Initiative. However, no decisions have been made regarding the possible level of any standards. Although substantial emission reductions may be pursued, there is no assurance that setting standards as low as those sought by CARB would be the most appropriate approach nationwide. The same issues that are likely to make it difficult to achieve stringent standards for diesel nonroad engines also apply to gasoline and LPG nonroad engines.

Marine Vessels

Measure M13 of the SIP provides for adoption by U.S. EPA and by the International Maritime Organization (IMO) of emissions standards that would reduce NO_X emissions from new diesel engines used in ocean-going vessels by 30 percent. M12 also assumes that EPA will issue standards for non-ocean going vessels that will reduce NO_X emissions by at least 65 percent.

The IMO, a special agency of the United Nations, is developing guidelines for the reduction of NO_X and sulfur oxides (SOx) from ships under a new Annex to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). These guidelines would address the control of air pollution from ships. An IMO committee is scheduled to finalize a draft Annex in July 1996. After the committee's action, a diplomatic conference will be held in the spring of 1997 to review and approve the Annex. Each national will then consider the Annex and its associated guidelines for implementation and enforcement on vessels carrying its flag and on vessels entering its waters. Before the Annex could be enforced within US waters, the Congress would have to adopt it and its guidelines and then provide appropriate authority to a government agency.

While it is true that the new Annex is intended to provide for a 30 percent reduction in NO_X emissions, that reduction applies only to ships beginning construction after a certain time (tentatively, January 1998). It should be noted that there is a provision for application to existing ships that undergo a major modification or whose engines' power output is changed by 10 percent or more. Beyond that, the Annex does not address existing engines. Furthermore, achieving the target of 30 percent, would require full implementation of the Annex worldwide.

The NO_X emission requirements in the new Annex would apply to all engines over 100 kW installed on ships over 400 gross tons or which have a total installed power of 1500 kW. The guidelines are composed of two parts: Part A addresses guidelines for the implementation of NO_X limits for marine diesel engines; Part B addresses guidelines for diesel engine test, survey, and certification for compliance with the NO_X emission limits.

Numerous studies are underway to further investigate issues relating to marine vessels and the Santa Barbara channel. EPA is involved in these efforts, along with the United States Navy, the South Coast Air Quality Management District, and CARB.

The United States Navy's ongoing studies are intended to better characterize ship traffic and its impact on ozone exceedances in Ventura County. These include investigating air trajectory and transport mechanisms, inventorying ship traffic, collecting ozone measurement data, and collecting weather parameters for modeling. This on-going study is not complete at this time. Another study, sponsored by SCAQMD, will improve the marine vessel emission inventory and briefly discuss potential control strategies. The SCAQMD study should be completed by June 1996. A third study, the Southern California Transport Study, being led by CARB, is intended to better understand air pollution transport in Southern California. The study will provide an enhanced air quality and meteorological database for Southern California, which will provide the basis for improved modeling. Data will be collected at the surface and aloft, as well as over water.

Collectively, these studies will help the EPA and other interested parties further understand and discuss

potential strategies for reducing emissions from the shipping channel if needed for attainment.

Locomotives

In Measure M14, CARB assumed locomotive emission reductions from two EPA programs. The first of these programs was the statutorily required EPA national regulation for locomotives and locomotive engines, (national locomotive regulation). EPA expects that the planned national locomotive regulation will provide all of the CARB SIP credits with the exception of the 67% reduction in NO_X emissions in the South Coast by 2010.

To address the South Coast's need for further emission reductions EPA has considered a special locomotive program for the South Coast. This program would require that all locomotives operating in the South Coast achieve on average, an emission level equal to EPA national locomotive regulation tier 2 standards. Since these standards are technology forcing, the practical requirement would be to require an accelerated fleet turnover in the South Coast such that only the newest engines meeting the EPA tier 2 standards would operate in the South Coast. This program would provide a 66% reduction in locomotive NO_X emissions in the South Coast by 2010 and result in a NO_X emission level of 12 tons/day in the South Coast. The railroads that operate in the South Coast voluntarily agreed to this program. EPA is continuing to explore innovative approaches to establish the South Coast clean locomotive fleet program as part of the SIP.

Aircraft

Measure M15 calls for U.S. EPA to adopt standards to effect a 30 percent reduction in reactive organic gases (ROG) and NO_X emissions beginning in 2000. M15 apparently applies to new commercial aircraft engines, but also suggests reconsideration of the exempt status of military aircraft.

The Federal Clean Air Act authorizes EPA to establish emission standards for aircraft engines. In recognition of this preemptive authority, the SIP assigns new nationwide emission standards for commercial aircraft engines to EPA that would reduce ROG and NO_X emissions from this source by 30 percent beginning in 2000. The SIP also correctly acknowledges that military aircraft engines are currently exempt from emission standards, which otherwise apply to commercial aircraft engines. In this regard, the SIP recommends that the exempt status of these aircraft be reconsidered.

The International Civil Aviation Organization (ICAO) is the most appropriate forum for establishing commercial aircraft engine emission standards due to the international nature of the aviation industry. EPA has actively participated in considering more stringent NO_X standards as part of ICAO's Committee on Aviation Environmental Protection (CAEP) in the intervening period since the FIP. In December 1995, CAEP recommended a 16 percent increase in stringency for the NO_X standard that applies to medium and large turbine engines used on commercial aircraft. The revised standard would affect newly certified engines (i.e., engine models produced for the first time) beginning in 2000, and all newly manufactured engines (i.e., engines already being produced) in 2008. The revised standard would not affect engines already in air service. No revision of the hydrocarbon emission standard was considered by CAEP at the time, principally because modern turbine engines are considered very ''clean'' in this regard.

The CAEP recommendation will now move through the ICAO hierarchy for consideration. Initially, the ICAO Council will act on the recommendation. If the Council finds it acceptable, the revision moves to the full ICAO Assembly for final action. This process may not be complete until the spring of 1998.

The emission benefits of any new NO_X standard will occur worldwide. These benefits, however, will gradually accrue over an extended period of time. More specifically, the full benefits of the revised standard will not occur until well after 2010, because of the 2008 date for full implementation of the standard and the slow fleet turnover to new, cleaner engines (e.g., aircraft last about 25 years in active service.) Therefore, very few of the potential benefits will be realized by the SIP's attainment date. Turning to the exemption for military engines, EPA agrees with the SIP recommendation that such a blanket exemption should be reconsidered. The Agency is preparing a notice of proposed rulemaking to formally adopt the existing ICAO NO_X and CO standards, and will request comment on the need for and feasibility of applying emission standards to military engines. This notice is currently scheduled for publication during fiscal year 1997, due to competing budgetary priorities.

EPA has also continued to explore other ways to reduce the environmental effects of air travel in California and throughout the nation in the intervening period since the FIP. More specifically, the Agency and the Federal Aviation Administration (FAA) are working cooperatively to encourage continuing progress in reducing emissions from ground service equipment and aircraft auxiliary power units. EPA has sponsored additional work to compile technical data and emission inventory methods. This information will be used by the Federal Aviation Administration to develop an Advisory Circular for use by airlines and airport authorities interested in reducing the emissions from these sources.

Pleasurecraft

Measure M16 assumes that U.S. EPA finalizes proposed national ROG and NO_X standards for various categories of new engines used in watercraft.

EPA has not yet finalized the rulemaking on emission standards for spark-ignition marine engines. The court ordered deadline for signature of the final rulemaking is May 31, 1996. EPA has issued guidance to states on the amount of credit that will be allowed due to this rulemaking. These emission standards will apply to new marine engines beginning in model year 1998. There is no second phase rulemaking planned.

EPA has not yet finalized the rulemaking on emission standards for compression-ignition marine engines. The court ordered deadline for signature of the final rulemaking is May 31, 1996. EPA has not yet issued guidance to states on the amount of credit that will be allowed due to this rulemaking. These emission standards will apply to new marine engines beginning in model year 1999. The emission standards will achieve an approximate 30% reduction in new engine emissions. The inventory will be reduced as the fleet turns over.

[FR Doc. 96–6011 Filed 3–15–96; 8:45 am]

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40 CFR Part 52

[MO–001–1001(b); FRL–5442–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to disapprove revisions to the air pollution control State Implementation Plan (SIP) submitted by the state of Missouri. The SIP pertains to the St. Louis vehicle inspection and maintenance (I/M) program. These revisions require the implementation of an enhanced motor vehicle I/M program in the St. Louis

metropolitan area, i.e., Jefferson, St. Louis, and St. Charles counties, and St. Louis city. This proposal is being published to meet the EPA's statutory obligation under the Clean Air Act (CAA).

DATES: Comments must be received on or before April 17, 1996.

ADDRESSES: Comments may be mailed to Stanley A. Walker, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Stanley A. Walker at (913) 551–7494.

SUPPLEMENTARY INFORMATION:

I. Introduction

The CAA as amended in 1990 (the Act) requires areas that do not meet the National Ambient Air Quality Standard for ozone pollution to adopt either a ''basic'' or an ''enhanced'' I/M program, depending on the severity of the problem and the population of the area. The Act further requires each state, with an area required to have an I/M program, to incorporate the I/M requirements into its SIP. Section 182(b)(4) requires basic I/M programs to be updated and implemented in any 1990 Census-defined urbanized area classified as moderate ozone nonattainment, e.g., the St. Louis nonattainment area. In order to correct deficiencies in its basic program and to obtain greater emission reductions (as explained below), Missouri opted to establish an enhanced program. The state is required to comply with the I/M requirements published in the Federal Register (57 FR 52950) I/M Program Requirements (I/M rule) on November 5, 1992, codified at 40 CFR Part 51, subpart S, as those requirements relate to basic I/M programs.

One reason for Missouri's election to develop an enhanced I/M program is that section 182 (b)(1)(A) of the CAA requires states, with nonattainment areas classified as moderate and above for ozone, to develop a plan to reduce areawide volatile organic compound (VOC) emissions from a 1990 baseline by 15 percent. The reduction must account for growth in emissions between 1990 and 1996. Missouri, like other states, was required to submit the plan by November 15, 1993, and reductions were required to be achieved within six years after enactment or by November 15, 1996.

In addition, for areas such as St. Louis, the Act prohibits credit toward the 15 percent reduction for basic I/M programs. On May 25, 1995, Missouri submitted to the EPA a plan to reduce VOC emissions by 15 percent compared to 1990 VOC emission levels. The plan included reasonably available control technology corrections, stationary source rules, and an enhanced I/M program. By implementing an enhanced program, Missouri could make the required improvements in its existing program and gain greater emission reduction benefits which are creditable toward the rate-of-progress plan (ROPP).

The enhanced I/M program can reduce mobile source emissions over 40 percent; consequently, it plays a vital role in Missouri's ability to meet the 15% ROPP. Based on Missouri's ROPP submission, the enhanced program accounts for a substantial amount of the necessary 15 percent emission reduction. Failure to implement a full enhanced I/M program limits the state's ability to meet all the requirements under section 182 of the Act and to attain the ozone standards.

Section 182(a)(2)(B) of the Act directed the EPA to publish updated guidance for state I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. Based on these requirements, the EPA promulgated I/M regulations on November 5, 1992 (57 FR 52950), codified at 40 CFR 51.350 through 50.373.

The performance standard for enhanced I/M programs is normally based on a high-tech test designed for new technology vehicles (i.e., those with closed-loop control and, especially, fuel injected engines), including a transient loaded exhaust short test incorporating hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO_X) cutpoints; an evaporative system integrity (pressure) test; and an evaporative system performance (purge) test. The performance standard for basic I/M programs remains the same as it has been since the initial I/M policy was established in 1978, pursuant to the 1977 Clean Air Act Amendments.

Although Missouri has submitted an enhanced I/M program, the EPA is proposing to act on the submittal with regard to compliance with the basic I/M requirements in section 182(b)(4) and 40 CFR Part 51, Subpart S, since those are the I/M requirements applicable to St. Louis. However, in order to assist the state in developing an enhanced program (should it choose to continue pursuit of that program), the EPA's review will also include an analysis of the submission as it relates to requirements for enhanced I/M.

Background on Missouri's Program

On January 1, 1984, the state of Missouri implemented a motor vehicle I/M program in the St. Louis metropolitan area. The St. Louis program is decentralized and jointly administered by the Missouri State Highway Patrol and the Missouri Department of Natural Resources (MDNR). The St. Louis I/M program was implemented to help reduce ozone and CO pollution through testing vehicle emissions and requiring those vehicles that have excessive emissions to be repaired.

The EPA first audited the St. Louis, Missouri, I/M program in 1985. The audit found that the St. Louis I/M program experienced a significant shortfall in achieving the minimum required VOC emission reductions necessary for an acceptable I/M program. As a follow-up to the 1985 audit, the EPA conducted a second audit of the St. Louis I/M program in 1987. The follow-up audit showed that the state had not made sufficient progress toward improving the program. Based on the continued low failure rate, an unrepresentative reporting on the tampering rate, and an excessive waiver rate, the I/M program again failed to achieve a level of emission reductions consistent with the minimum emission reduction requirements (MERR).

Since the St. Louis I/M program did not meet the minimum requirements, the EPA requested the state to submit a corrective action plan (CAP) to correct the St. Louis I/M program deficiencies. As part of the CAP, Missouri implemented computerized BAR–90 type analyzers on December 1, 1990.

The EPA conducted an audit of the revised program in August 1992. Despite improvements following the EPA's two previous audits, the St. Louis I/M program still had not demonstrated a level of VOC emission reductions consistent with the MERR for a basic program. The I/M program is an important strategy toward achieving healthful air quality in St. Louis. To maximize progress toward that goal, the state of Missouri and the EPA believed the most effective approach would be to implement a centralized, test-only program including high-tech testing.

As discussed in the EPA's I/M rule, states such as Missouri were required to submit an SIP by November 15, 1992, including a schedule, analysis, description, legal authority, and adequate evidence of funding and resources for program implementation discussed in section 51.372 (a)(1)–(a)(8).

Missouri, however, failed to submit an SIP revision which would meet the

requirements of applicable guidance and regulations for an I/M program. Therefore, on January 15, 1993, pursuant to section 179(a) of the CAA, the EPA made a finding of failure to submit a plan. As provided by the Act, Missouri had 18 months (until July 15, 1994) to submit a complete SIP revision or be subject to the sanction provisions identified in section 179(b).

Missouri could not adopt corrections to program deficiencies without additional legal authority. Therefore, on May 13, 1994, Missouri received legislative authority not only to correct the deficiencies identified in the current basic I/M program, but to implement a more cost-effective enhanced I/M program (Senate Bill 590). With legislative authority to implement the enhanced I/M program, MDNR and the EPA began working together to develop a complete SIP revision, which was necessary to stop the sanction clock. Although the 18-month clock expired, the EPA could not impose sanctions until the effective date of a final rulemaking prescribing the order in which the section 179(b) sanctions were to be applied. The final rulemaking (59 FR 39832) on the order of CAA sanctions was published on August 4, 1994, and became effective on September 6, 1994.

On September 1, 1994, Missouri submitted to the EPA a revised SIP for an enhanced I/M program. The plan had undergone proper notice and public hearing, and was adopted by the Missouri Air Conservation Commission (MACC) on August 28, 1994. The revision included a copy of the emergency rulemaking filed with the Secretary of State, a letter from the Attorney General's Office describing the legal authority for the emergency rulemaking, a copy of Senate Bill 590, and a Request for Proposal narrative. Through upfront coordination with MDNR, the EPA was able to determine that the SIP was complete on September 1, 1994. Thus, Missouri was able to avoid sanctions. Subsequent amendments were submitted by Missouri on May 25, 1995, in conjunction with the 15% ROPP. On June 29, 1995, Missouri submitted additional documentation for the I/M SIP. The rule was adopted by the MACC on July 27, 1995. However, during the 1995 legislative session, the Missouri legislature voted to delete I/M funding for operation of the centralized I/M program. Lack of I/M funding severely hinders Missouri's ability to implement several key aspects of the program (as explained below). Consequently, the EPA is proposing to disapprove Missouri's I/M SIP submission.

III. The EPA's Analysis of Missouri's I/M Program Submittal

As discussed above, sections 182(b)(4), 182(c)(3), 184(b)(1)(A), 187(a)(6), and 187(b)(1) of the Act require that states adopt and implement regulations for a basic or an enhanced I/M program in certain areas. The following sections of this notice summarize the requirements of the Federal I/M regulations and address whether the elements of the state's submittal comply with the Federal rule. Although Missouri opted to revise its SIP to implement an enhanced I/M program, the CAA merely required the state to submit a plan to correct deficiencies associated with the current basic I/M program. As such, the EPA's decision regarding the approvability of Missouri's SIP is based solely on the criteria for a basic program. However, because Missouri chose to correct its basic program by submitting an enhanced program, the EPA has also reviewed the submittal for compliance with the requirements of an enhanced program. Nonetheless, the deficiencies necessitating the proposed disapproval, described below, relate to requirements for a basic I/M program. Parties needing more specific information should consult the Technical Support Document.

Applicability—40 CFR Section 51.350

Sections 182(b)(4) of the Act and 40 CFR section 51.350(a) require all states classified as moderate ozone nonattainment, and not required to implement enhanced I/M, to implement an I/M program no less stringent than a basic I/M program. Implementation must occur in the nonattainment area.

The state's submittal contains legal authority and regulations necessary to establish the program boundaries for enhanced I/M. The program area which includes the St. Louis metropolitan nonattainment area, i.e., Jefferson, St. Charles, and St. Louis counties, and St. Louis city meets Federal requirements. Therefore, this portion of the SIP is approvable.

I/M Performance Standard—40 CFR Sections 51.351 and 51.352

Section 51.351 contains the performance standard for enhanced I/M programs, and section 51.352 contains the performance standard for basic programs. As provided in the state submittal, Missouri's program design parameters meet the Federal I/M regulations and are approvable. The emission levels achieved by the state were modeled using MOBILE5a. The modeling demonstration was performed adequately using local characteristics and demonstrating that the program design meets the minimum enhanced I/M performance standards. Therefore, the SIP meets requirements for enhanced I/M programs under section 51.351. In addition, the SIP meets the basic I/M requirements under section 51.352.

Network Type and Program Evaluation—40 CFR Section 51.353

As required for enhanced programs in the I/M rule, Missouri's submittal provides for a centralized, test-only network. The SIP includes a discussion regarding program evaluation and includes a schedule for the biennial report. As indicated in the SIP, many program evaluation aspects will be accomplished by a contractor. However, the SIP lacks procedures describing the method by which the evaluation will be conducted. Therefore, the SIP does not meet the program evaluation requirements in section 51.353 of the I/M rule. However, the program evaluation criterion is required for enhanced I/M programs only. Therefore, this deficiency is not relevant to the EPA's proposed action with respect to the basic I/M requirements.

Adequate Tools and Resources—40 CFR Section 51.354

In accord with section 51.354 of the I/M rule, the state must provide a description of the resources and personnel to be used in the program. According to section 51.372, the state must demonstrate that adequate funding and resources for the program are available. Section 51.372(a)(8) requires that the SIP contain evidence of adequate funding and resources to implement all aspects of the program.

As required, the SIP includes a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP also includes a description of personnel resources dedicated to overt and covert auditing, data analysis, program administration, enforcement, and other necessary functions. The description of funding and resources is adequate for purposes of section 51.354. However, the SIP does not meet the Federal requirements for evidence of adequate tools and resources under section 51.372. See the discussion of section 51.372 below for more details.

Test Frequency and Convenience—40 CFR Section 51.355

The enhanced I/M performance standards assume an annual test

frequency; however, other schedules may be approved if the performance standard is achieved. In addition, Missouri must demonstrate that the network of stations providing the test services is sufficient to ensure short waiting times and short driving distances.

Missouri's enhanced I/M regulations provide for a biennial test frequency which meets the performance standard. However, the SIP lacks sufficient evidence that convenient services will be provided to the motorist. The state submittal lacks a signed contract or a completed Request for Proposal (RFP) that demonstrates the convenience requirements, which is required for enhanced I/M programs only, will be met. If Missouri chooses to rely on an enhanced I/M program to meet the I/M SIP element required by section 182(b)(4) and the ROPP requirement of section 182(b)(1), the state must address this requirement. Consequently, this portion of the SIP does not meet the Federal requirements for an enhanced I/M program. However, this deficiency is not relevant to the EPA's proposed action with respect to the basic I/M requirements.

Vehicle Coverage—40 CFR Section 51.356

According to Federal regulations, the SIP needs to include a detailed description of the number and types of vehicles to be covered by the program, and a description of any special exemptions which will be granted by the program.

Missouri's enhanced I/M legislation requires coverage of 1971 and newer light-duty vehicles and light-duty trucks up to 8500 pounds gross vehicle weight rating which are registered or required to be registered in the I/M program area. This level of coverage is approvable because, overall, the program design meets the enhanced I/M performance standard. Also, Missouri is authorized in its enabling legislation to impose fleet testing requirements and requirements for special exemptions in accordance with Federal I/M requirements. This portion of the SIP is approvable.

Test Procedures and Standards—40 CFR Section 51.357

Consistent with Federal regulation, Missouri's submittal includes a description of the test procedures for transient, idle, evaporative system purge, evaporative system pressure testing, and a visual emission control device inspection. These test procedures conform to the EPA approved test procedures detailed in the Federal I/M rule and in the EPA document entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications,'' EPA–AA–EPSD–I/M–93–1, dated July 1993, and are approvable. The state I/M regulation establishes {HC, CO, CO, and NO_X} pass/fail exhaust standards for all test procedures for each applicable model year and vehicle type. The exhaust standards adopted by the state conform to the EPA established standards and are approvable. The Missouri I/M regulation establishes evaporative purge and pressure test standards which conform to the EPA established standards and are approvable. The state regulation provides for start-up standards during the first two years of program implementation. However, details of how the program start-up will be accomplished are not included, and the SIP submittal indicates they will be provided by a contractor. Without a signed contract or an RFP detailing implementation of the start-up process, the EPA cannot approve this portion of the SIP.

Test Equipment—40 CFR Section 51.358

Computerized test systems are required for performing any emission measurements on subject vehicles. The Federal I/M regulation requires Missouri's submittal to include written technical specifications for all test equipment used in the program. The specifications describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures. Missouri's SIP meets these criteria.

Quality Control—40 CFR Section 51.359

The state submittal contains a procedure manual and regulations which describe and establish quality control measures for the emission measurement equipment, recordkeeping requirements, and measures to maintain the security of all documents used to establish compliance with the inspection requirements. The submittal states that many quality control functions will be carried out by a contractor. However, the submittal does not contain an adequate description of how the contractor will carry out the functions relating to quality control. Without a signed contract or RFP detailing these functions, the EPA cannot evaluate whether these controls are adequate and cannot determine that the state has adequate authority to ensure that these functions will be implemented.

Waivers and Compliance Via Diagnostic Inspection—40 CFR Section 51.360

Missouri's regulation includes provisions which address waiver criteria and procedures. The state regulation includes provisions regarding cost limits, tampering and warranty-related repairs, quality control, and administration. The state regulation requires repairs for 1981 and newer model year vehicles to be performed by a recognized repair technician. The waiver rate has been used in the performance standard modeling demonstration and is approvable. The waiver provisions outlined in the submittal meet Federal I/M regulations and are acceptable. However, the EPA notes that the waiver provision in the current operating basic program allows waivers of emission testing for persons who receive a low-emission tune-up. This is one of the deficiencies the EPA noted in its January 15, 1993, finding that Missouri had failed to submit corrections to its basic I/M program. Without implementation of the program submitted in September 1, 1994, this deficiency has not been corrected.

Motorist Compliance Enforcement—40 CFR Section 51.361

The Federal regulation requires compliance to be ensured through the denial of motor vehicle registration in enhanced I/M programs, unless an exception for use of an existing alternative is approved.

The Missouri SIP commits to a compliance rate of 96 percent which was used in the performance standard modeling demonstration and is approvable. The submittal includes detailed information concerning the registration denial enforcement process which meets Federal I/M regulations and is approvable.

Motorist Compliance Enforcement Program Oversight—40 CFR Section 51.362

According to the Federal I/M regulation, the enforcement program must be audited regularly and must follow effective program management practices, including adjustments to improve operations when necessary. The lack of adequate oversight was cited as a deficiency in the basic program in the January 15, 1993, findings letter described previously.

The Missouri regulation, procedure manual, and supporting documents describe how the enforcement program oversight is quality controlled and quality assured. The enforcement program oversight activities included in the submittal meet most of the Federal

I/M regulation requirements. However, the state submittal lacks details of how the information management system will be implemented. As indicated in the SIP, requirements of this section depend on participation from the Missouri Department of Revenue (MDOR) and the assigned contractor. The state needs a Memorandum of Understanding with MDOR, and a signed contract or an RFP outlining the duties of the contractor to meet the requirements of this section. The enforcement program oversight activities included in the submittal do not meet the Federal I/M requirements and are not approvable. Therefore, the EPA cannot approve this portion of the SIP.

Quality Assurance—40 CFR Section 51.363

The Federal regulation requires the SIP to describe the quality assurance program and meet the applicable provision of the rule. Missouri's submittal lacks a quality assurance procedural manual and supporting documents which describe details and procedures for implementing inspector records and equipment audits, as well as providing formal training to all state enforcement officials. Performance audits of inspectors will consist of both covert and overt audits. The SIP indicates many functions of this section are to be carried out by a contractor. The SIP states the contractor will be responsible for portions of the oversight and enforcement provisions. For example, the contractor is to be responsible for developing the interactive software that would allow real-time access to all test station information. Without a signed contract or an RFP detailing the quality assurance program and procedures, the EPA cannot adequately evaluate this portion of the SIP. Thus, the EPA cannot approve this portion of the SIP.

Enforcement Against Contractors, Stations, and Inspectors—40 CFR Section 51.364

The Federal regulation requires the state to meet applicable enforcement provisions. The Federal I/M regulation requires the establishment of minimum penalties for violations of program rules.

The Missouri submittal includes the legal authority to establish and impose penalties against stations, contractors, and inspectors. The state I/M regulation gives the state auditor the authority to temporarily suspend station and inspector registrations immediately upon finding a violation. The submittal includes an official opinion from the State Attorney General which explains the state constitutional impediment to immediate suspension authority, and explains that a system is in place to hold a hearing to suspend or revoke a license within three business days of finding a violation. The submittal includes a description of administrative and judicial procedures relevant to the enforcement process. However, as discussed in the SIP, a penalty schedule for the inspectors and details on how the contractor will impose penalties against the inspectors will be included in the contracts between the state and inspection station contractors. Without a signed contract or RFP detailing this procedure, the EPA is unable to approve this portion of the SIP.

Data Collection—40 CFR Section 51.365

Accurate data collection is essential to the management, evaluation, and enforcement of an I/M program. The narrative in the SIP states that data will be collected on each individual test conducted and describes the type of data to be collected. The submittal also commits to gather and report the results of the quality control checks required pursuant to the Federal I/M regulations. However, the SIP indicates much of this function will be fulfilled by a contractor, and the submittal lacks a description of how the data will be collected. Therefore, without an RFP or a signed contract detailing this procedure, the EPA cannot approve this portion of the SIP.

Data Analysis and Reporting—40 CFR Section 51.366

Data analysis and reporting are required to assist in monitoring and evaluating the program by the state and the EPA. The Federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed.

The narrative provides for the analysis and reporting of data for the testing program, quality assurance program, quality control program, and the enforcement program. Again, the SIP indicates much of this function will be fulfilled by the contractor and lacks an adequate description of how the data will be collected and reported. Therefore, without an RFP or a signed contract, the EPA cannot approve this portion of the SIP.

Inspector Training and Licensing or Certification—40 CFR Section 51.367

The Federal I/M regulation requires all inspectors to be formally trained and licensed or registered to perform inspections.

The narrative in the submittal states that all inspectors will receive formal training, will be registered by MDNR or the operating contractor, and will renew their registration every two years. The narrative includes a description of the items that need to be covered in the training program. However, the SIP lacks a detailed description of the written and hands-on tests and a description of the registration process. The narrative states that a contractor will fulfill most of the requirement of this section. Therefore, without an RFP or a contract specifically detailing how this requirement will be met, the EPA is unable to approve this portion of the SIP.

Public Information and Consumer Protection—40 CFR Section 51.368

The Federal I/M regulation requires the SIP to include public information and consumer protection programs.

Missouri addresses these provisions in the SIP. Missouri must develop a public information program which educates the public on I/M, state and Federal regulations, air quality and the role of motor vehicles in the air pollution problem, and other items as described in the Federal rule. The consumer protection program needs to include provisions for a challenge mechanism, protection of whistle-blowers, and providing assistance to motorists in obtaining warranty-covered repairs. The SIP indicates that the requirement of this section will primarily be the responsibility of a contractor. However, without an RFP or a signed contract between the contractor and MDNR providing an adequate description of these programs, the EPA is unable to approve this portion of the SIP.

Improving Repair Effectiveness—40 CFR Section 51.369

As required by Federal regulation, the Missouri submittal needs to require the implementation of a technical assistance program which includes a hotline service to assist repair technicians, and a method of regularly informing the repair facilities of changes in the program, training courses, and common repair problems. Missouri lacks a repair facility performance monitoring program which is expected to be included in the RFP and I/M contract. Also, the monitoring program would provide the motorist whose vehicle fails the test a summary of local repair facilities performance, would provide regular feedback to each facility on its repair performance, and would require the submittal of a completed repair form at the time of retest. The submittal lacks

an adequate description of the performance monitoring program design and technician training program, and does not meet the criteria described in the Federal regulation and is not approvable.

Compliance With Recall Notices—40 CFR Section 51.370

The Federal regulation requires the states to establish methods to ensure that vehicles that are subject to the testing requirements and are included in an emission-related recall receive the required repairs before completing the emission test or renewing the vehicle registration.

The Missouri regulation provides the legal authority to require owners to comply with emission-related recalls before completing the emission test or renewing the vehicle registration. The submittal includes a commitment to submit an annual report to the EPA which includes the information as required by Federal regulation. However, the SIP does not include an adequate description of procedures to be used to incorporate national database recall information into the state inspection database, and does not include quality control methods to ensure recall repairs are properly documented and tracked. Therefore, the recall compliance program contained in the SIP submittal does not meet the Federal requirements and is not approvable.

On-Road Testing—40 CFR Section 51.371

On-road testing is required in enhanced I/M areas. Although Missouri is not required to implement these on-road requirements, the use of either remote sensing devices or roadside pullover (including tailpipe emission testing) can increase the program's efficiency. Any additional emission reductions achieved would be creditable towards Missouri's 15% ROPP. Missouri does have enabling authority to implement the on-road testing requirements. This requirement is optional for basic I/M areas. Therefore, if Missouri chooses not to include all of the on-road testing requirements in the program, it will not affect the EPA's proposed action with respect to the basic requirements.

SIP Submissions/Implementation Deadlines—40 CFR Section 51.372–373

The Federal regulation requires enhanced I/M programs to meet the submission deadline and to be implemented in accord with 40 CFR section 51.372–373.

The Missouri submittal included the final state I/M regulations and legislative authority to implement the program. The SIP lacks final specifications, a final RFP, the contractor's proposal, the signed contract between the state and the contractor, procedural documents, interagency agreements, memoranda of understanding for program implementation, and evidence of adequate funding and resources to implement the program.

Regarding adequate tools and resources, the state must demonstrate that adequate funding and resources for the program are available. Section 51.372(a)(8) requires that the SIP contain evidence of adequate funding and resources to implement all aspects of the program. In attempting to meet the aforementioned requirements, some of Missouri's test fee or separately assessed per vehicle fee is to be collected, placed in a dedicated fund, and used to help finance the program. However, legislative action would be required to enable MDNR to use the funds for operation of the program. In addition, the Missouri General Assembly has specifically deleted funding for operation of the program from Missouri's fiscal year 1996 budget. Consequently, the state has not demonstrated that adequate funding is available to meet the budget plan and carry out other program functions.

The state submittal does not meet the adequate tools and resources requirements set forth in 40 CFR section 51.372.

Conclusion

As discussed previously in this rulemaking, Missouri does not meet the CAA requirements because its SIP submittal does not correct deficiencies with respect to the basic I/M program. Currently, the program is still operating under the system for which the EPA issued a January 15, 1993, findings letter for failure to submit a plan to meet MERR. Although the state has submitted a plan in an attempt to correct I/M program deficiencies, the state has not demonstrated the I/M program includes adequate resources to implement the program. Without other supporting documents, such as a signed contract or an RFP detailing how other requirement of the EPA's I/M rule will be met, the EPA is unable to evaluate and approve the state's submittal.

EPA Action: The EPA's review of the material indicates that the state has not adopted an adequate I/M program in accordance with the requirements of the Act. The EPA is proposing to disapprove the Missouri SIP revision for an I/M program, which was submitted on September 1, 1994. The EPA is soliciting public comments on the issues discussed in this notice and on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional Office listed in the **ADDRESSES** section of this notice.

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

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

The EPA's disapproval of the state request under section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, the EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, the EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements or impose any new Federal requirement.

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

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''),

signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

The proposed disapproval would have no impact on tribal governments as regulators. The EPA has also determined that the proposed disapproval would not impose any mandate on the private sector. Existing rules previously approved by the EPA remain in effect and would not be impacted by the disapproval. With respect to the impact on state and local governments, the state may choose, but is not required, to respond to a disapproval by revising and resubmitting the plan. In any event, the EPA estimates that the cost to state and local government of revising the plan would be less than $100 million in the aggregate.

Therefore, the EPA has determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 7, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96–6235 Filed 3–15–96; 8:45 am]

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40 CFR Part 52

[MO 002–1002(b); FRL–5442–4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes a limited approval and limited disapproval of the State Implementation Plan (SIP) submitted by the state of Missouri to meet the 15% Rate-of-Progress Plan (15% Plan) (ROPP) requirements of section 182(b)(1)(A) of the Clean Air Act (CAA), as amended (the Act). The EPA is proposing a limited approval because the 15% Plan, submitted by Missouri, will result in significant emission reductions from the 1990 baseline and, thus, will improve air quality. Simultaneously, the EPA is proposing a limited disapproval of the 15% Plan because it fails to demonstrate sufficient reductions of volatile organic compounds (VOC) to meet the 15% ROPP requirements. The EPA is proposing a limited disapproval of the 15% Plan to the extent that the emission reductions associated with Missouri's enhanced I/M program cannot be achieved.

The EPA is also proposing approval of specific control measures in the 15% Plan because these rules will strengthen the SIP. However, the EPA is proposing conditional approval of the control measure for the control of emissions from municipal solid waste landfills and for the control of emissions from solvent cleanup operations. A final action on these control measures will incorporate these rules into the Federally approved SIP.

The EPA is proposing full approval of Missouri's 1990 Base Year Inventory. The inventory was submitted by the state to fulfill the requirements of section 182(b) of the Act.

DATES: Comments must be received on or before April 17, 1996.

ADDRESSES: Comments may be mailed to Royan W. Teter, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Royan Teter at (913) 551–7609 or Wayne Leidwanger at (913) 551–7607.

SUPPLEMENTARY INFORMATION:

I. Background

The St. Louis area was designated nonattainment for ozone in 1978. On November 6, 1991, the EPA promulgated a rule which classified the St. Louis area as a moderate ozone nonattainment area based on its design value of 0.138 ppm. The nonattainment area consists of Madison, Monroe, and St. Claire counties in Illinois; and Franklin, Jefferson, St. Charles, and St. Louis counties and St. Louis City in Missouri.

Section 182(b) of the Act requires that each state in which all or part of a moderate nonattainment area is located, submit, by November 15, 1992, a comprehensive, accurate, current inventory of actual emissions from all sources, as described in section 172(c)(3) and 182(a)(1), in accordance with guidance provided by the Administrator. This inventory is for calendar year 1990 and is designated the base year inventory. The inventory should include both anthropogenic and biogenic sources of VOCs, nitrogen oxides (NO_X), and carbon monoxide (CO), and must address actual emissions of these pollutants in the nonattainment area during peak ozone season. The inventory should include all point and area sources, as well as all highway and nonhighway mobile sources.

In addition, section 182(b)(1)(A) of the Act requires ozone nonattainment area classifications of moderate and above to develop plans to reduce VOC emissions by 15 percent from the 1990 baseline. The plans were to be submitted by November 15, 1993, and the reductions are required to be achieved within six years of enactment or November 15, 1996. The Act also set limitations on the creditability of certain types of reductions. Specifically, a state cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (new car emission standards) promulgated prior to 1990, or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990 or required under section 211(h) of the Act, which restricts gasoline RVP. Furthermore, the Act does not allow credit for corrections to vehicle I/M Programs or corrections to Reasonably Available Control Technology (RACT) rules as these programs were required prior to 1990.

In today's action, the EPA proposes to fully approve the plan element relating to the emission inventory. With regard to the 15% Plan, the EPA proposes a limited approval and limited disapproval. The EPA also proposes to conditionally approve the 15% Plan as it relates to the reduction credit claimed for the state's municipal solid waste landfill rule.

II. Review of State Submittal

A. 1990 Base Year Emissions Inventory (EI)

As noted above, the CAA requires the submission of a comprehensive EI for areas classified as nonattainment for ozone. The regulatory significance of these inventories is established in section 182(b)(1) of the Act. These inventories, termed ''base year'' inventories, provide a baseline from which reasonable further progress towards meeting necessary emissions reductions is measured, and provide the foundation for the development of control strategies for attainment of the National Ambient Air Quality Standards (NAAQS).

1. Inventory Development

The EPA issued guidance documents on emissions inventory development were provided to all agencies involved in EI development for the St. Louis ozone nonattainment area. A review of the inventory indicates that it was developed consistent with the criteria set forth in the guidance.

A detailed description of the development process for each portion of Missouri's 1990 base year emission inventory can be found in the EPA's technical support document (TSD). Region VII received a revised draft 1990 base year inventory from Missouri on February 12, 1993. EPA Region VII, EPA's Office of Air Quality Planning and Standards (OAQPS) Emissions Inventory Branch (EIB), EPA's Office of Mobile Sources, and contractors reviewed the inventory. Comments were sent to the state, and a public hearing on the draft inventory, as well as the draft 15% Plan, was held before the Missouri Air Conservation Commission (MACC) on January 27, 1994 and was adopted by the MACC on February 24, 1994.

The EPA received another draft revision of the base year inventory, in conjunction with another draft of Missouri's 15% Plan, on November 1, 1994. This inventory revision was adopted by the MACC, after proper notice and public hearing, on January 12, 1995. Missouri's final 1990 baseline emissions inventory was submitted to the EPA on January 20, 1995, in conjunction with Missouri's 15% ROPP. The EPA issued a finding of completeness with respect to these submissions on July 13, 1995.

2. Review Criteria

The EPA is proposing to approve Missouri's 1990 base year emission inventory based on a Levels I, II, and III review process. The inventory was reviewed in accordance with requirements specified in a document entitled ''Quality Review Guidelines for 1990 Base Year Emission Inventories,'' OAQPS, Research Triangle Park , North Carolina, August 1992, which details the Level I and II review procedures. Level III review procedures are specified in a memorandum dated October 7, 1992, from J. David Mobley, EIB Chief, to Air Branch Chiefs, Region I–X, entitled ''Final Emission Inventory Level III Acceptance Criteria,'' and revised in a memorandum from John S. Seitz, OAQPS Director, to Regional Air Division Directors, Region I–X, entitled ''Emission Inventory Issues,'' June 24, 1993.

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the state, and assesses whether the emissions were developed according to current EPA guidance. Level I and II criteria must be passed before the Level III final criteria can be considered. Missouri's submittal of the 1990 base year EI passed the Level I and II criteria.

The Level III review process consists of an evaluation of the EI in terms of ten criteria. For a base year EI to be acceptable, it must pass all of the acceptance criteria. A summary of the EPA's Level III review of Missouri's 1990 base year EI is given below:

1. An approved Inventory Preparation Plan (IPP) must be provided, and the quality assurance procedures identified in the IPP must be performed and its implementation documented. Missouri submitted, and the EPA approved, an IPP for the St. Louis nonattainment area.

2. Adequate documentation must be provided to enable the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory. The final inventory report for St. Louis contains adequate documentation to determine the estimation procedures and data sources used to develop the inventory.

3. The point source inventory must be complete. Evidence suggests that the inventory is comprehensive and includes all relevant sources within the nonattainment area.

4. Point source emissions must have been prepared or calculated according to the current EPA guidance. Missouri's 1990 base year emissions inventory indicates that the point source calculations were performed in accord with current EPA guidance.

5. The area source inventory must be complete. A review of the source categories included in Missouri's base year inventory reveals that Missouri included the appropriate source categories.

6. The area source emissions must have been prepared or calculated according to the current EPA guidance. The documentation for the area sources portion of Missouri's inventory contains example calculations which are consistent with the relevant EPA guidance.

7. Biogenic emissions must have been prepared according to current EPA guidance. The biogenic emissions were calculated using the EPA PC–BEIS model.

8. The method used to develop vehicle-miles-traveled (VMT) estimates (e.g., Highway Performance Monitoring System or a network transportation planning model) must follow the EPA guidance. The East-West Gateway Coordinating Council (EWGCC) is the metropolitan planning organization responsible for developing VMT estimates for the St. Louis nonattainment area. On May 5, 1993, the Missouri Highway and Transportation Department (MHTD) requested Federal Highway Administration (FHWA) approval of the EWGCC's use of the MINUTP travel demand model as a basis for Missouri's SIP. FHWA concurred on the use of MINUTP for the St. Louis SIP in a June 7, 1993, letter to MHTD citing several criteria to be met. EWGCC met the FHWA criteria in three reports which are included in the SIP documentation pertaining to the mobile sources inventory. The EPA concurs that the method used to develop VMT estimates was adequately described and documented.

9. The appropriate version of the MOBILE model must be correctly used to produce emission factors for each of the vehicle classes. The most current version of the EPA's MOBILE model, MOBILE5a, was correctly used to calculate on-road emission factors for the St. Louis nonattainment area.

10. Nonroad mobile emissions must be prepared according to current EPA guidance for all of the source categories. The nonroad mobile emission estimates were correctly prepared according to current EPA guidance.

Based on the EPA's Level III review, Missouri has satisfied all of the requirements for purposes of providing a comprehensive, accurate, and current inventory of actual emissions in the ozone nonattainment area. For documentation of the EPA's evaluation, including details of the review procedure, the reader is referred to the EPA's TSD.

3. Proposed Action

The state has submitted a complete inventory containing point, area, biogenic, on-road, and nonroad mobile source data, and accompanying documentation. The EPA is proposing full approval of the 1990 base year ozone emission inventory submitted to the EPA for the St. Louis moderate ozone nonattainment area. The following table summarizes the 1990 base year inventory for the St. Louis nonattainment area and boundary point sources within 25 miles.

1990 ST. LOUIS OZONE SIP INVENTORY SUMMARY

[Tons per ozone season weekday (TPD)]

	VOC emissions	NO_X emissions	CO emissions
Point sources	87.37	377.61	24.33
Area sources	87.74	29.47	28.99
Mobile sources	123.50	135.00	913.20
Nonroad sources	64.30	114.32	408.08
Biogenics	189.70	0.00	0.00
Total emissions	552.61	656.40	1374.60

B. 15% Plan

As noted above, section 182(b)(1) of the Act requires that moderate and above ozone nonattainment areas develop plans to reduce areawide VOC emissions from a 1990 baseline by 15 percent, net of growth, in the nonattainment area. The plans were to be submitted by November 15, 1993, and the reductions were required to be achieved within six years after enactment or November 15, 1996. The CAA also set limitations on the creditability of certain types of reductions. Specifically, states cannot take credit for reductions achieved by FMVCP measures or for reductions due to controls on RVP promulgated prior to 1990, or required under section 211(h) of the Act which restricts gasoline RVP. Furthermore, the CAA does not allow credit for corrections for I/M programs or corrections to RACT rules where these programs were required prior to 1990.

The state of Missouri submitted a 15% Plan for the St. Louis nonattainment area on November 15, 1993. On January 14, 1994, the EPA notified Governor Mel Carnahan that the submittal was incomplete. The submittal did not contain officially adopted regulations and, in the case of the enhanced motor vehicle I/M program, the state lacked the appropriate legislative authority to adopt regulations. Pursuant to § 110(k)(1)(C) of the Act, a determination of incompleteness is treated as a failure to submit a plan. As such, one of the sanctions provided in § 179(b) would be imposed 18 months from the date of the finding, or in this case, by July 14, 1995.

A subsequent 15% Plan was adopted by the MACC, after proper notice and public hearing, on January 12, 1995, and submitted to the EPA on January 13, 1995. Two supplements were adopted by the MACC on March 30, 1995, and submitted to the EPA on July 11, 1995. The EPA found the entire 15% Plan submittal complete on July 13, 1995, thereby stopping the sanctions clock.

The EPA is proposing a limited approval of Missouri's 15% Plan because the Plan will result in significant emission reductions from the 1990 baseline and, thus, will improve air quality. Simultaneously, the EPA is proposing a limited disapproval of the 15% Plan because it fails to demonstrate sufficient reductions of VOCs to meet the 15% ROPP requirements.

The intent of a 15% Plan is to determine a target level of emissions and provide for any reductions needed to meet that target by November 15, 1996. The target level of emissions for the St. Louis nonattainment area is 263.9 TPD. The emission reductions necessary to meet the target are 53.7 TPD. The 15% Plan, submitted by the state of Missouri, includes specific control measures towards meeting the emissions target.

The 15% Plan, submitted by the state of Missouri, includes specific control measures used to achieve reductions credit. In the technical review section of this document, each control measure is evaluated as to its ability to strengthen the SIP and to the validity of the emission reductions projected. The majority of the control measures in the 15% Plan will strengthen the SIP and, therefore, the EPA is proposing approval or conditional approval of these specific measures and limited or conditional approval of the reduction credit claimed for the associated emission reductions. However, for the following control measure, the EPA believes the amount of emission reduction claimed by the state is not appropriate.

I/M Program

Section 182 of the Act requires states with moderate ozone nonattainment areas to implement a basic I/M program. A basic I/M program began operation in St. Louis in January 1984. Numerous audits of this program indicated shortfalls in emission reductions, and the EPA issued an SIP call to correct deficiencies in the I/M SIP.

The state of Missouri developed a centralized enhanced I/M program to correct deficiencies in the basic I/M program and to obtain credits toward the 15% Plan requirement. This enhanced I/M program is a critical part of the 15% Plan because it provides the single largest source of emission reductions towards meeting the 15 percent reduction requirement. Based on a series of MOBILE model runs, the state has estimated that the enhanced I/M program accounts for 23.13 TPD in emission reductions. However, the EPA notes that individual mobile source controls, e.g., low RVP fuels, I/M programs, repair technician training, etc., have synergistic effects within the MOBILE model when considering multiple control programs. Therefore, the reduction from the enhanced I/M program, when considered with the other components of the mobile source control program, is approximately 19.26 TPD of the 29.41 TPD of VOC reductions that will result from the combined effects of 7.0 RVP gasoline, enhanced I/M, and repair technician training. If the state chooses to implement an enhanced I/M program, it must demonstrate that the program, in combination with other components of the 15% Plan, will achieve the overall level of emission reductions necessary to reach the target level of emissions in the 15% Plan.

On May 13, 1994, the state received the legislative authority to establish a centralized, enhanced I/M program for the counties of St. Charles, Jefferson, and St. Louis, and the city of St. Louis. The state submitted an SIP revision upgrading the basic I/M program to an enhanced program on September 1, 1994, and the EPA found the submittal complete on the same day.

During the 1995 session of the Missouri legislature, funding for the operation of enhanced I/M program was deleted from the state's budget. The EPA has also identified other deficiencies in the I/M element which are discussed in a separate rulemaking, which is published elsewhere in today's Federal Register, and TSD for the I/M SIP element of the Missouri SIP. The EPA

has determined that the emission reduction assumed to result from implementation of the enhanced I/M program cannot be expected to be achieved. Therefore, the EPA is proposing a limited disapproval of the 15% Plan, to the extent that the emission reductions associated with Missouri's enhanced I/M program cannot be achieved.

1. Technical Review

A. Calculation of Target Level Emissions

The calculation of the total VOC emissions reductions required to meet the 15% Plan requirements equals the sum of 15 percent of the adjusted inventory, plus reductions to offset any growth that takes place between 1990 and 1996, plus any reductions that result from corrections to the I/M or VOC RACT rules. The following table summarizes the calculations for the St. Louis nonattainment area.

CALCULATION OF REQUIRED REDUCTION (TONS/DAY)

1990 Emission inventory	357.5
1990 Adjusted	311.9
15% of adjusted	46.8
Total expected reductions (RACT, noncreditable FMVCP and RVP, and I/M)	94.5
1996 Target	263.9
1996 Projection (1996 forecasted emissions with growth and pre-1990 controls)	317.6
Required reduction	53.7

It must be noted that Missouri's point source projections methodology, which is included in the 1996 projection portion of the above table, deviates from that recommended by the EPA. The projected point source inventory in the July 11, 1995, 15% Plan submittal was developed using the 1990 adjusted base year inventory, actual 1992 data for VOCs based on emission inventory questionnaires from sources in the area, and growth factors derived from Bureau of Economic Analysis data. On January 23, 1996, Missouri submitted a revision to the 15% Plan which utilizes the methodology discussed below to project the point source portion of the 1990 15% plan base year inventory to 1996. The Missouri Department of Natural Resources (MDNR) believes, and the EPA concurs, that the methodology that it has used to project the 1990 adjusted base year inventory to the attainment year of 1996 uses the best projection data available at this time. A thorough review of Missouri's modified approach was conducted by the EPA to determine consistency with the intent of the EPA guidance. The reader is referred to the EPA's TSD for a detailed analysis of Missouri's methodology and the EPA's rationale in proposing approval of this method.

As noted in the above table, the total creditable state reductions needed to meet the 15 percent requirement are 53.7 TPD. The state's methodology for selecting growth factors and applying them to the 1990 base year emissions inventory to estimate the growth in emissions from 1990 to 1996 is acceptable. However, it must be noted that the point source projection methodology submitted on January 23, 1996, resulted in a different total required emission reduction than the one in the July 11, 1995, 15% Plan submittal, which was 51.7 TPD. Missouri has yet to submit the new total required emission reduction to the EPA as a revision to its 15% Plan. Missouri submitted a draft of the revised total to the EPA on February 8, 1996, and will hold a public hearing on the revision on April 25, 1996. As such, the EPA is proposing to approve the revised total of emission reductions required of Missouri's 15% Plan with the understanding that the state will submit the revision in a timely manner prior to the EPA taking final action on Missouri's 15% Plan.

B. Measures Achieving the Projected Reductions

Missouri has submitted a plan to achieve the required emission reductions. A summary of the creditable and noncreditable emission reductions in Missouri's final 15% Plan control measures are summarized in the following table. Note that if all the control measures in Missouri's 15% Plan were creditable, the total emission reductions would exceed the total required VOC reduction target by 0.16 TPD.

Some of the emission credit claimed for specific measures is different than those submitted in the July 11, 1995, 15% Plan submittal. The formally submitted 15% Plan includes a list of control measures which the state claimed would achieve total VOC emission reductions of 55.80 TPD.

The original list of emission reductions claimed reductions from sources subject to the hazardous organic National Emission Standard for Hazardous Air Pollutants (NESHAP) (HON) rule as .36 TPD, as compared to .08 TPD in the above table. The original .36 TPD includes .27 TPD reductions from the inclusion of Borden Deco Products as an affected source. The state has since determined that this facility is not subject to the HON NESHAP rule, and has adjusted the amount of credit claimed accordingly.

An emission reduction credit of .6 TPD from Early Toxics Reductions was included in the July 11, 1995, 15% Plan submittal. This emission reduction credit was based on an Early Reductions Program application submitted to the EPA by Monsanto, Inc. This application has since been withdrawn. Therefore, the state has eliminated the emission reduction credit claimed for Early Toxics Reductions.

Finally, the state claimed an emission reduction credit of 1.0 TPD for rule effectiveness improvements in its officially submitted 15% Plan. The state has since chosen not to implement this program. Therefore, the above table does not include a 1.0 TPD emission reduction credit for this control measure.

Missouri has yet to submit these changes to the EPA as an SIP revision. Missouri submitted a draft of the revised list of VOC control measures to the EPA on February 8, 1996, and will hold a public hearing on the revision on April 25, 1996. As such, the EPA is proposing to approve this element of Missouri's 15% Plan with the understanding that the state will submit the revised 15% Plan projections in a timely manner prior to the EPA taking final action on Missouri's 15% Plan. If, however, the state fails to finally submit these changes as an SIP revision, the EPA intends to disapprove the plan as it relates to the credits discussed above and the emission reduction target.

The following is a concise description of each control measure submitted by the state to achieve the reduction credit in the 15% Plan. In general, the EPA is proposing approval of the following control measures as a strengthening of the SIP, and is proposing limited approval of the emission reductions projected in the state submittal for these measures. However, in some instances, the EPA is proposing limited approval of the emission reductions claimed with the understanding that the state will fulfill certain requirements in a timely manner before the EPA takes final action on the 15% Plan. If the state fails to submit the identified corrections in a timely manner, the EPA intends to disapprove the plan as it relates to these requirements. Specific details are outlined within the description of the affected control measure.

Ract Fix-ups

Section 182(a)(2)(A) of the Act requires states to make corrections to their RACT rules to make up for deficiencies (e.g., improper exemptions) in preamendment SIPs. The emissions

reductions associated with corrections accounting for missing rules, incorrect emission limits, or required capture systems are not creditable towards the 15 percent reduction requirements of the Act; however, the amount of emissions reductions from such corrections must still be quantified as they are a part of the total required reductions. What follows is a discussion regarding Missouri's RACT fix-ups and the associated emissions reductions.

1. Control of Emissions from Aluminum Foil Rolling [Missouri rule 10 CSR 10–5.451]

Alumax Foils Inc., located within the city of St. Louis, emits approximately 12.5 TPD of VOCs during the production of aluminum foil. Prior to 1990, the facility was not considered a large source of VOC emissions. In 1989, the EPA changed the definition of VOCs by removing the exemption for low vapor pressure organics. The primary source of air emissions from Alumax had been exempted from the pre-1989 definition of VOCs. Under the new definition, Alumax is a major source of VOCs within the St. Louis ozone nonattainment area and must be controlled by RACT. The MDNR developed an RACT rule for aluminum foil rolling, 10 CSR 10–5.451, ''Control of Emissions from Aluminum Foil Rolling.'' The rule also requires controls beyond RACT for large aluminum foil rolling mills. MDNR claims average VOC emission reductions of 3.0 TPD for these controls. The EPA concurs with this claimed reduction for 15% Plan purposes.

2. Control of Emissions from Bakery Ovens [Missouri Rule 10 CSR 10–5.440]

During 1993, MDNR determined that Continental Baking Company is a major source that was never subject to RACT. MDNR promulgated a regulation that will control the VOC emissions from this bakery. The facility's actual VOC emissions from bakery ovens in 1993 were 71 tons per year (TPY). This rule requires the facility to install emissions control equipment which achieves an overall VOC emission reduction of 98 percent from baking ovens. The EPA concurs with Missouri's estimate that VOC emissions will be reduced by 0.2 TPD as a result of the regulation.

It must be noted that as of the date of this action, the rule does not specify a reference method by which compliance is to be determined. The EPA communicated this deficiency to Missouri via letter to the staff director of Missouri's Air Pollution Control Program (APCP) on August 18, 1995. Missouri has since amended the rule to include the necessary compliance provisions. A public hearing addressing the revisions was held on January 25, 1996. The MACC adopted the revised rule on February 29, 1996. Therefore, the EPA is proposing to approve this rule, with the understanding that the revised rule will be officially submitted prior to the EPA taking a final action on Missouri's 15% Plan. If the revised rule is not submitted in a timely manner, the EPA intends to disapprove the rule.

3. Control of Emissions from Offset Lithographic Printing [Missouri Rule 10 CSR 10–5.442]

This rule reduces emissions from sources performing a plano graphic method of printing known as offset lithography. The process involves the utilization of printing and nonprinting areas which are essentially in the same plane on the surface of a thin metal printing plate.

The offset lithography rule will result in a reduction of 0.8 TPD of VOC emissions. A reduction of this magnitude represents an approximate 57 percent control of the 1.4 TPD of point source emissions from major sources. The reduction includes rule effectiveness (RE). The EPA concurs with the state's projected emission reductions.

Mobile Sources

1. Control of Gasoline RVP [Missouri Rule 10 CSR 10–5.443]

This rule changes the RVP requirement from 7.8 psi to 7.0 psi. The rule is based on a per gallon compliance standard in which every gallon of gasoline sold within the nonattainment area should meet the 7.0 psi requirement. Refiners accomplish this RVP reduction by modifying the refining process to remove the more volatile gasoline components such as butane. The low RVP fuel control reduces evaporative emissions from both on-road vehicles and nonroad vehicles and equipment and provides associated reductions in gasoline evaporation losses from refueling and fuel storage/distribution.

The EPA concurs with the 9.55 TPD in expected VOC emission reductions associated with this rule. However, as noted in the discussion regarding the I/M program, individual mobile source controls have synergistic effects within the MOBILE model when considering multiple control programs. Any changes to the mobile source control strategy which the state chooses to make may affect the emission reductions claimed for this measure, and the state would have to demonstrate that the overall reductions are still consistent with the target level of emissions in the 15% Plan.

2. Transportation Control Measures (TCM)

The state has included several TCMs such as a work trip reduction program, transit improvements, traffic flow improvements, and a gasoline price increase from the Missouri fuel tax in its 15% Plan that have projected emission reductions of 1.795 TPD. However, Missouri is only claiming a 1.0 TPD emission reduction credit in its 15% Plan. The EPA has reviewed the TCMs included in the state's 15% Plan and agrees with the state's assessment of creditable reductions.

Point Source/Area Source Controls

1. Control of Petroleum Liquid Storage, Loading, and Transfer [Missouri Rule 10 CSR 10–5.220]

This rule requires Stage I and Stage II vapor recovery equipment for petroleum facilities in the St. Louis nonattainment area. The rule incorporates the limit imposed by the new Federal NESHAP for Stage I which limits total organic compound emissions to 10 milligrams per liter of gasoline loaded at gasoline terminals. It incorporates the EPA's ''*Enforcement Guidance for Stage II Vehicle Refueling Control Programs.*'' The rule establishes permitting procedures for gasoline refueling facilities. It sets requirements for gasoline deliveries to underground storage tanks and requires that vent pipes for storage tanks be equipped with pressure vacuum valves. It also establishes an Advisory Committee to provide a forum for discussion between the regulated community and government agencies.

The state claims, and the EPA agrees with, an emission reduction of 4.2 TPD from this rule.

2. Control of Emissions From Solvent Cleanup Operations

Missouri rule 10 CSR 10–5.455 will require large users of cleanup solvents to reduce the amount of emissions from such solvents. MDNR has determined that the rule will definitely affect three facilities, and has determined the emission reduction credit accordingly. All of these facilities are automobile manufacturers in the St. Louis area. The rule allows the affected sources two options for compliance. The first option is to show a 30 percent reduction in total solvent usage with respect to the base year of 1990. The second option is to perform solvent usage studies, screening tests, and trial evaluations as

a means of reducing solvent usage. With this option, the affected facility will submit a written summary of the results and a proposal for reducing cleanup solvent emissions to the MDNR by a specified deadline. The proposal is subject to approval by the MDNR director. The three affected facilities produce a total of 946 TPY of VOCs from cleanup solvents. In calculating reductions which are creditable towards the CAA-mandated 15 percent, Missouri has assumed that all of the affected facilities will opt for option one. Missouri has provided documentation showing that the affected facilities have selected that option. A 30 percent reduction would result in a decrease of 283.8 TPY of VOCs. This translates to a daily VOC emissions reduction of 0.91 TPD. Therefore, the EPA concurs with Missouri's estimate.

However, because the rule allows sources to choose option two, which does not require an equivalent reduction and does not provide standards for determining an acceptable alternative emission reduction, the EPA does not believe the rule (as opposed to the emission reduction credit) can be approved. Missouri has agreed to revise the rule to eliminate option two, and has agreed to provide a commitment to revise the rule. Therefore, the EPA proposes to conditionally approve the rule with the understanding that Missouri will submit the appropriate commitment prior to the EPA's final rulemaking on the plan.

3. Permanent Plant Closings

The 15% Plan indicates that nine plants have permanently ceased operations in the nonattainment area. All nine are listed as significant emitters of VOCs in the 1990 base year inventory. The VOC reductions from permanent plant closings total 6951 lb/day or 3.48 TPD. The EPA concurs with the credit associated with permanent plant closings.

4. Open Burning Restrictions [Missouri Rule 10 CSR 10–5.070]

This rule will reduce VOC emissions from the burning of residential wastes primarily in rural areas where open burning is still allowed. The regulation would make it illegal for any residence to burn trash or other man-made refuse. The burning of agricultural wastes from farming operations will still be allowed in areas where it is currently permitted. The burning of yard waste such as leaves would be restricted during the ozone season. The VOC reductions from this control are 2.6 TPD which represents an overall 80 percent control effectiveness which includes RE. The EPA concurs with credit associated with this rule.

5. Control of Emissions From Traffic Coatings

Missouri rule 10 CSR 10–5.450 limits the VOC content in paints used for traffic coating. This rule applies only in the St. Louis nonattainment area. The maximum VOC content is set at 150 grams VOC/liter. MHTD is the largest user of traffic coatings in the St. Louis nonattainment area. VOC emissions from traffic coatings account for 1.65 TPD in the 1990 base year inventory. Projected 1996 traffic coating emissions are 1.69 TPD.

The limit set by this rule is 63 percent lower than the VOC content of paints used in 1990 by MHTD. For purposes of the 15 percent calculations, Missouri has assumed that traffic paint users in 1990 were using coatings similar in VOC content to those used by MHTD. Using a mass balance approach, Missouri has estimated a 60 percent reduction can be expected as a result of this rule. This assumption corresponds to a reduction in VOC emissions of 1.0 TPD. The EPA concurs with the reductions as calculated by MDNR.

6. VOC Emission Reductions From ''Voluntary'' Reductions

Two sources within the nonattainment area, Leonard's Metal Inc., and Mallinckrodt Specialty Chemical Company, have reduced their VOC emissions such that they are creditable towards the rate-of-progress requirements of the Act. Although the facilties elected to reduce emissions, the reductions are legally binding on the Companies. Leonard's Metal entered into a Consent Agreement with the EPA stipulating that the company will reduce its use of trichloroethylene and methyl ethyl ketone.

Mallinckrodt shut down two processes associated with the production of tannin.

As noted above, Leonard's Metal entered into a Consent Agreement with the EPA. The agreement requires that the facility reduce its emissions of methyl ethyl ketone by 50 percent and its emissions of trichloroethylene by 100 percent by 1996. The total VOC reductions claimed from Leonard's Metal are 0.04 TPD.

The permanent shutdown of certain processes resulted in 214.7 TPY in VOC reductions from Mallinckrodt; however, the company elected to bank 182.5 TPY consistent with Missouri 10 CSR 10–6.060, leaving 32.2 TPY or 0.10 TPD (assuming 312 days of operation) creditable towards the 15% Plan as they have been permanently retired.

Based on additional material submitted to the EPA on February 8, 1996, by the state, the EPA concurs with the emission reduction credit claimed. However, this additional material must be submitted to the EPA as a revision to Missouri's July 11, 1995, 15% Plan submittal. The state intends to include the required supporting material in its April 25, 1996, public hearing on revisions to its 15% Plan. Therefore, the EPA is proposing approval of emission reduction claimed with the understanding that the state will submit the required material in a timely manner to the EPA as an SIP revision before the EPA takes final action on the state's 15% Plan. As indicated previously, if the state does not make the appropriate revision, the EPA intends to disapprove the plan as it relates to these claimed reductions.

7. Control of Emissions From Municipal Solid Waste Landfills

Six municipal solid waste landfills are located in the St. Louis area. Landfills emit VOCs, including methane, through the decomposition of solid waste. The 1990 base year inventory indicates the nonmethane VOCs emitted from these six landfills are 1.51 TPD. The submitted 15% Plan includes a discussion of a rule which will result in a 1.48 TPD reduction in VOC emissions. However, the submitted 15% Plan does not include a final rule for this control measure.

The state of Missouri plans to use a yet-to-be-promulgated EPA standard to develop a rule which controls emissions from all six landfills in the St. Louis nonattainment area. However, final promulgation of the EPA's emission standards for landfills has been significantly delayed. In a October 21, 1994, letter to Gale Wright, former Chief of the Air Branch, EPA, from Roger Randolph, Director, MDNR, APCP, the state commits to developing this rule with implementation in 1996. The state has made every effort to move forward with this rule despite delays in the promulgation of the EPA's emission standards. Missouri submitted a draft of a rule for the EPA comment on May 17, 1995. The EPA provided comments on the draft rule in a June 26, 1995, letter to Jim Kavanaugh, Chief, Planning Section, MDNR, APCP. Therefore, the EPA finds it reasonable to propose conditional approval to the emissions reduction credit claimed in the submitted 15% Plan. The EPA believes that conditional approval of this element of the 15% Plan is also appropriate because, unlike the enhanced I/M element which makes up over 40 percent of the claimed emission

reduction in the 15% Plan, the landfill rule would account for only 3 percent of the claimed emission reduction credit.

The state must submit the final rule to the EPA by no later than November 15, 1996. Under section 110(k)(4) of the Act, the EPA may grant a conditional approval of this rule based on the state's commitment to submit the rule by a date certain, but not later than one year after the date of approval of the plan revision. Furthermore, section 110(k)(4) of the Act states that, should the state fail to meet its commitment, this conditional approval will convert to a disapproval. As the state has committed to submit this rule by November 15, 1996, the EPA is proposing conditional approval of the emission reductions claimed.

Federal Control Measures

1. Control of VOC Emissions From Architectural and Industrial Maintenance (AIM) Coatings

The EPA is currently working on a Federal rulemaking that will control VOC emissions from architectural and industrial maintenance coatings. The rule will limit the VOC content of certain types of coatings. The Federal rule will affect the manufacturers, distributors, retailers, and users of various types of paints and coatings and will apply nationwide.

On March 22, 1995, guidance was issued by the Director of the EPA's OAQPS regarding credit for 15% ROPPs for reductions from the AIM coating rule. This guidance clarified the EPA's estimates of the overall reductions expected to be achieved by the AIM rule. The guidance assessed the reductions at 20 percent and allows states to take full credit for this reduction without adopting or committing to backup measures with the stipulation that states adopt any rules necessary to make up for shortfalls, should the EPA's rule not achieve a 20 percent reduction. Based on the March 22, 1995, guidance, Missouri has claimed a reduction credit of 3.05 TPD from the forthcoming Federal rule.

2. Control of VOC Emissions From Benzene Transfer Operations

The National Emission Standard for Benzene Emissions from Benzene Transfer Operations, codified at 40 CFR Part 61, subpart BB requires owners or operators of benzene production facilities and bulk terminals to install and maintain control devices which reduce benzene emissions to the atmosphere by 98 percent (by weight) by July 23, 1991. There is only one affected source within the Missouri portion of the St. Louis nonattainment area--the Slay Bulk Terminal. For purposes of calculating the available credit from this source of reductions, Missouri has assumed that compliance has been achieved and that the difference in emissions reported in 1990 and 1993 is fully creditable.

Emissions were reduced over that time frame by approximately 99.5 percent (0.74 TPD). Although this level of reduction may have occurred, credit for this level of reduction is not allowed. The benzene rule regulates the efficiency of the control device rather than stipulating a specific emission limitation. The appropriate level of credit should have been determined by calculating the difference between a 98 percent reduction in projected 1996 emissions and the base year emissions from this source. The EPA estimates the actual available credit to be slightly higher than the state's estimate. Therefore, the EPA will accept the state's claimed emission reduction credit towards the 15 percent reduction requirement.

3. Control of VOC Emissions From Autobody Refinishing Operations

The EPA plans to promulgate a national rule limiting the VOC content of various autobody refinishing materials. The EPA issued guidance in the form of a policy memorandum on November 29, 1994, finding it acceptable to allow states a 37 percent credit for reductions expected to occur as a result of the national rule. Approximately 250 automobile refinishers in the nonattainment area would be affected.

Missouri conducted a survey of the automobile refinishers in the St. Louis area. The survey requested information on quantities of refinishing coatings used annually, quantities of solvents used annually, and number of jobs completed over certain time frames. The survey was used to develop the inventory category for automobile refinishing. The VOC inventory was determined to be 2.1 TPD, thus the reductions from the Federal rule will be 0.78 TPD.

4. Tier I FMVCP

The EPA promulgated standards for 1994 and later model year light-duty vehicles and light-duty trucks (56 FR 25724, June 5, 1991). Since the standards were adopted after the Clean Air Act Amendments of 1990, the resulting emission reductions are creditable toward the 15 percent reduction goal. These control measures will result in a 0.6 TPY reduction in VOC emissions during the pre-1996 time frame as calculated using the MOBILE model; however, in later years, greater emission reductions are expected as more fleet turnover occurs.

5. HON

The HON consists of four subparts setting standards for emissions of hazardous air pollutants (HAP) from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and six non-SOCMI processes. Many of the HAPs regulated by the HON are also classified as VOCs. Recognizing this overlap, the EPA issued a May 6, 1993, policy memorandum indicating that a 5 percent reduction in VOC emissions is expected from sources complying with the HON rule. In anticipation of such reductions, states are allowed to receive 5 percent credit towards the 15 percent reduction requirements of the Act. A single source (Mallinckrodt Chemicals, Inc.), in the St. Louis nonattainment area is subject to the equipment leak provisions of the HON rule. The 1990 baseline VOC emissions from this facility were estimated at 652.84 TPY or 3380.23 lbs/day during the ozone season. Applying the authorized 5 percent results in a credit of 169.01 lbs/day or 0.08 TPD.

Summary of EPA Action

The EPA has evaluated these submittals for consistency with the Act, the EPA regulations, and the EPA policy. The EPA is proposing approval, under § 110(k)(3) and § 301(a), of Missouri's base year inventory because it fully meets the requirements in section 182 and applicable EPA guidance described elsewhere in this document. The EPA is proposing limited approval to the 15% Plan as its implementation will result in a certain percentage of VOC emission reductions.

However, as discussed above, the EPA is proposing approval of certain elements of the 15% Plan with the understanding that the state will submit revisions before the EPA takes final action. [See the specific discussion related to each element elsewhere in this rulemaking for the EPA's rationale for this action.] Specifically, the point source projection methodology submitted on January 23, 1996, resulted in a different total required emission reduction than the one in the July 11, 1995, 15% Plan submittal, which was 51.7 TPD. Also, the list of control measures, as well as some of the emission credit claimed for specific measures in this analysis, is different than those submitted in the July 11, 1995, 15% Plan submittal. The state has submitted a draft of the recalculation of

the total emission reductions needed and a revised list of VOC control measures so that the EPA may proceed with this rulemaking action. However, the state must hold a public hearing on these elements, and submit them to the EPA as a revision to its 15% Plan. The EPA proposes to approve the draft revised emission reduction target with the understanding that the state will fulfill its administrative obligations before the EPA takes final action on the 15% Plan.

Also, the EPA is proposing approval of the emission reduction credits associated with the reductions from Leonard's Metal, Inc., and Mallinckrodt Specialty Chemical Company, and the claimed emission reductions associated with Missouri rule 10 CSR 10–5.440 (Control of Emissions from Bakery Ovens), with the understanding that the state will fulfill certain requirements before the EPA takes final action on the 15% Plan. [See specific discussions related to these measures within this TSD for the EPA's rationale for this action.]

Failure to fulfill any of the specific requirements outlined above in a timely manner will result in a disapproval of the emission reduction target and associated emission reductions.

Furthermore, the EPA is proposing conditional approval of the emission reduction credits associated with the draft rule for the control of emissions from municipal solid waste landfills. As discussed above, if the state fails to submit a final rule to the EPA by November 15, 1996, the conditional approval will be converted to a disapproval.

Likewise, the EPA is proposing conditional approval of Rule 10 CSR 10–5.455, Control of Emissions from Solvent Cleanup Operations. If the state fails to submit a final amended rule, as discussed above, by 12 months from the EPA's final action, the conditional approval will be converted to a disapproval.

The EPA is also proposing a limited disapproval of the 15% Plan because it does not achieve the required emission reductions. Specifically, Missouri's submittal has not demonstrated that the enhanced I/M program can be implemented in a manner which will achieve the claimed emission reduction credit. Therefore, the EPA is proposing a limited disapproval of the 15% Plan, to the extent that emission reductions associated with Missouri's enhanced I/M program cannot be expected to be achieved. To gain full approval, Missouri will need to submit a revised plan which achieves the necessary reductions to meet the 15% Plan requirements.

Conformity

40 CFR 93.128(b), of the Federal transportation conformity rules, as amended on November 14, 1995 (40 CFR 51.448(b)), states that if the EPA disapproves a plan revision containing a control strategy, thus initiating the sanction process under CAA section 179, the conformity status of the transportation plan and transportation improvement program (TIP) shall lapse 120 days after the EPA's final partial disapproval. No new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until the state submits an SIP revision fulfilling the same CAA requirements and conformity to this submission is determined.

However, if the EPA disapproves the submitted control strategy SIP, but makes a protective finding, the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions are imposed on the nonattainment area under section 179(b)(1) of the Act. A protective finding, as defined in the Federal Transportation Conformity rule, as amended, means that the EPA has made a determination that the control strategy SIP would have been considered approvable with respect to requirements for emissions reductions, if all committed measures had been submitted in enforceable form as required by CAA section 110(a)(2)(A). No new transportation plan, TIP, or project may be found to conform until another SIP revision fulfilling the same CAA requirements is submitted and conformity to this submission is determined.

The emissions budget is the mechanism the EPA has identified for demonstrating consistency between emissions expected from implementation of transportation plans, TIPs, and projects with estimates of emissions in the SIP from on-road motor vehicles. Motor vehicle emissions budgets are the explicit or implicit identification of the on-road motor vehicle-related portion of the projected emission inventory used to demonstrate maintenance of the NAAQS for ozone for a particular year specified in the SIP. The motor vehicle emissions budget establishes a cap on the predicted highway and transit vehicle VOC and NO_X emissions which, if exceeded, will result in a nonconformity finding.

The Mobile Source emissions budget in the submitted 15% Plan is 60.31 TPD. This budget is the 1996 base year mobile emissions minus the reductions attributable to the mobile category. These reductions include the enhanced I/M program, the control of RVP in gasoline and TCMs. As stated above, the EPA has determined that the emission reduction assumed to result from implementation of the enhanced I/M program cannot be expected to be achieved. Therefore, if the EPA takes final action to disapprove the I/M portion of the 15% Plan, the EPA could not make a protective finding for the purposes of conformity. As such, the conformity status of the transportation plan and TIP shall lapse 120 days after the EPA's final limited disapproval.

Sanctions

Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and the imposition of emission offset requirements. The 18-month period referred to in section 179(a) would begin on the effective date established in a final limited disapproval action. If the deficiency is not corrected within six months of the imposition of the first sanction, the second sanction will apply. The process for imposing and lifting sanctions is set forth at 40 CFR 52.31.

Moreover, the final disapproval triggers the Federal Implementation Plan (FIP) requirement under section 110(c). If the EPA takes final action to disapprove portions of the Missouri submission, as discussed above in this notice, the sanction and FIP clocks would be triggered as discussed in this paragraph.

If the EPA takes final action to conditionally approve a portion of the submittal, as discussed above in this notice, and the conditional approval is subsequently converted to a disapproval as provided in section 110(k)(4), based on the state's failure to meet the commitment, the 18-month period referred to in section 179(a) of the Act will begin on the effective date of the conversion of the conditional approval to a disapproval. The sanctions process at 40 CFR 52.31 will apply if the 18-month period expires and the deficiency has not been corrected. (See paragraph above.)

Nothing in this action should be construed as permitting or allowing or

establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

The EPA's disapproval of the state request under section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, the EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, the EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements or impose any new Federal requirement.

Conditional approvals of SIP submittals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing.

If the conditional approval is converted to a disapproval under section 110(k), based on the state's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, the EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, the EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities, because it does not remove existing state requirements or substitute a new Federal requirement.

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

Unfunded Mandates

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

Through submission of the SIP revision which has been proposed for limited approval in this action, the state has elected to adopt portions of the program provided for under section 182(b) of the CAA. The rules and commitments proposed for limited and conditional approval in this action may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. The proposed action would have no impact on tribal governments as regulators. To the extent that the rules and commitments being given limited approval by this action will impose or lead to the imposition of any mandate upon the state, local, or tribal governments, either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, the EPA's action will impose no new requirements; such sources are already subject to these requirements under state law.

The EPA has also determined that the proposed limited disapproval would not impose any mandate on the private sector. Existing rules previously approved by the EPA remain in effect and would not be impacted by the limited disapproval. With respect to the impact on state and local governments, the state may choose, but is not required, to respond to a limited disapproval by revising and resubmitting the plan. In any event, the EPA estimates that the cost to state and local government of revising the plan would be less than $100 million in the aggregate.

Therefore, the EPA has determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to state, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 7, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96–6236 Filed 3–15–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–36; RM–8766]

Radio Broadcasting Services; Franklin, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by South Louisiana Broadcasters requesting the allotment of Channel 295C3 to Franklin, Louisiana, as the community's second local FM service. Channel 295C3 can be allotted to Franklin in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 295C3 at Franklin are 29–47–42 and 91–30–12.

DATES: Comments must be filed on or before May 2, 1996, and reply comments on or before May 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: J. Boyd Ingram, President, South Louisiana Broadcasters, P.O. Box

73, Batesville, Mississippi 38606 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–36, adopted February 26, 1996, and released March 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–6310 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 96–38; RM–8759]

Radio Broadcasting Services; Delta, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Blink Communications, Inc., seeking the allotment of Channel 277C2 to Delta, Colorado, as that community's second local FM service. Coordinates used for this proposal are 38–44–24 and 108–04–00.

DATES: Comments must be filed on or before May 2, 1996, and reply comments on or before May 17, 1996.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Gary S. Smithwick and Shaun A. Maher, Esqs., Smithwick & Belendiuk, P.C., 1990 M Street, NW., Suite 510, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–38, adopted February 26, 1996, and released March 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–6309 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 96–37; RM–8765]

Radio Broadcasting Services; Sylvan Beach, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Michael S. Celenza seeking the allotment of Channel 262A to Sylvan Beach, New York, as the community's first local aural service. Channel 262A can be allotted to the community without the imposition of a site restriction, at coordinates 43–11–47 North Latitude; 75–43–51 West Longitude. Canadian concurrence is required since Sylvan Beach is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before May 2, 1996, and reply comments on or before May 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James K. Edmundson, Esq., Gardner, Carton & Douglas, 1301 K Street, NW., Suite 900, East Tower, Washington, DC 20005 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–37, adopted February 26, 1996, and released March 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–6308 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–43; RM–8754]

Radio Broadcasting Services; Frederiksted, VI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Jose J. Arzuaga proposing the allotment of Channel 297B1, Frederiksted, Virgin Islands, as potentially the community's third local FM transmission service. Channel 297B1 can be allotted to Frederiksted in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 297B1 at Frederiksted are North Latitude 17–42–48 and West Longitude 64–53–00.

DATES: Comments must be filed on or before May 3, 1996 and reply comments on or before May 20, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James L. Oyster, Esq., 108 Oyster Lane, Castleton, Virginia 22716 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–43, adopted February 14, 1996, and released March 12, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–6306 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–44; RM–8745]

Television Broadcasting Services; Woodward, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Channel 35+ Broadcasters seeking the allotment of UHF TV Channel 35 to Woodward, OK, as the community's second local and first commercial television service. Channel 35+ can be allotted to Woodward in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 36–26–12 NL; 99-23-36 WL.

DATES: Comments must be filed on or before May 3, 1996, and reply comments on or before May 20, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kathryn R. Schmeltzer, Esq., Kevin M. Walsh, Esq., Fisher Wayland, Cooper Leader and Zaragoza, L.L.P., 2001 Pennsylvania Avenue, NW., Suite 400, Washington, DC 20006 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–44, adopted January 31, 1996, and released March 12, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–6311 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–39; RM–8757]

Television Broadcasting Services; Irma, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by David A White proposing the allotment of UHF Television Channel 30+ to Irma, Wisconsin, as that community's first local television service. Canadian concurrence will be requested for this allotment at coordinates 45–21–06 and 89–40–06. There is a plus offset on Channel 30.

DATES: Comments must be filed on or before May 2, 1996, and reply comments on or before May 17, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: David A. White, 10400 Olson Drive, Eau Claire, Wisconsin 54703.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–39, adopted February 26, 1996, and released March 11, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–6307 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96–020; Notice 1]

Public Meeting—Vehicle Lamps and Reflective Devices

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This document announces a public meeting at which the National Highway Traffic Safety Administration (NHTSA) will seek information from interested persons on the safety performance of vehicle lamps and reflective devices. NHTSA also will consider suggestions for actions, both regulatory and non-regulatory, that the agency should take to enhance the safety of vehicle lighting systems. This document also invites written comments on the same subject.

DATES: *Public meeting:* The meeting will be held on April 17, 1996, from 8:00 am until 12:00 pm. Those wishing to make an oral presentation at the meeting should contact Michael Pyne at the address, telephone number, or fax number listed below by close of business on April 4, 1996.

Written comments: Written comments are due by close of business on April 26, 1996.

ADDRESSES: *Public meeting:* The public meeting will be held at the Embassy Suites Hotel, 4550 La Jolla Village Drive, San Diego, CA 92122.

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

FOR FURTHER INFORMATION CONTACT: Michael Pyne, Office of Crash Avoidance Standards, NHTSA, 400 7th Street, SW, Washington, DC 20590. Telephone 202–366–4931; Fax 202–366–4329.

SUPPLEMENTARY INFORMATION:

Regulatory Reform

Calling for a new approach to the way Government interacts with the private sector, President Clinton asked the Executive Branch agencies to improve the regulatory process and seek non-regulatory means of working with the public and regulated industries. Specifically, the President requested that agencies: (1) Cut obsolete regulations; (2) reward results; (3) meet with persons affected by and interested in its regulations; and (4) use consensual rulemaking more frequently. This notice responds to the third item by scheduling a meeting with the public with regard to the safety performance of lamps and reflective devices for cars, light trucks, vans, sport utility vehicles, motorcycles, heavy trucks, buses, and trailers.

Issues to be Addressed

Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, sets minimum requirements for the performance and location of original motor vehicle equipment and replacement lamps and reflective devices including headlamps, tail lamps, stop lamps, turn signals, and marker lamps on U.S. motor vehicles and trailers. The purpose of the standard is to assure that vehicle lighting and reflective systems provide adequate roadway illumination and enhance the conspicuity of motor vehicles. NHTSA is holding this meeting to help assess the need for improvements to the standard and to keep abreast of new lighting developments before proceeding with research, regulatory, or other activities for improving the safety performance of lighting and reflective systems. NHTSA hopes to obtain information from the public, including drivers, inventors, lighting manufacturers, motor vehicle and trailer manufacturers, vehicle and traffic safety organizations, consumer groups, and others. This information, coming from the grassroots level, will help NHTSA focus its regulatory and non-regulatory actions. The particular motor vehicle lighting issues on which NHTSA seeks comment include the following:

1. Lighting Harmonization

Domestic vehicle manufacturers and other parties support the concept of harmonized vehicle lighting where a single lighting configuration can be built which meets the safety requirements of the U.S., Europe, Japan, and other locations. NHTSA supports this by seeking windows of harmony when it writes regulations as well as by participating in national and international efforts to identify and implement such windows. Currently, the U.S. lighting standard, FMVSS 108, and standards of other nations have differences in requirements that cause multiple versions of lamps to be manufactured for vehicles produced for the world market. Economies of scale can result from achieving windows of harmony where one version of lamp can comply.

2. Geometric Visibility of Lamps

NHTSA published an NPRM on October 26, 1995 (60 FR 54833), proposing to harmonize the geometric visibility of lamps in response to a petition. NHTSA took that opportunity to propose other harmonizing aspects that could be implemented. Since lamp location and visibility are important for safety, the agency would like comments on this subject. It is a major topic of discussion in the area of lighting harmonization.

3. Headlamp Beam Patterns

NHTSA may consider whether to amend the performance requirements of headlamp beam patterns. There are a

number of factors at issue including the potential for better illumination, the need to reduce headlamp glare or the effect of headlamp glare on other drivers, and the desire for harmonization of U.S. headlamp requirements with those of other countries

4. Headlamp and Auxiliary Driving Lamp Glare

NHTSA receives many telephone calls and letters inquiring why headlamps are so glaring and why they have to be so high off the ground. Many of these complaints are about headlamps mounted on heavy and light duty trucks. Light duty trucks are about fifty percent of the new vehicle market share. Drivers in passenger cars, thus, are being affected by more and more glare from higher mounted lamps. Some of the complaints turn out to be about auxiliary lamps, and why it is necessary for drivers to have four ''headlamps'' on all the time. Another aspect of headlamp glare may be mis-aimed headlamps. Consequently, NHTSA seeks comment on the problem of glare from those vehicle lamps that are intended to illuminate the roadway, e.g.: headlamps, fog lamps, driving lamps, and similar lamps.

5. Mandatory vs. Optional Signal Lighting

NHTSA seeks comment on whether certain types of signal lighting not now regulated should be mandatory, e.g., stopped vehicle signals, deceleration warning signals, front stop lamps, etc., whether they should be accommodated by the standard (wherein their use by manufacturers would be optional but regulated), whether they should be ignored by the standard as at present, or whether they should be prohibited.

6. Vehicle-Based Lighting Standard

NHTSA recently terminated action on developing a vehicle-based roadway illumination performance standard (60 FR 58038 published November 24, 1995). The goal of the development was to achieve a more performance-oriented, less design-restrictive regulatory solution for assuring safe roadway environment illumination. Because the outcome of this action had the potential to be so different from any known means of specifying head lighting performance, commenters to the proposal were skeptical that any solution would be usable and that even if it were, the perceived regulatory burdens of it would not be commensurate with the uncertain potential benefits to public safety. Yet many commenters saw that such a standard could offer significant freedom for vehicle design. As a result, NHTSA attempted to further develop a tool to address the commenters concerns, but was unable to do so. Consequently, NHTSA terminated the project. NHTSA desires comment on whether there is any public interest in such a vehicle-based system, and/or whether there is the potential in the future that such a system might be a desirable alternative to current hardware-based performance requirements.

7. New Lighting Technology

Two years ago, NHTSA published a notice asking for comment on how the lighting standard might adversely affect the introduction of new technologies, e.g., neon and long arc light sources, high intensity discharge and short arc light sources, light emitting diode light sources, and centrally located, distributive light sources, into vehicle lighting (59 FR 16788 published April 8, 1994). It was met with interest, but comments generally were without substance as to how the standard might need to be amended to accommodate the new technologies. One rulemaking action was begun to make high intensity discharge light sources acceptable as replaceable headlamp bulbs; this is about to be completed. NHTSA is interested in any updated comments on this topic, as well as any thoughts on the acceptance or desire of these and any other new technologies by the public.

Other topics may include daytime running lights and the issue of updating references to SAE standards in FMVSS 108. In addition, NHTSA welcomes views and comments from groups that have special lighting-related needs such as the elderly, and on issues including international considerations, driver education, and other aspects of vehicle lighting safety. NHTSA also will entertain suggestions for activities, either regulatory or non-regulatory, and research that the agency should undertake. Suggestions for agency action should be accompanied by rationale for the action and the expected benefits and other consequences. Recommendations should include, where available, information on safety effects, consumer costs, regulated party costs, overall cost-effectiveness, small business effects, availability of voluntary industry standards, effects on international harmonization, and whether the action reflects a ''common sense'' approach to solving the problem.

Procedural Matters

The public meeting will begin at 8:00 am on April 17, 1996, and is scheduled to conclude at 12:00 pm. It will take place in the morning at the same location as the SAE Lighting Committee's semi-annual conference, which is scheduled to resume in the afternoon. The location will be the Embassy Suites Hotel, 4550 La Jolla Village Drive, San Diego, California , 92122. Persons wishing to speak at the public meeting should contact Michael Pyne by the indicated date, and must include requests for audio-visual aids. Those speaking at the public meeting should limit their presentations to 15 minutes. However, because this meeting will be limited to a single morning session, the speaking time may be revised to 10 minutes per speaker if all speakers cannot be accommodated with a 15 minute speaking time. If a presentation will include slides, motion pictures, or other visual aids, the presenters should bring at least one copy to the meeting for submission to NHTSA, so that NHTSA can readily include the material in the public record.

At the meeting, NHTSA staff may ask questions of any speaker, and any participant may submit written questions for the NHTSA staff. NHTSA may, at its discretion, address the latter to other meeting participants. There will be no opportunity for participants directly to question each other. If time permits, persons who have not requested time, but would like to make a statement, will be afforded an opportunity to do so.

A schedule of participants making oral presentations will be available at the designated meeting room. A copy of any written statements provided to NHTSA at the meeting will be placed in the docket relating to this notice. A verbatim transcript of the meeting will be prepared and placed in the NHTSA docket as soon as possible after the meeting.

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

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

Issued: March 12, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–6425 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 61, No. 53
Monday, March 18, 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

Food and Consumer Service

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Poverty Income Guidelines

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted poverty income guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program). These poverty income guidelines are to be used in conjunction with the WIC Regulations.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FCS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112).

Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786 (d)(2)(A)) requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced price school meals under section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)). Under section 9(b), the income limit for reduced price school meals is 185 percent of the Federal Poverty Income Guidelines, as adjusted.

Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 1996 was published by the Department of Health and Human Services (DHHS) in the Federal Register on March 4, 1996 at 61 FR 8286. The guidelines published by DHHS are referred to as the poverty income guidelines.

Section 246.7(d)(1) of the WIC regulations specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under section 9(b) of the National School Lunch Act for reduced price school meals or identical to State or local guidelines for free or reduced price health care. However, in conforming WIC income guidelines to State or local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines established under section 9(b) of the National School Lunch Act for reduced price school meals, or which are less than 100 percent of the Federal poverty income guidelines. Consistent with the method used to compute eligibility guidelines for reduced price meals under the National School Lunch Program, the poverty income guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time the Department is publishing the maximum and minimum WIC poverty income limits by household size for the period July 1, 1996 through June 30, 1997. Consistent with Section 17(f)(18) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(18)), a State agency may implement the revised WIC income eligibility guidelines concurrently with the implementation of income eligibility guidelines under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*). State agencies that do not coordinate implementation with the revised Medicaid guidelines must implement the WIC income eligibility guidelines July 1, 1996. The first table of this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia and all Territories, including Guam. Because the poverty income guidelines for Alaska and Hawaii are higher than for the 48 contiguous States, separate tables for Alaska and Hawaii have been included for the convenience of the State agencies.

EFFECTIVE JULY 1, 1996—JUNE 30, 1997

Family size	Annual poverty income guidelines (PIG)	Annual FCS income guidelines for reduced-price lunches (185% of PIG)
48 States, District of Columbia, Puerto Rico, Virgin Islands, and Territories, including Guam:		
1	7,740	14,319
2	10,360	19,166

EFFECTIVE JULY 1, 1996—JUNE 30, 1997—Continued

Family size	Annual poverty income guidelines (PIG)	Annual FCS income guidelines for reduced-price lunches (185% of PIG)
3	12,980	24,013
4	15,600	28,860
5	18,220	33,707
6	20,840	38,554
7	23,460	43,401
8	26,080	48,248
For each additional family member add	2,620	4,847
Alaska:		
1	9,660	17,871
2	12,940	23,939
3	16,220	30,007
4	19,500	36,075
5	22,780	42,143
6	26,060	48,211
7	29,340	54,279
8	32,620	60,347
For each additional family member add	3,280	6,068
Hawaii:		
1	8,910	16,484
2	11,920	22,052
3	14,930	27,621
4	17,940	33,189
5	20,950	38,758
6	23,960	44,326
7	26,970	49,895
8	29,980	55,463
For each additional family member add	3,010	5,569

Dated: March 12, 1996.

William E. Ludwig,

Administrator.

INCOME ELIGIBILITY GUIDELINES

[Effective from July 1, 1996 to June 30, 1997]

Household size	Federal poverty guidelines			Reduced price meals—185%		
	Annual	Month	Week	Annual	Month	Week
48 Contiguous United States, District of Columbia, Guam and Territories						
1	7,740	645	149	14,319	1,194	276
2	10,360	864	200	19,166	1,598	369
3	12,980	1,082	250	24,013	2,002	462
4	15,600	1,300	300	28,860	2,405	555
5	18,220	1,519	351	33,707	2,809	649
6	20,840	1,737	401	38,554	3,213	742
7	23,460	1,955	452	43,401	3,617	835
8	26,080	2,174	502	48,248	4,021	928
For each add'l family member add	+2,620	+219	+51	+4,847	+404	+94
Alaska						
1	9,660	805	186	17,871	1,490	344
2	12,940	1,079	249	23,939	1,995	461
3	16,220	1,352	312	30,007	2,501	578
4	19,500	1,625	375	36,075	3,007	694
5	22,780	1,899	439	42,143	3,512	811
6	26,060	2,172	502	48,211	4,018	928
7	29,340	2,445	565	54,279	4,524	1,044
8	32,620	2,719	628	60,347	5,029	1,161
For each add'l family member add	+3,280	+274	+64	+6,068	+506	+117

INCOME ELIGIBILITY GUIDELINES—Continued

[Effective from July 1, 1996 to June 30, 1997]

Household size	Federal poverty guidelines			Reduced price meals—185%		
	Annual	Month	Week	Annual	Month	Week
Hawaii						
1	8,910	743	172	16,484	1,374	317
2	11,920	994	230	22,052	1,838	425
3	14,930	1,245	288	27,621	2,302	532
4	17,940	1,495	345	33,189	2,766	639
5	20,950	1,746	403	38,758	3,230	746
6	23,960	1,997	461	44,326	3,694	853
7	26,970	2,248	519	49,895	4,158	960
8	29,980	2,499	577	55,463	4,622	1,067
For each add'l family member add	+3,010	+251	+58	+5,569	+465	+108

[FR Doc 96–6428 Filed 3–15–96; 8:45 am]

BILLING CODE 3410–30–P

Nutrition Program for the Elderly; Adjusted Level of Assistance From October 1, 1994 to September 30, 1995 and Initial Level of Assistance From October 1, 1995 to September 30, 1996

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces both the final level of per-meal assistance for the Nutrition Program for the Elderly (NPE) for Fiscal Year 1995 and the initial level of per-meal assistance for Fiscal Year 1996. The Fiscal Year 1995 current level of assistance of $.5838 is adjusted to $.5969 for all eligible meals served during the fiscal year in accordance with section 311(c)(2)(A) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992. The Fiscal Year 1996 initial level of assistance is set at $.5864 for each eligible meal in accordance with section 311(a)(4) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992 and preempted by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996.

EFFECTIVE DATE: Fiscal Year 1995 Adjusted Level of Assistance: October 1, 1994. Fiscal Year 1996 Initial Level of Assistance: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen Henigan, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594 or telephone (703) 305–2644.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under Nos. 10.550 and 10.570 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984.)

Paperwork Reduction Act and Regulatory Flexibility Act

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

Legislative Background

Section 310 of Public Law (Pub. L.) 102–375, the Older Americans Act Amendments of 1992, amended section 311(a)(4) of the Older Americans Act of 1965, 42 U.S.C. 3030a(a)(4), to require the Secretary of Agriculture to maintain an annually programmed level of assistance equal to the greater of: (1) The current appropriation divided by the number of meals served in the preceding fiscal year; or (2) 61 cents per meal adjusted annually beginning with Fiscal Year 1993 to reflect changes in the Consumer Price Index. Section 311(c)(2) of the Act (42 U.S.C. 3030a(c)(2)) was amended to provide that the final reimbursement claims must be adjusted so as to utilize the entire program appropriation for the fiscal year for per-meal support.

Notwithstanding the initial rates established by the Older Americans Act, the Department is required to comply with the spending clause of the U.S. Constitution and 31 U.S.C. 1341(a)(1)(A) (known as the Antideficiency Act), which prohibit the obligation or expenditure of funds in excess of the available appropriation. Thus the Department is required to establish (and if necessary, adjust) rates in such a manner as to not exceed the program appropriation.

Fiscal Year 1995 Adjusted Level of Assistance

Based on its projection of the number of meals to be claimed during the fiscal year, and in light of constitutional and statutory prohibitions on obligating or spending funds in excess of the available appropriation, the Department announced an initial per-meal reimbursement rate of $.60, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the February 3, 1995 Federal Register (60 FR 6691).

The Department's meal service projection for Fiscal Year 1995 assumed the same rate of growth, slightly over 1 percent, as was experienced in Fiscal Year 1994. This growth rate was the highest increase in the program since 1989. The Department believed that by projecting continued significant program growth, a retroactive rate reduction in Fiscal Year 1995 could be avoided.

However, data for the first two quarters of Fiscal Year 1995 revealed that the program had experienced a slightly more than 3-percent meal service increase over the number of meals served in the first two quarters in Fiscal Year 1994. This increase was

greater than three times that projected. Therefore, it was necessary to retroactively reduce the Fiscal Year 1995 rate from the initially announced level of $.60 to $.5838 in order to ensure reimbursement for all eligible Fiscal Year 1995 meals. This rate adjustment was announced via a memorandum to regional offices dated June 21, 1995. The regional offices, in turn, notified State agencies of the rate adjustment.

There are no discernible historical patterns or trends in NPE meal service from which this unprecedented increase could have been anticipated. Given this unpredictability, the Department conservatively established the adjusted rate at $.5838 in order to virtually eliminate the possibility of a further Fiscal Year 1995 rate reduction.

Final Fiscal Year 1995 meal count data indicate that, while the program experienced unprecedented growth during the first half of the fiscal year, the number of meals served during the last two quarters fell below Departmental projections. Therefore, based on final Fiscal Year 1995 meal counts, the Department has concluded that the Fiscal Year 1995 appropriation will support an upward adjustment from the current rate of $.5838 to a per-meal reimbursement rate of $.5969. This final rate applies to all eligible meals served during Fiscal Year 1995 and claimed in a timely manner.

Fiscal Year 1996 Initial Level of Assistance

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1996 (Pub. L. 104–37) imposed, for Fiscal Year 1996, the same NPE rate management requirements as applied to Fiscal Year 1994. That is, Title IV, Domestic Food Programs, of the Appropriations Act provides that ''* * * a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996.'' Thus, unlike in Fiscal Year 1995, the Department cannot increase the initially announced Fiscal Year 1996 rate, and can decrease this rate only if it cannot be sustained throughout the year.

It is the Department's goal to establish the highest rate that can be sustained throughout the fiscal year so as to maximize the flow of program funds to States during the fiscal year. However, the Department wants also to minimize the possibility of a rate reduction and the hardship it causes to program operators. In order to guard against the need for a reduction, the Department, once again, has projected a slightly higher rate of growth in meal service than occurred in the preceding fiscal year. Based on its projections, the Department announces an initial per-meal support level of $.5864, which will not be increased, and which can be decreased only if necessary to keep expenditures within the limit of the $150 million NPE appropriation established by Pub. L. 104–37. Any funds not paid out for Fiscal Year 1996 reimbursement will, in accordance with legislative mandate, be carried over into Fiscal Year 1997 and expended in per-meal reimbursement for that year. In the unlikely event that the rate needs to be decreased, States will be notified directly.

Dated: March 8, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96–6349 Filed 3–15–96; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF COMMERCE

Bureau of the Census

1997 Economic Census Covering Utilities; Transportation; Information; Finance and Insurance; and Real Estate, Rental and Leasing Sectors

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 May 17, 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 Sidney O. Marcus III, Bureau of the Census, Room 2784, Building 3, Washington, DC 20233 on (301) 457–2786.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is the preeminent collector and provider of timely, relevant, and useful data about the people and economy of the United States. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The economic census, conducted every five years under authority of Title 13 U.S.C., is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. The 1997 Economic Census will cover virtually every sector of the U.S. economy including more than 923,000 establishments with payroll in the utilities; transportation; information; finance and insurance; and real estate, rental and leasing sectors. However, approximately thirteen percent of establishments will not be required to file separate reports because they will be included in consolidated company reports; for explanation see selection procedure for establishments of multi-establishment firms below.

II. Method of Collection

Establishments in these sectors of the economic census will be selected for mailout from a frame given by the Census Bureau's Standard Statistical Establishment List. To be eligible for selection, an establishment must be: (i) classified in the utilities; transportation; information; finance and insurance; or real estate, rental and leasing sectors; (ii) an active operating establishment of a multi-establishment firm, or a single-establishment firm with payroll; and (iii) located in one of the 50 states or the District of Columbia. Mail selection procedures will distinguish the following groups of establishments:

A. Establishments of Multi-Establishment Firms

Selection procedures will assign all eligible establishments of multi-establishment firms to the mail component of the potential respondent universe, except for those in selected industries in utilities, transportation, information, and finance and insurance. In these selected industries, where revenue and certain other operating data are not easily attributable to individual establishments, division- or firm-level organizations are asked to report kind of activity, payroll, and employment for

several establishments, and other required data at a more aggregate level on a consolidated report form.

We estimate that the census mail canvass for 1997 will include approximately 230,000 establishment and consolidated reports for multi-establishment firms in these sectors.

B. Single-Establishment Firms With Payroll

In selected industries, small single-establishment firms are selected for the mail canvass on a sample basis. As an initial step in the selection process, we will conduct a study of the potential respondent universe. The study of potential respondents will produce a set of industry-specific payroll cutoffs that we will use to distinguish large versus small single-establishment firms within each industry or kind of business. This payroll size distinction will affect selection as follows:

1. Large Single-Establishment Firms

Selection procedures will assign large single-establishment firms having annualized payroll (from Federal administrative records) that equals or exceeds the cutoff for their industry to the mail component of the potential respondent universe. We estimate that the census mail canvass for 1997 will include approximately 340,000 firms in this category.

2. Small Single-Establishment Firms

Selection procedures will assign a sample of small single-establishment firms having annualized payroll below the cutoff for their industry to the mail component of the potential respondent universe. Sampling strata and corresponding probabilities of selection will be determined by a study of the potential respondent universe conducted shortly before mail selection operations begin. We estimate that the census mail canvass for 1997 will include approximately 32,000 firms in this category.

All remaining single-establishment firms with payroll will be represented in the census by data from Federal administrative records. Generally, we will not include these small employers in the census mail canvass. However, administrative records sometimes have fundamental deficiencies that make them unsuitable for use in producing detailed industry statistics by geographic area. When we find such a deficiency, we will mail the firm a census short form to collect basic information needed to resolve the problem. We estimate that the census mail canvass for 1997 will include approximately 198,000 firms in this category.

III. Data

This information collected from businesses in these sectors of the economic census will produce basic statistics by kind of business for number of establishments, revenue, payroll, and employment. It also will yield a variety of subject statistics, including revenue by source and other industry-specific measures. Primary strategies for reducing burden in Census Bureau economic data collections are to reengineer program methods and requirements, and to increase electronic reporting through broader use of computerized self-administered census questionnaires, electronic data interchange, and other electronic data collection methods.

OMB Number: Not Available.

Form Number: The forms used to collect information from businesses in these sectors of the economic census are tailored to specific business practices and are too numerous to list separately in this notice. You can obtain information on the proposed content of the forms by calling Sidney O. Marcus III on (301) 457–2786.

Type of Review: Regular Review.

Affected Public: Businesses or Other for Profit Institution, Non-Profit Institutions, Small Businesses or Organizations, and State or Local Governments.

Estimated Number of Respondents:

Utilities (Standard form)—23,800
Utilities (Short form)—(none)
Transportation (Standard form)—131,900
Transportation (Short form)—10,500
Information (Standard form)—78,100
Information (Short form)—(none)
Finance and Insurance (Standard form)—156,300
Finance and Insurance (Short form)—75,800
Real Estate, Rental and Leasing (Standard form)—154,500
Real Estate, Rental and Leasing (Short form)—83,200
Estimated total number of respondents for these five sectors: 714,100

Estimated Time Per Response:

Utilities (Standard form)—1.8 hours
Utilities (Short form)—(none)
Transportation (Standard form)—1.1 hours
Transportation (Short form)—0.2 hours
Information (Standard form)—1.5 hours
Information (Short form)—(none)
Finance and Insurance (Standard form)—1.4 hours
Finance and Insurance (Short form)—0.3 hours
Real Estate, Rental and Leasing (Standard form)—1.2 hours
Real Estate, Rental and Leasing (Short form)—0.2 hours

Estimated Total Burden Hours:

Utilities (Standard form)—42,800
Utilities (Short form)—(none)
Transportation (Standard form)—145,100
Transportation (Short form)—2,100
Information (Standard form)—117,200
Information (Short form)—(none)
Finance and Insurance (Standard form)—218,800
Finance and Insurance (Short form)—22,700
Real Estate, Rental and Leasing (Standard form)—185,400
Real Estate, Rental and Leasing (Short form)—16,600
Estimated total burden hours for these five sectors: 750,700

Estimated Total Cost: The cost to the government for this work is included in the total cost over five years of the 1997 Economic Census, estimated to be $218 million.

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: March 13, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–6440 Filed 3–15–96; 8:45 am]

BILLING CODE 3510–07–P

National Institute of Standards and Technology

[Docket No. 960116010–6010–01]

RIN 0693–XX13

Proposed Revisions of Federal Information Processing Standards (FIPS) 147, Group 3 Facsimile Apparatus for Document Transmission; and Federal Information Processing Standard (FIPS) 178, Video Teleconferencing Services at 56 to 1,920 kb/s

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; Request for comments.

SUMMARY: Revisions are being proposed to Federal Information Processing Standard (FIPS) 147, Group 3 Facsimile Apparatus for Document Transmission, and to Federal Information Processing Standard (FIPS) 178, Video Teleconferencing Services at 56 to 1,920 kb/s. The revisions reflect changes to the voluntary industry standards that are adopted by these FIPS.

The revised FIPS for facsimile apparatus will adopt ANSI/EIA/TIA–465A–1995. The revised FIPS for video teleconferencing services will adopt International Telecommunication Union—Telecommunication Standardization Sector (ITU–T) Recommendations H.320, H.221, H.242, H.261, H.230, H.231, H.243, H.233, H.234, and H.244.

The purpose of this notice is to solicit views from the public, manufacturers, and State and local governments so that their views can be considered prior to the submission of these proposed revisions to the Secretary of Commerce for review and approval.

These proposed revisions consist of two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standards; and (2) a specifications section which deals with the technical requirements of the standards. Only the announcement sections of these revised standards are provided in this notice.

The ANSI/EIA/TIA–465A–1995 and 455A–1995 specifications are available from: Global Engineering Documents, 1990 M Street NW., Washington, DC 20036, telephone (800) 854–7179; FAX (202) 331–0960.

The ITU–T Recommendations H. 221, H. 230, H. 233, and H. 244–1995 are available from: National Communications System, Office of Technology and Standards, Attn: Gary Rekstad, 701 South Court House Road, Arlington, VA 22204–2198, telephone (703) 607–6204.

Both revisions reference other specifications and related documents which are pertinent to the development of implementations, but are not essential to the review of these proposals. These specifications and documents are available from the sources identified in the proposed revisions.

DATES: Comments on these proposed revisions must be received on or before June 17, 1996.

ADDRESSES: Written comments concerning the adoption of these proposed revisions should be sent to: Acting Director, Computer Systems Laboratory, ATTN: Proposed Revisions of FIPS 147 and 178, Technology Building, Room B–154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: For FIPS 147–1: Mr. Stephen Perschau, National Communications System, NC–TS, 701 South Court House Road, Arlington, VA 22204–2198, telephone 703–607–6198, FAX 703–607–4830, email perschas@ncr.disa.mil.

For FIPS 178–1: Mr. Gary M. Rekstad, National Communications System, NC–TS, 701 South Court House Road, Arlington, VA 22204–2198, telephone 703–607–6195, FAX 703–607–4830, email rekstadg@ncr.disa.mil.

Dated: March 12, 1996.

Samuel Kramer,

Associate Director.

Proposed Federal Information Processing Standards Publication 147–1

(Date)

Announcing the Standard for Group 3 Facsimile Apparatus for Document Transmission

Federal Information Processing Standards Publication (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 5131 of the Information Technology Management Reform Act of 1996, Public Law 104–106.

1. Name of Standard. Group 3 Facsimile Apparatus for Document Transmission (FIPS PUB 147–1).

2. Category. Telecommunications Standard, Facsimile Equipment.

3. Explanation. This standard, by adoption of ANSI/EIA/TIA–465A–1995, Group 3 Facsimile Apparatus for Document Transmission, establishes the machine specifications for Group 3 facsimile apparatus for use over voice band analog circuits. This FIPS supersedes FIPS PUB 147 in its entirety.

4. Approving Authority. Secretary of Commerce.

5. Maintenance Agency. National Communications System, Office of Technology and Standards (NC–TS).

6. Cross Index.

a. ANSI/EIA/TIA–465A–1995, Group 3 Facsimile Apparatus for Document Transmission.

b. ANSI/EIA/TIA–466A–1995, Procedures for Document Facsimile Transmission (Not Yet Published).

7. Related Documents.

a. Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39. 1002, Federal Standards.

Related International Telecommunication Union Recommendations:

a. T.0 (1988), Classification of Facsimile Apparatus for Document Transmission over Telephone-Type Circuits.

b. T.4 (1993), Standardization of Group 3 Facsimile Apparatus for Document Transmission.

c. T.6 (1988), Facsimile Coding Schemes and Coding Control Functions for Group 4 Facsimile Apparatus.

d. T.30 (1993), Procedure for Document Transmission in the General Switched Telephone Network.

e. T.50 (1988), International Alphabet No. 5.

f. T.51 (1988), Coded Character Sets for Telematic Services.

g. T.571 (1992), Terminal Characteristics for the Telematic File Transfer within the Teletex Service.

h. V.17, 14400 bit/s 2-wire Modem Standardization for use in Facsimile Applications.

Related EIA/TIA Standards:

a. EIA/TIA 538 (1988), Facsimile Coding Schemes and Coding Control Functions for Group 4 Facsimile Equipment.

Related Federal Information Processing Standards Publications (FIPS PUBS):

a. FIPS PUB 165, 4,800 Bits Per Second Four-Wire Duplex and Two-Wire Half-Duplex Modems for Data Communications Use on Telephone-Type Circuits, (1992).

b. FIPS PUB 166, 4,800 and 9,600 Bits Per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits, (1992).

c. FIPS PUB 167, 9,600 Bits Per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits, (1992).

d. FIPS PUB 170, Data Compression in Modems Employing CCITT Recommendation V.42 Error Correction, (1992).

At the time of publication of this standard, the editions indicated above were valid. All publications are subject to revision, and parties to agreements based on this standard are encouraged to investigate the possibility of applying the most recent editions of these publications. You may obtain copies of the specifications and related documents from:

ANSI/EIA/TIA–465A–1995 and 466A–1995—Global Engineering Documents, 1990 M Street NW., Washington, DC 20036, (800) 854–7179; FAX (202) 331–0960

ANSI and ISO Documents—American National Standards Institute, 11 West 42nd Street, New York, NY 10036, (212) 642–4900; FAX (212) 302–1286

FIPS Publications—National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, (703) 487–4650

ITU–T and CCITT Documents—Phillips Business Information, Inc., OMNICOM, 1201 Seven Locks Road, Suite 300, Potomac, MD 20854, (800) 666–4266.

8. Objectives. The objective of this standard is to facilitate interoperability between and among facsimile terminals within telecommunication facilities and systems of the Federal Government.

9. Applicability. This standard shall be used by all Federal department and agencies in the design and procurement of Group 3 facsimile equipment for document transmission.

10. Specifications. This FIPS adopts ANSI/EIA/TIA–465A–1995, Group 3 Facsimile Apparatus for Document Transmission.

11. Implementation. This standard is effective six (6) months after approval by the Secretary of Commerce.

12. Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology, ATTN: FIPS Waiver Decisions, Technology Building, Room B–154, Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate an shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. Where to Obtain Copies. Copies of this publication including ANSI/EIA/TIA–465A–1995, are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 147–1 (FIPSPUB147–1), and title. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Proposed Federal Information Processing Standards Publication 178–1

(Date)

Announcing the Standard for Video Teleconferencing Services at 56 to 1,920 kb/s

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 5131 of the Information Technology Management Reform Act of 1996, Public Law 104–106.

1. Name of Standard. Video Teleconferencing Services at 56 to 1,920 kb/s (FIPS PUB 178–1).

2. Category. Telecommunications Standards, Video Teleconferencing.

3. Explanation. This standard, by adoption of International Telecommunication Union-Telecommunication Standardization Sector (ITU–T) Recommendations H.320, H.221, H.242, H.251, H.230, H.231, H.243, H.233, H.234, and H.244 defines the specifications for video teleconferencing and video telephony systems.

This document provides Federal departments and agencies a comprehensive description of the interoperability criteria for audiovisual systems used in video teleconferencing and videophone applications. This standard was developed within the Federal Telecommunication Standards Committee (FTSC). This FIPS supersedes FIPS PUB 178 in its entirety.

4. Approving Authority. Secretary of Commerce.

5. Maintenance Agency. National Communications System, Office of Technology and Standards (NC–TS).

6. Cross Index. The recommendations listed below are adopted and referenced by this standard.

a. ITU–T Recommendation H.320, Narrowband Visual Telephone Systems and Terminal Equipment, (1993).

b. ITU–T Recommendation H.221, Frame structure for a 64 to 1,920 kbit/s Channel in Audiovisual Teleservices, (1995).

c. ITU–T Recommendation H.242, System for Establishing Communication Between Audiovisual Terminals Using Digital Channels up to 2 Mbit/s, (1993).

d. ITU–T Recommendation H.230, Frame-Synchronous Control and Indication Signals for Audiovisual Systems, (1995).

e. ITU–T Recommendation H.261, Video Codec for Audiovisual Services at px64 kbit/s, (1993).

f. ITU–T Recommendation H.231, Multipoint Control Units for Audiovisual Systems Using Digital channels up to 1920 kbps, (1993).

g. ITU–T Recommendation H.243, Procedures for Establishing Communication Between Three or More Audiovisual Terminals Using Digital Channels up to 1920 kbps, (1993).

h. ITU–T Recommendation H.233, Confidentiality System for Audiovisual Services, (1995).

i. ITU–T Recommendation H.234, Encryption Key Management and Authentication System for Audiovisual Services, (1994).

j. ITU–T Recommendation H.244, Synchronized Aggregation of Multiple 64 or 56 kbit/s Channels, (1995).

k. ITU–T Recommendation T.122 (1993), Multipoint Communication Service for Audiographics and Audiovisual Conferencing Service Definition.

l. ITU–T Recommendation T.123 (1993), Protocol Stacks for Audiovisual and Audiographic Teleconference Applications.

m. CCIT Recommendation G.711, Pulse Code Modulation (PCM) of Voice Frequencies, (1989).

n. CCIT Recommendation G.722, 7 kHz Audio-coding within 64 kbit/s, (1989).

o. ITU–T Recommendation G.728, Coding of Speech at 16 kbit/s using Low-Delay Code Excited Linear Prediction (LD–CELP), (1992).

p. FIPS PUB 81, Data Encryption Standard Modes of Operation, (1980).

q. FIPS PUB 140–1, Security Requirements for Equipment Using Data Encryption Standard, (1994).

r. FIPS PUB 46–2, Data Encryption Standard (DES), (1993).

s. ISO 8732, Banking Key Management.

t. ITU–T Recommendation P.30 (1988), Transmission Performance of Group Audio Terminals.

u. ITU–T Recommendation P.34 (1993), Transmission Characteristics of Hands-Free Telephones.

v. ITU–T Recommendation P.64 (1993), Determination of Sensitivity/Frequency Characteristics of Local Telephone Systems.

w. ITU–T Recommendation P.79 (1993), Calculation of Loudness Ratings for Telephone Sets.

7. Related Documents.

a. Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

The standards listed below are for information only.

b. ANSI TI.306–1990, American National Standard for Telecommunications—Digital Processing of Audio Signals—Algorithm and Line Format for Transmission of 7–kHz Audio Signals at 64/56 kbit/s.

c. ANSI TI.314–1991, American National Standard for Telecommunications—Video Coder/Decoder for Audiovisual Services at 56 to 1,536 kbit/s.

d. ANSI TI.800.01–1995, American National Standard for Telecommunications—Visual Telephone Systems and Terminal Equipment Using Digital Channels up to 1920 kbit/s.

e. ANSI TI.800.03–1995, American National Standard for Telecommunications—Frame Structure for Audiovisual Services at 56 to 1,920 kbit/s.

f. ANSI TI.800.04–1995, American National Standard for Telecommunications—Procedures for Establishing Communications Between Two Audiovisual Terminals Using Digital Channels up to 1920 kbit/s.

g. ANSI TI.800.05–1995, American National Standard for Telecommunications—Frame Synchronous Control and Indication Signals for Audiovisual Systems.

h. ANSI TI.800.06–1995, American National Standard for Telecommunications—Multipoint Control Units for Audiovisual Systems Using Digital Channels up to 1920 kbit/s.

i. ANSI TI.800.07–1995, American National Standard for Telecommunications—Procedures for Establishing Communication Between Three or More Audiovisual Terminals Using Digital Channels up to 1920 kbit/s.

j. CCITT Proposed Recommendation AV.253, Audio coding at 24/32 kbit/s.

k. CCITT Recommendation G.725, System Aspects for the Use of the 7 kHz Audio Codec within 64 kbit/s, (1989).

l. CCITT Recommendation G.821, Error Performance of an International Digital Connection Forming Part of an Integrated Services Digital Network, (1989).

m. CCITT Recommendation H.200, Framework for Recommendations for Audiovisual Services, (1989).

n. CCITT Recommendation I.464, Multiplexing, Rate Adaption and Support of Existing Interfaces for Restricted 64 kbit/s Transfer Capability, (1989).

o. CCITT Recommendation T.35, Procedure for the Allocation of CCITT Member's Codes, (1989).

p. CCITT Recommendation V.120, Support of an ISDN of Data Terminal Equipment with V-Series Type Interfaces with Provision for Statistical Multiplexing.

q. CCITT Recommendation V.35, Data Transmission at 48 Kilobits Per Second Using 60–108 kHz Group Band Circuits, (1989).

r. ANSI T1.801.Ox–199x, Digital Transport of One-Way Video Signals—Parameters for Objective performance Assessment.

s. ITU–T Recommendation T.120 (199?), Overview of the T-Series.

t. ITU–T Recommendation T.124 (1995), Generic Conference Control.

u. ITU–T Recommendation T.125 (1994), Multipoint Communication Service Protocol Specification.

v. ITU–T Recommendation T.126 (draft), Multipoint Still Image and Annotation Protocol.

w. ITU–T Recommendation T.127 (draft),

x. ITU–T Recommendation T.128 (draft), Control for an Audio Visual Conference.

At the time of publication of this standard, the editions indicated above were valid. All publications are subject to revision, and parties to agreements based on this standard are encouraged to investigate the possibility of applying the most recent editions of these publications. You may obtain copies of the specifications and related documents from:

ANSI and ISO Documents—American National Standards Institute, 11 West 42nd Street, New York, NY 10036, (212) 642–4900; FAX (212) 302–1286

FIPS Publications—National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, (703) 487–4650

ITU–T and CCITT Documents—Phillips Business Information, Inc., OMNICOM, 1201 Seven Locks Road, Suite 300, Potomac, MD 20854, (800) 666–4266

ITU–T Recommendations H.221, H.230, H.233, and H.244–1995—National Communications System, Office of Technology and Standards, Attn: Gary Rekstad, 701 South Court House Road, Arlington, VA 22204–2198, (703) 607–6204.

8. Abbreviations and Definitions. The abbreviations and definitions contained in this section are for terms contained in this document, and documents referenced by this document.

ANSI—American National Standards Institute

CCITT—International Telegraph and Telephone Consultative Committee

CIF—Common Intermediate Format

CODEC—Coder/Decoder

DES—Digital Encryption Standard

ISDN—Integrated Services Digital Network
ITU–T—International Telecommunication Union—Telecommunication Standardization Sector
MCU—Multipoint Control Unit
MLP—Multilevel Protocol
QCIF—Quarter–CIF
VTC—Video Teleconference

Freeze-Frame: A frame of visual information selected from a video signal and processed through the video codec for transmission to remote site(s). This is a subset of still image.

MCU (Multipoint Control Unit): A piece of equipment located in a node of the network or in a terminal which receives several channels from access ports and, according to certain criterions, processes audiovisual signals and distributes them to the connected channels.

Narrow-band: Bit rates ranging from 56 kb/s to 1,920 kb/s. This channel capacity may be provided as a single B/HO/H11/H12 channel or multiple B/HO channels in ISDN.

Still Image: Non-moving visual information.

Telematic Services: Real-time data communication within the VTC channel(s). Examples of services are: still image exchange, annotation, and file exchange. Telematic services can be made in a point-to-point or multipoint call.

9. Objectives. The objective of this document is to improve the Federal acquisition process by providing Federal departments and agencies a comprehensive, authoritative source for video teleconferencing terminals used in video teleconferencing and video phone applications.

This standard is intended to assure interoperability among Federal video teleconferencing and video phone systems employing video codecs at rates between 56 kb/s and 1,920 kb/s. Equipment designed for use over ATM, LAN, and PSTN networks are out of the scope of this standard.

10. Applicability. This standard shall be used by all Federal departments and agencies in the design and procurement of video teleconferencing and video phone systems. This standard is mandatory only for those audiovisual systems operating at rates between 56 kb/s and 1,920 db/s using non-packet based networks. The standard shall be used in the planning, design, and procurement, including lease and purchase, of all new video communications systems that utilize video codecs.

Many ITU–T Recommendations specify service from 64 kb/s through 1,920 kb/s, and some ANSI standards specify service from 56 kb/s through 1,536 kb/s. To avoid confusion on applications within the Federal Government involving both national and international interoperability, this standard encompasses both ranges of data rates to specify service from 56 kb/s through 1,920 kb/s. It should be noted that most standard data networks in the United States carry data from 56 kb/s to 1,536 kb/s.

In an Integrated Services Digital Network (ISDN), the overall transmission channel may consist of 1 to 6 B (64 kb/s) channels, 1 to 4 HO (384 kb/s) channels, an H10 (1,472 kb/s) channel, or an H11 (1,536 kb/s) channel. The framed video signal can also be carried on other switched or dedicated digital transmission facilities, such as 1 to 6 56 kb/s connections, a DS1 connection, or a fractional DS1 connection.

The technical parameters of this document may be exceeded in order to satisfy certain specific requirements, provided that interoperability is maintained. That is, the capability to incorporate features such as additional standard and nonstandard interfaces is not precluded.

Neither this nor any other standard in high technology field such as telecommunications can be considered complete and ageless. Periodic revisions will be made as required.

The standard is not intended to hasten the obsolescence of equipment currently existing in the Federal inventory; nor is it intended to provide systems engineering or applications guidelines.

11. Specifications. The following sections specify the requirements for video teleconferencing and video telephony terminals.

11.1 Overall Description. Specific requirements for different types of video terminals are defined in ITU–T Recommendation H.320. All terminals that meet this standard shall follow the specifications of H.320. At a minimum, all terminals shall be capable of operating over one and two channels (p=1 and 2)d at QCIF resolution. If a terminal is able to operate at values for p greater than 2, than the terminal shall be able to operate at all p values in the set [1, 2, 6, 12, 23, 24] less than the highest p value capable by the terminal.

Examples of a few terminal configurations are given below:

—Terminal operating over 2 B channels of an ISDN.
—Terminal operating over 6 B channels of an ISDN.
—Terminal operating over a HO channel of an ISDN.
—Terminal operating over 1 Switched 56 channel.

11.2 Multiplexing/Framing. The different parts of a VTC call (video, audio, data) must be multiplexed into single or multiple channels.

11.2.1 Frame Structure. All terminals that meet this standard shall use all the specifications defined in ITU–T Recommendation H.221. The H.221 framing structure multiplexes subchannels for audio, video, data, and telematic transmission, as well as in-channel terminal-to-terminal signaling information, within an overall transmission channel of 56 to 1,920 kb/s.

This standard address data channels at nominal bit rates of px64 kb/s, where p is an integer that can range from 1 to 30. For unrestricted networks, such as provided by ISDN, each increment of data rate may actually be 64 kb/s, but in restricted networks each increment may be only 56 kb/s. Equipment that meets this standard shall be capable of operating *on* unrestricted and/or restricted networks. Equipment that meets this standard shall be capable of operating *with other terminals on* unrestricted *and* restricted networks. Equipment that meets this standard shall be capable of operating over a network connection where a middle segment or segments of the network are restricted. Restricted networks are discussed in Annex 2 of H.221 and Section 3.6 of H.230. To help with the problem of operating over restricted networks, or operating with terminals not having network timing, it is recommended that the procedures described in Annex A of ANSI T1.800.04 be used.

The recommendations which this standard references were designed primarily for use with an ISDN. In an ISDN, the overall transmission channel may consist of 1 to 6 B (64 kb/s) channels, 1 to 4 HO (384 kb/s) channels, an H10 (1,472 kb/s) channel, or an H11 (1,536 kb/s) channel. The framed signals can also be carried on other switched or dedicated digital transmission facilities, such as 1 to 6 56 kb/s connections, a DS1 connection, or a fraction DS1 connection.

11.2.2 Channel Aggregation. It is possible for a VTC terminal or MCU to have a single channel interface to multiple channels using channel aggregation. An example is aggregating 6 B channels into a single 384 kbps channel. The use of channel aggregation increases interoperability between equipment on different networks, and allows a high speed interface to low speed networks. Use of channel

aggregation is optional for VTC, but when it is built into a VTC terminal or MCU, that equipment shall adhere to the requirements of H.244.

There are four different 'cases' described in H.244. Case 'B' and case 'D' are what has been commonly called BONDING. Terminals capable of operating using Case 'B' or 'D' shall be capable of Mode B1 as specified in H.244.

11.3 System for Establishing Communication Between Audiovisual Terminals. All terminals that meet this standard shall use all specifications of ITU–T Recommendation H.242 for establishing communication between two audiovisual terminals. H.242 describes the in-channel terminal-to-terminal communication control procedures. These procedures allow audiovisual terminals with different capabilities to interwork with each other and with existing telephone equipment. These procedures also allow terminals to switch among compatible modes of operation to support additional applications, for example, exchanging data.

11.4 Video Codec. All terminals that meet this standard shall be capable of color and near-full motion operation using, at a minimum, the QCIF format defined in ITU–T Recommendation H.261. All terminals shall meet all specifications of H.261. An encoder shall be capable of coding at an minimum average of 6 frames per second. The decoder shall be capable of decoding at least 7.5 frames per second. This is the minimum picture interval and is discussed in H.261, H.221, and H.242. Higher rates can be negotiated using the procedures in H.242.

A terminal is not precluded from using coding algorithms other than H.261, but for every video coding rate the terminal is capable of, the terminal shall be capable of using the H.261 coding algorithm. The purpose of this requirement is to prevent two terminal which are capable of communicating at a high transmission rate such as p=24 having to communicate at a lower rate to be interoperable.

A terminal is not precluded from having proprietary picture formats other than QCIF or CIF, but if a terminal has a picture format with more pixels than QCIF (176×144=25344 pixels), it shall also have the CIF picture format implemented using H.261. The purpose of this requirement is to prevent two terminal which are capable of CIF-like resolutions having to communicate at a QCIF resolution to be interoperable.

Motion compensation is optional in the encoder. Motion compensation is required in the decoder, where the reconstruction of the motion is relatively simple. The decoder shall accept one vector per macroblock.

Note: The video coding algorithm described in this standard is a variable-rate algorithm. Video transmission is not fixed at multiples of 56 or 64 kb/s, but instead occupies all bandwidth available for video within an overall audiovisual communications system. ''P×64 kb/s'' are the nominal transmission rates of the overall system. ITU–T Recommendation H.221 provides for operating at multiples of 56 and 64 kb/s.

11.5 Audio.

11.5.1 Audio Algorithms. All terminals that meet this standard shall follow mandatory requirements in H.320. Further, terminals shall be capable of coding and decoding audio using G.711 framed μ-law mode and G.728. If a terminal is capable of coding or decoding audio using G.722, it shall be capable of operating mode 2 and 3 of G.722.

11.5.2 Audio Arrangements. The following text is taken from the yet to be approved 1996 version of H.320.

A terminal can have one or more of three different arrangements:

—Handset function,
—Handsfree function for a small group of users (up to three users),
—Handsfree function for more than three users (conference terminal).

The audio characteristics are defined for each of these functions. Furthermore, the bandwidth of the transmitted speech is taken into consideration.

The principles used are identical with those for telephony terminals. That is, the sensitivity for handset function and handsfree function designed for personal use/a small group of users is specified in loudness ratings, and the sensitivity for conference terminals is specified as output levels.

11.5.2.1 Test principles.

11.5.2.1.1 Handset function. The sensitivity measurement of a terminal when a handset is used shall be based on the principles described in ITU–T Recommendations P.64. The loudness rating shall be calculated as described in ITU–T Recommendation P.79.

11.5.2.1.2 Handsfree function for a small group of users. The sensitivity measurement of the handsfree function of a terminal designed for a small group of users shall be based on the principles described in ITU–T Recommendation P.34. The applied test signal level at the digital input when measuring receive sensitivity shall be −30 dBm0.

The user position for a visual telephone terminal depends on the design of the terminal. The real user position as recommended by the supplier might be different compared with the position used for measurements. A correction factor shall be used. The correction factor is

$$F(dB)=20*\log_{10}\{D_S/D_O\}$$

where D_S is the distance between the recommended user position and the terminal and D_O is the reference distance of 50 cm.

The loudness rating shall be calculated as described in ITU–T Recommendation P.79.

11.5.2.1.3 Handsfree function for a conference terminal. The principles described in ITU–T Recommendation P.30 shall be used.

11.5.2.2 Sensitivity.

11.5.2.2.1 General. For handset terminals and handsfree terminals designed for a small group of users the sensitivity shall be specified as loudness ratings.

For conference terminals the sensitivity shall be specified in terms of input and output levels.

11.5.2.2.2 Receive volume control. For handsfree and loudspeaking terminals a volume control shall be provided.

Where a manual receive volume control is provided the minimum control range shall be to −15 dB from the test position.

Where an automatic receive volume control is provided, the Receive Loudness Rating (RLR) value obtained with a line level of −15 dBm0 shall not exceed that RLR value which is obtained with a line level of −30 dBm0 by more than 15 dB.

11.5.2.2.3 Handset function. The requirements of Table 1 shall be met.

TABLE 1.—SENSITIVITY OF THE HANDSET FUNCTION

	3.1 kHz band-width	7 kHz band-width
SLR	8	8
RLR	2	7

The manufacturing tolerances are ±3 dB.

11.5.2.2.4 Handsfree function. The requirements of Table 2 shall be met.

TABLE 2.—SENSITIVITY OF THE HANDSFREE FUNCTION

	3.1 kHz bandwith	7 kHz bandwith
SLR	13–F	13–F
RLR	7−–F	−5–F

The receive RLR requirement shall be met when the receive volume control is

in its maximum position. The manufacturing tolerances are ±4 dB.

11.5.2.2.5 Conference terminals. The procedures and values specified in ITU–T Recommendation P.30 shall be used.

11.6 Frame-Synchronous Control and Indication Signals for Audiovisual Systems. All terminals that meet this standard shall use ITU–T Recommendation H.230. H.230 provides additional frame-synchronous control and indication signals such as freeze picture, video loopback, and simple multipoint controls. These control and indication signals are necessary to provide additional functionality and to provide extensibility to future standards.

11.7 Telematic Services. The ability to transmit freeze-frame images is optional within this standard. If a terminal is capable of transmitting freeze-frame images, it shall be capable of transmitting the images according to the procedures described in Annex D of H.261.

Use of telematic services is optional within this standard. If telematic services are used, beyond those defined as freeze-frame, the requirements of T.122 and T.123 recommendations shall be used.

11.8 Privacy and Secure Operation. The use of privacy and/or secure operation is optional. Privacy is defined as Type 3 protection and secure is defined as Type 1 or 2 protection.

If privacy operation is used, the 64 bit Output Feedback Mode (OFB–64) of the Digital Encryption Standard (DES) option described in H.233 shall be used. OFB–64 is defined in FIPS PUB 81. If automatic key exchange is to be used with privacy, the ISO 8732 requirements of H.234 shall be used. All DES implementations shall be validated by the National Institute for Standards and Technology (NIST). All DES implementations shall follow security requirements for cryptographic modules as defined in FIPS PUB 140–1.

If secure operation is used, NSA approved equipment and procedures shall be used. For security issues dealing with VTC, please contact * * * [will provide POC].

VTC terminals that have privacy or secure capability should provide a real-time indication of the current level of protection. This indication can be a video overlay on the output image, or some other indication.

11.9 Multipoint Control Operation. Multipoint control operation is defined as the interconnection of 3 or more VTC terminals through a MCU. MCUs perform many tasks intended to allow many VTC terminals to see, hear and exchange information with others in a conference.

11.91.1 Multipoint Control Operation in a Terminal. A VTC terminal can connect to a MCU using the same protocols as for connecting to another VTC terminal. Optionally, additional features can be added to a terminal to allow greater functionally when operating with a MCU. The specification for these features can be found in Recommendation H.230, H.231, and H.243.

11.9.2 Multipoint Control Operation in a MCU. All MCUs that meet this standard shall meet all previous mandatory sections of this standard, with the exception of coding and decoding of video. All MCUs that meet this standard shall meet all mandatory specifications of ITU–T Recommendation H.231, H.243, H.320, H.221, H.230, and H.242. H.231 describes the functional representation of a MCU, and H.243 describes the in-channel terminal-to-MCU communication control procedures. These procedures allow MCUs to interwork with each other and with VTC terminals. These procedures also allow terminals and MCUs to switch among compatible modes of operation to support additional applications, for example, exchanging data.

MCUs shall be able to connect and work with VTC terminals that do not have specific MCU capability as stated in section 11.7.1.

MCUs shall be capable of coding and decoding audio using G.711 framed μ-law and A-law.

12. Implementation. This standard is effective six (6) months after approval by the Secretary of Commerce.

13. Conflict with Referenced Documents. Where the requirements stated in this document conflict with any requirements in a referenced document, the requirements of this standard shall apply. The nature of the conflict between this standard and a referenced document shall be submitted in duplicate to the Director, Computer Systems Laboratory, Technology Building, Room B–154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

14. Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology, ATTN: FIPS Waiver Decisions, Technology Building, Room B–154, Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

15. Where to Obtain Copies. Copies of this publication including ITU–T Recommendations H.320, H.221, H.242, H.261, H.230, H.231, H.243, H.233, H.234, and H.244 are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. When ordering, refer to Federal Information Processing Standards Publication 178–1 (FIPSPUB178–1), and title. Payment may be made by check, money order, purchase order, credit card, or deposit account.

In addition, ITU–T Series H Recommendations are available individually from NTIS. When ordering, specify:

H.221–1995—PB9__–_____

H.230–1995—PB9__–_____

H.242–1993—PB94–979103

H.261–1993—PB94–979104

H.320–1993—PB94–979105

H.231–1993—PB9__–_____

H.243–1993—PB9__–_____

H.233–1995—PB9__–_____

H.234–1994—PB9__–_____

H.244–1995—PB9__–_____

[FR Doc. 96–6441 Filed 3–15–96; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

Olympic Coast National Marine Sanctuary Advisory Council; Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice; Meeting of the Olympic Coast National Marine Sanctuary Advisory Council.

SUMMARY: The Advisory Council was established in December 1995 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Olympic Coast National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

TIME AND PLACE: Friday, March 22, 1996, from 10:00 until 2:00. The meeting will be held in the Pacific Room of the Shilo Inn, 707 Ocean Shores Blvd., Ocean Shores, Washington.

AGENDA: General subjects related to the management of the Olympic Coast National Marine Sanctuary are expected to be discussed.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Nancy Beres at (360) 457–6622 or Elizabeth Moore at (301) 713–3141.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program

Dated: March 11, 1996.

David L. Evans,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 96–6365 Filed 3–15–96; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Sri Lanka

March 12, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 19, 1996.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, carryover, carryforward, special carryforward and allowance for handloomed products.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 66265, published on December 21, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 12, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 15, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on March 19, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
336/636/836	380,610 dozen.
342/642/842	746,835 dozen.
345/845	160,507 dozen.
645/646	181,636 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–6439 Filed 3–15–96; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Minneapolis Grain Exchange: Application for Designation as a Contract Market in Options on the Barley Futures Contract, and Proposals To Amend and To Recommence Trading in the Dormant Barley Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of a proposed commodity option contract and amendments to the underlying futures contract.

SUMMARY: The Minneapolis Grain Exchange (MGE or Exchange) has applied for designation as a contract market in options on its barley futures contract. In addition, the MGE proposes to amend the dormant barley futures contract that would underlie the proposed contract and, pursuant to Commission Regulation 5.2, the Exchange has filed a request to recommence trading in the barley futures contract.

In accordance with Section 5a(a)(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Acting Director of the Division of Economic Analysis (''Division'') of the Commodity Futures Trading Commission (''Commission'') has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting public comment on the proposal.

DATES: Comments must be received on or before April 17, 1996.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Reference should be made to the MGE barley futures option contract and the proposed amendments to the barley futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Fred Linse of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, telephone 202–418–5273.

SUPPLEMENTARY INFORMATION: The amended barley futures contract would call for the delivery at par of shipping certificates representing 180,000 pounds of barley meeting or exceeding all of the requirements of U.S. grade No. 2 barley, except that the delivery barley may have a test weight of 46 pounds per bushel or greater. Issuers of the proposed shipping certificates would be required to meet certain financial and other requirements, and must be approved by the MGE. Upon surrender of a shipping certificate, the issuer would be required to ship the delivery barley in rail cars to a location, specified by the certificate receiver, that falls within a fifty-mile radius of Tulare, California.

Shipping certificate receivers would be obligated to pay a premium charge of one-seventh of one cent per hundredweight for each calendar day that the receiver holds the certificates.

Trading would be conducted in the contract months of March, May, July, September, and December. Prices would be quoted in dollars and cents per hundredweight. The minimum price fluctuation would be one cent per hundredweight. A maximum daily price fluctuation limit of 25 cents per hundredweight would be applicable to trading at all times in each contract month, except that such price limit would not be applicable to expiring contract months commencing on the first business day of such months.

Delivery of shipping certificates could be made on any business day of the contract month. Trading in an expiring contract month would end on the business day immediately preceding the last seven business days of that month.

Barley options would trade in the same months as the futures contract. The last trading day for expiring option contract months would be the Friday that precedes the first notice day of the underlying barley futures contract month by at least five business days. The options for such months would expire at 10:00 a.m. on the first Saturday following the last trading day. Thus, delivery on the futures contract would not be made until after the corresponding option had expired.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5097.

Other materials submitted by the MGE may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the MGE, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., 20581 by the specified date.

Issued in Washington, DC, on March 11, 1996.

Blake Imel,

Acting Director.

[FR Doc. 96–6313 Filed 3–15–96; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S Consumer Product Safety Commission.

TIME AND DATE: 10:00 a.m., Wednesday, March 20, 1996.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

Matter To Be Considered

Backyard Play Sets Petition HP 93–1

The staff will brief the Commission on petition HP 93–1 from the New York City Department of Consumer Affairs requesting the Commission to issue a rule to ban home play sets which fail to meet nine requirements set forth in petition.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207, (301) 504–0800.

Dated: March 13, 1996.

Sadye E. Dunn,

Secretary.

[FR Doc. 96–6579 Filed 3–14–96; 2:17 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board Meeting

The 1995 Summer Study on New World Vistas Panel Chairs of the USAF Scientific Advisory Board will meet on 2 April 1996 at HQ ACC, Langley AFB, VA from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to brief the 1995 Summer Study on New World Vistas.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–6456 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The 1995 Summer Study on New World Vistas Panel Chairs of the USAF Scientific Advisory Board will meet on 3 April 1996 at National Reconnaissance Office, Washington, DC from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to brief the 1995 Summer Study on New World Vistas.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Office.

[FR Doc. 96–6457 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–W

USAF Scientific Advisory Board Meeting

The 1995 Summer Study on New World Vistas Panel Chairs of the USAF Scientific Advisory Board will meet on 4 April 1996 at AFMC, Wright Patterson AFB, OH from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to brief the 1995 Summer Study on New World Vistas.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraph (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–6458 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The Weapons Panel of the USAF Scientific Advisory Board will meet from 16–18 April 1996 at The ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to gather data in support of the 1996 Summer Study on UAV Technologies and Combat Operations.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–6459 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The 1995 Summer Study on New World Vistas Panel Chairs of the USAF Scientific Advisory Board will meet on April 1996 at USSTRATCOM, Offutt AFB, NE from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to brief the 1995 Summer Study on New World Vistas.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–6460 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The 1995 Summer Study on New World Vistas Panel Chairs of the USAF Scientific Advisory Board will meet on 23 April 1996 at JROC in Washington, DC from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to brief the 1995 Summer Study on New World Vistas.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Office.

[FR Doc. 96–6461 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The 1995 Summer Study on New World Vistas Panel Chairs of the USAF Scientific Advisory Board will meet on 30 April 1996 at AFSPC, Peterson AFB, CO from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to brief the 1995 Summer Study on New World Vistas.

The meeting will be closed to the public in accordance with Section 552b of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–6462 Filed 3–15–96; 8:45 am]

BILLING CODE 3910–01–W

Corps of Engineers

Notice of Completion of Inventory of Native American Human Remains; Chicago District Collections in the Possession of the Illinois State Museum (Springfield, IL), and the Glenn Black Laboratory of Archaeology (Bloomington, IN)

AGENCY: Chicago District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provisions of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003(d), of the completion of the inventory of human remains collected by the Chicago District, U.S. Army Corps of Engineers, and in the possession of the Illinois State Museum and the Glenn Black Laboratory of Archaeology.

Archaeological material collected from Illinois by the Chicago District consists of lithics from prehistoric site 11–Ck–187, near O'Hare Airport in Cook County. The 11–Ck–187, collection contains no human remains or funerary objects, and is being curated by the Illinois State Museum at Springfield, Illinois.

Archaeological material collected from Indiana by the Chicago District consists of lithics from nine prehistoric sites (12–La–236 through 242, and 12–La–308), near Ainsworth in Lake County. The Lake County collection contains no human remains or funerary objects, and is being curated by the Glenn Black Laboratory of Archaeology at Bloomington, Indiana.

There are no human remains or funerary objects in the possession of the Chicago District, U.S. Army Corps of Engineers.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith Ryder/CENCC–PD–S, U.S. Army Corps of Engineers, 111 North

Canal Street, Chicago, Illinois 60606, (312) 353–6400 ext. 2020.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–6314 Filed 3–15–96; 8:45 am]

BILLING CODE 3710–HN–M

DEPARTMENT OF EDUCATION

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 April 17, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: March 12, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Programs Authorized by the Rehabilitation Act Amendments of 1992.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting Burden and Recordkeeping:

Responses: 1,000.

Burden Hours; 40,000.

Abstract: This package is used in the processing of awarding new grants for those discretionary programs administered by the Rehabilitation Act of 1973, as amended. The Department will use the information to evaluate project viability, soundness of approach, and reasonableness of the proposed cost for new projects. It will also be used to report to Congress.

[FR Doc. 96–6335 Filed 3–15–96; 8:45 am]

BILLING CODE 4000–01–P

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 May 17, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 12, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Goals 2000 Parental Assistance Program Performance Report.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Annual Reporting and Recordkeeping Burden:

Responses: 28.

Burden Hours: 980.

Abstract: Recipients of grants under the Parental Assistance Program must submit an annual performance report

that establishes substantial progress toward meeting their project objectives in order to receive a continuation award.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.
Title: Indian Education Formula Grant Program Application.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs and LEAs.
Annual Reporting and Recordkeeping Burden:
Responses: 1,275.
Burden Hours: 38,450.
Abstract: Application for funding under the Indian Education Formula Grant Program to Local Educational Agencies is used to determine applicant eligibility and the amount of award for projects funded.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Postsecondary Education Programs for Persons with Disabilities.
Frequency: One time.
Affected Public: Business or other for-profit; Not-for-profit institutions; State, local or Tribal Gov't, SEAs and LEAs.
Annual Reporting and Recordkeeping Burden:
Responses: 1.
Burden Hours: 360.
Abstract: This data collection is necessary to make awards required under 625(a)(2) of the IDEA. The Notice of Proposed Priority would establish an absolute priority for four regional centers on postsecondary education for individuals who are deaf to provide technical assistance to postsecondary institutions on proven models, components of models, and other exemplary practices and to expand opportunities available to students who are deaf. Current regulatory criteria at 34 CFR 338.31, which were developed for model demonstration projects, are not appropriate for the new technical assistance projects. Selection criteria approved for other IDEA technical assistance competitions have been revised for this competition.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Final Performance Report for Grants under the Strengthening Institutions Program.
Frequency: Annually.
Affected Public: Not-for-profit institutions.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 1.
Burden Hours: 2,472.
Abstract: A final performance report is required of former grantees that have completed either a 12-month planning grant project or a 60-month development grant project. The reports enable the grantee and the awarding agency to evaluate overall project accomplishments and the impact of funded activities on the grantee institutions' academic programs, institutional management, and fiscal stability.

Office of Postsecondary Education

Type of Review: New.
Title: William D. Ford Federal Direct Loan Program Statutory Forbearance Forms.
Frequency: On Occasion.
Affected Public: Individuals or households.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 10,000.
Burden Hours: 2,000.
Abstract: Qualified borrowers in the William D. Ford Federal Direct Loan Program will use these forms to request statutory forbearances on their loans.

[FR Doc. 96–6356 Filed 3–15–96; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–169–000]

CNG Transmission Corporation; Notice of Section 4 Filing

March 12, 1996.

Take notice that on March 4, 1996, CNG Transmission Corporation (CNG) tendered for filing pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service on a specified uncertificated gathering line in Gilmer County, West Virginia. CNG states that the facilities will be abandoned in place, and no transportation contracts will be terminated as a result of the abandonment.

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 385.211 and 385.214 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 March 18, 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. 96–6328 Filed 3–15–96; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP95–68–003]

Colorado Interstate Gas Company; Notice of Compliance Filing

March 12, 1996.

Take notice that on March 7, 1996 Colorado Interstate Gas Company (CIG) submitted a compliance filing in response to the Commission's February 6, 1996 order in this proceeding (74 FERC (CCH) ¶ 61,117).

CIG states that copies of the filing were served upon the parties in these proceedings, 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 Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 96–6331 Filed 3–15–96; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ER96–918–000]

Federal Energy Sales, Inc.; Notice of Issuance of Order

March 12, 1996.

On January 24, 1996, Federal Energy Sales, Inc. (FES) submitted for filing a rate schedule under which FES will engage in wholesale electric power and energy transactions as a marketer. FES also requested waiver of various Commission regulations. In particular, FES requested that the Commission

grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by FES.

On March 1, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by FES 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 385.214).

Absent a request for hearing within this period, FES is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of FES's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 1, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6339 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–151–001]

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

March 12, 1996.

Take notice that on March 6, 1996, Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 the following tariff sheets to become effective April 1, 1996.

Fifth Revised Sheet No. 18
Second Revised Sheet No. 29
Second Revised Sheet No. 37
Second Revised Sheet No. 40
Sixth Revised Sheet No. 46A
Third Revised Sheet No. 62
Substitute Fifth Revised Sheet No. 205

On February 27, 1996 FGT made a filing in RP96–151–000 (''February 27 filing'') to revise Section 27 of the General Terms & Conditions of FGT's tariff to provide for changes in the resolution of differences between actual and retained fuel in FGT's fuel reimbursement mechanism. In the instant filing, FGT states that it is making conforming changes to the fuel Reimbursement Charge provisions of the rate schedules under which FGT provides service. These changes to the Fuel Reimbursement Charge provisions clarify that fuel reimbursement will be as provided for in Section 27 of the General Terms and Conditions. The existing language in the Fuel Reimbursement Charge provisions of the rate schedules implies that all fuel reimbursement will be on an in-kind basis.

FGT states that its February 27 Filing changed the ''true-up'' portion of FGT's fuel reimbursement mechanism from an in-kind to a unit rate basis. FGT states that the instant changes were inadvertently omitted from the February 27 Filing, and believes that these conforming changes do not alter the previously filed changes to FGT's fuel reimbursement mechanism.

Additionally, FGT is filing Substitute Fifth Revised Sheet No. 205, which clarifies that the Unit Fuel Surcharge will apply to all volumes delivered under a Market Area transportation contract ''as determined pursuant to Section 13 of the General Terms and Conditions of this Tariff''. FGT believes that this addition clarifies that the Unit Fuel Surcharge will be applied in the same manner as usage charges under the various rate schedules which contain this same language.

FGT states that it intends for the instant filing to be treated as a supplement and amendment to the February 27 Filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, 20426, in accordance with Section protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6329 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–221–000]

Florida Gas Transmission Company; Notice of Request Under Blanket Authorization

March 12, 1996.

Take notice that on February 29, 1996 and amended on March 8, 1996, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP96–221–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon by sale certain facilities located in Dade County, Florida under FGT's blanket certificate issues in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT proposes to abandon and sell to City Gas Company of Florida, a division of NUI Corporation (City Gas): (1) the 4-inch Homestead Lateral which is approximately 16.9 miles long and extends from FGT's 18-inch mainline and its 24-inch Turkey Point Lateral to the inlet side of the Homestead Meter Station, and (2) the Cutler Ridge Meter Station, except for the electronic flow measurement equipment, which is attached to the 4-inch Homestead Lateral and serves City Gas. City Gas would use the subject facilities as part of its distribution system to serve its industrial, commercial and residential customers. FGT lists the sale price of the facilities proposed to be abandoned as $450,000.

FGT states that an existing 6-inch lateral line which partially loops the 4-inch Homestead Lateral currently serves the City of Homestead and has sufficient capacity to meet FGT's contractual obligations to the City of Homestead. Therefore FGT maintains that the proposed abandonment and sale of the 4-inch Homestead Lateral will not result in any disruption or abandonment of service to the City of Homestead, nor will it disadvantage any of FGT's customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the

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

Lois D. Cashell,

Secretary.

[FR Doc. 96–6335 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–735–001]

Murphy Exploration & Production Company v. Quivira Gas Company; Notice of Amendment to Complaint and Request for Refunds and Investigation of Transportation Rates

March 12, 1996.

Take notice that on February 29, 1996, Murphy Exploration & Production Company (Murphy Exploration), P.O. Box 7000, Eldorado, Arkansas 71731–7000, filed in Docket No. CP95–735–001 an amendment to its complaint and request for refunds and investigation of transportation rates against Quivira Gas Company (Quivira) filed September 5, 1995, in Docket No. CP95–735–000 (Complaint).

Murphy Exploration asserts that since its Complaint was originally filed in this proceeding, additional information has been received by Murphy Exploration which clearly demonstrates that Quivira's charges to Murphy Exploration as well as Quivira's interference with Murphy Exploration's exercise of its extraction or processing rights were and are discriminatory in violation of section 5 of the Outer Continental Shelf Lands Act (OCSLA). Murphy Exploration also asserts that Quivira's rates and restrictions on access through interference with producer rights to the liquids and liquefiables removed from the gas stream violates the Commission's Policy Statement issued February 28, 1996, in Docket No. RM96–5–000.[1]

Murphy Exploration states that it adopts and incorporates by reference all allegations and arguments in its September 5, 1995 Complaint to include additional allegations to reflect recently uncovered evidence against Quivira.

Any person desiring to be heard or to make a protest with reference to the amendment to Murphy Exploration's complaint should file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions, together with the answer of Respondent to the complaint and motions, should be filed on or before March 21, 1996. Any person desiring to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6334 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[1] 74 FERC ¶ 61,222 (1996).

[Docket No. RP96–171–000]

NorAm Gas Transmission Company; Notice of Petition for Waiver of Tariff Provision

March 12, 1996.

Take notice that on March 6, 1996, NorAm Gas Transmission Company (NGT) filed a petition for a waiver of the April 1, 1996, effective date for its annual crediting filings pursuant to Sections 5.7(c)(ii)(2)(B) and 23.7 of the General Terms and Conditions of its FERC Gas Tariff. NGT seeks permission to file to make such credits, if any, effective May 1, 1996.

NGT states that it is seeking this waiver because of the administrative burden and difficulty experienced in closing its books, compiling the required twelve months of data, and preparing the filings within the shortened time period required to meet an April 1 effective date.

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 18 CFR 385.214 and 211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 19, 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. 96–6327 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–60–009]

Overthrust Pipeline Company; Notice of Report of Refund

March 12, 1996.

Take notice that on February 21, 1996, Overthrust Pipeline Company (Overthrust) tendered for filing a refund report. Overthrust states that the report documents refunds of amounts pertaining to and detailing the Deferred Income Tax (DIT) refund payments for the year 1995.

Overthrust states that it is filing the refund report pursuant to a Commission order dated May 21, 1991, ''Order Approving Settlement with Modifications'' in Docket Nos. RP85–60–000 and –002. Overthrust explains that Article V of the settlement as modified, requires Overthrust to file an annual report 60 days after making the actual DIT refunds.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests should be filed on or before March 19, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6337 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–49–004]

Paiute Pipeline Company; Notice of Compliance Filing

March 12, 1996.

Take notice that on March 7, 1996, Paiute Pipeline Company (Paiute) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets to become effective January 22, 1996:

Second Revised Sheet No. 11
First Revised Sheet No. 100
First Revised Sheet No. 101
First Revised Sheet No. 102

Paiute asserts that the purpose of this filing is to comply with the Commission's order issued January 22, 1996 in Docket Nos. RP93–49–000 and RP–49–003, by which the Commission approved a joint offer of settlement filed by Paiute and the intervenors in this proceeding.

Paiute states that the settlement offer resolves the allocation among Paiute's customers of the direct-billed take-or-pay buyout and buydown costs charged to Paiute by its upstream supplier, Northwest Pipeline Corporation. Paiute further states that the settlement offer requires Paiute to file revised tariff sheets to reflect the terms and conditions of the settlement. Paiute requests that the proposed tariff sheets be permitted to become effective consistent with the effective date prescribed in the settlement.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20425, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6333 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–947–000]

Quantum Energy Resources, Inc.; Notice of Issuance of Order

March 12, 1996.

On January 29, 1996, Quantum Energy Resources, Inc. (Quantum) submitted for filing a rate schedule under which Quantum will engage in wholesale electric power and energy transactions as a marketer. Quantum also requested waiver of various Commission regulations. In particular, Quantum requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Quantum.

On March 5, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Quantum 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 385.214).

Absent a request for hearing within this period, Quantum is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserve the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Quantum's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 5, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

FR Doc. 96–6340 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–375–005 and RP95–215–004]

Texas Gas Transmission Corporation; Notice of Filing of Final Refund Report

March 12, 1996.

Take notice that on March 5, 1996, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a refund report detailing the allocation of credits to its former sales customers on February 10, 1996, of $2,700,780 in accordance with the Offer of Settlement filed on August 21, 1995, in the above-captioned dockets.

Texas Gas states that this final refund report is being made to comply with Section 2.3 of the August 21, 1995, Settlement, relating to the termination of Texas Gas's purchased gas adjustment (PGA) clause and the allocation, direct billing, and recovery of Texas Gas's Account No. 191 balances. Specifically, the refund report documents the refunds/credits for each customer upon resolution of the Parc Perdue litigation following the provisions agreed to and approved within Article II, Section 2.3 of the Settlement

Texas Gas states that copies of the refund report are being served upon Texas Gas's jurisdictional customers receiving refunds/credits made on December 10, 1995, 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 Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before March 19, 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. 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. 96–6332 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–961–000]

Texas Utilities Electric Company; Notice of Filing

March 12, 1996.

Take notice that on February 16, 1996, Texas Utilities Electric Company tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 22, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6341 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–124–001]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 12, 1996.

Take notice that on March 7, 1996, Williams Natural Gas Company (WNG), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, to be effective on March 1, 1996:

Substitute Original Sheet No. 6B

WNG states that this filing is being made in compliance with Commission letter order issued February 29, 1996 in Docket No. RP96–124–000. WNG was directed to refile Sheet No. 6B to reflect the Commission's determination in Docket No. RP96–121–000.

WNG states that a copy of its filing was served on all participants listed on the service list maintained by the Commission in the docket referenced above and on all jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6330 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL96–36–000, et al.]

Oklahoma Gas & Electric Company, et al.; Electric Rate and Corporate Regulation Filings

March 11, 1996.

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

1. Oklahoma Gas and Electric Company

[Docket No. EL96–36–000]

Take notice that on March 7, 1996, Oklahoma Gas and Electric Company tendered for filing a letter requesting to withdraw the above-referenced docket.

Comment date: March 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Southern California Edison Company

[Docket No. ER96–770–000]

Take notice that on February 5, 1996, Southern California Edison Company tendered for filing additional material to its January 11, 1996, filing in the above-referenced docket.

Comment date: March 25, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Oxbow Power Marketing, Inc.

[Docket No. ER96–1196–000]

Take notice that on February 27, 1996, Oxbow Marketing, Inc. (Oxbow), petitioned the Federal Energy Regulatory Commission for acceptance of Oxbow's Rate Schedule FERC No. 1, providing for the sale of electricity at market-based rates; the granting of certain blanket approvals; and the waiver of certain Commission regulations. Oxbow is a commonly-owned affiliate of Oxbow Power Corporation, Oxbow Carbon & Minerals, Inc. and certain other companies comprising the privately-held Oxbow Group.

Comment date: March 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Southern California Edison Co.

[Docket No. ER96–1207–000]

Take notice that on February 29, 1996, Southern California Edison Company (Edison), tendered for filing an Agreement for Services, which includes a Partial Requirements Resale Service Rate Schedule R–8.0; a Control Area Import Agreement; a Transmission Service Agreement; and an Added Facilities Agreement Between Edison and the Southern California Water Company (SCWC). These agreements constitute a new wholesale service arrangement with SCWC and supersede the partial requirements rate schedules and certain contracts and amendments under which SCWC currently receives service from Edison.

Copies of the filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: March 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Interstate Power Company

[Docket No. ER96–1208–000]

Take notice that on February 27, 1996, Interstate Power Company, tendered for filing its proposed Open Access Transmission Tariffs and supporting documents.

Comment date: March 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. The Washington Water Power Company

[Docket No. ER96–1210–000]

Take notice that on February 29, 1996, The Washington Water Power Company, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, an electric Tariff, Original Volume No. 6 (Network Integration Transmission Service Tariff) and an Electric Tariff, Original Volume No. 7 (Point-to-Point Transmission Service Tariff).

The Washington Water Power Company requests an effective date of May 1, 1996, be assigned to each Tariff.

Copies of this filing were supplied to the Idaho Public Utilities Commission, the Washington Utilities and Transportation Commission, Sierra Pacific Power Company and customers under Washington Water Power's Original Volume No. 2 (Non-Firm Transmission Service).

Comment date: March 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Ocean State Power Company

[Docket No. ER96–1211–000]

Take notice that on February 29, 1996, Ocean State Power Company (Ocean State), tendered for filing the following supplements (the Supplements) to its rate schedules with the Federal Energy Regulatory Commission (FERC or the Commission):

Supplements No. 18 to Rate Schedule FERC No. 1
Supplements No. 15 to Rate Schedule FERC No. 2
Supplements No. 14 to Rate Schedule FERC No. 3
Supplements No. 15 to Rate Schedule FERC No. 4

The Supplements to the rate schedules request approval of Ocean State's proposed rate of return on equity for the period beginning on April 29, 1996, the requested effective date of the Supplements, and ending on the effective date of Ocean State's updated rate of return on equity to be filed in February of 1997. Ocean State is filing the Supplements pursuant to Section 7.5 of each of Ocean State's unit power agreements with Boston Edison Company, New England Power Company, Montaup Electric Company, and Newport Electric Corporation, respectively, the Commission's Order in *Ocean State Power II,* 59 FERC ¶ 61,360

(1992) (''*Ocean State II Order*''), the Commission's Order in *Ocean State Power*, 63 FERC ¶ 61,072 (1993) (''April 1993 Order''), and the Commission's Order in *Ocean State Power*, 69 FERC ¶ 61,146 (1984) (''November 1994 Order''), *aff'd, Pine* v. *FERC*, Nos. 94–1768 and 95–1004 (D.C. Cir. Feb. 5, 1996). The Supplement constitute a rate decrease.

Copies of the Supplements have been served upon Boston Edison Company, New England Power Company, Montaup Electric Company, Newport Electric Corporation, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission and TransCanada Pipelines Limited.

Comment date: March 22, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Ocean State Power II

[Docket No. ER96–1212–000]

Take notice that on February 29, 1996, Ocean State Power II (Ocean State II), tendered for filing the following supplements (the Supplements) to its rate schedules with the Federal Energy Regulatory Commission (FERC or the Commission):

Supplements No. 17 to Rate Schedule FERC No. 5
Supplements No. 17 to Rate Schedule FERC No. 6
Supplements No. 16 to Rate Schedule FERC No. 7
Supplements No. 16 to Rate Schedule FERC No. 8

The Supplements to the rate schedules request approval of Ocean State II's proposed rate of return on equity for the period beginning on April 29, 1996, the requested effective date of the Supplements, and ending on the effective date of Ocean State II's updated rate of return on equity to be filed in February of 1997. Ocean State II is filing the Supplements pursuant to Section 7.5 of each of Ocean State II's unit power agreements with Boston Edison Company, New England Power Company, Montaup Electric Company, and Newport Electric Corporation, respectively, the Commission's Order in *Ocean State Power II*, 59 FERC ¶ 61,360 (1992) (*Ocean State II Order*), the Commission's Order in Ocean State Power, 63 FERC ¶ 61,072 (1993) (April 1993 Order), and the Commission's Order in *Ocean State Power*, 69 FERC ¶ 61,146 (1994) (November 1994 Order), *aff'd, Pine* v. *FERC*, Nos. 94–1786 and 95–1004 (D.C. Cir. Feb. 5, 1996). The Supplements constitute a rate decrease.

Copies of the Supplements have been served upon Boston Edison Company, New England Power Company, Montaup Electric Company, Newport Electric Corporation, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission and TransCanada Pipelines Limited.

Comment date: March 22, 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. 96–6342 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 349–030 Alabama]

Alabama Power Company; Notice of Availability of Final Environmental Assessment

March 12, 1996.

A final environmental assessment (FEA) is available for public review. The FEA is for an application for Non-Project Use of Project Lands and Waters for the Martin Dam Hydroelectric Project. The FEA finds that approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment. The Martin Dam Hydroelectric Project is located on the Tallapoosa River in Elmore County, Alabama.

The FEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the FEA are available for review in the Commission's Reference and Information Center, Room 2A, 888 First Street NE., Washington, DC 20426. Copies can also be obtained by calling the project manager, Jon Cofrancesco at (202) 219–0079.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6338 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5399–006 Maine]

Gardiner Water District; Notice of Availability of Environmental Assessment

March 12, 1996.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order 486, 52 FR 47897), the Commission's Office of Hydropower Licensing has reviewed an exemption surrender application for the New Mills Dam Project, No. 5399–006. The New Mills Dam Project is located on Cobbosseecontee Stream in Kennebec County, Maine. The exemptee is applying for a surrender of the exemption because of a proposal to buy-out the remaining years of its power purchase agreement. An Environmental Assessment (EA) was prepared for the application. The EA finds that approving the application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Commission's Reference and Information Center, Room 1C–1, 888 First Street NE., Washington, DC 20426.

Please submit any comments within 20 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426. Please affix Project No. 5399–006 to all comments. For further information, please contact the project manager, Ms. Hillary Belin, at (202) 219–0038.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6326 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

Lobbying Disclosure Act of 1995; Covered Executive Branch Officials List

March 12, 1996.

The Commission has determined that the following employees are ''Covered Executive Branch Officials'' under the Lobbying Disclosure Act of 1995, Pub. L. 104–65, 109 Stat. 691.

Chair Elizabeth Anne Moler
Donna La May, Executive Assistant
Commissioner Vicky A. Bailey
Commissioner James J. Hoecker
Commissioner William L. Massey
Phillip Peters, Attorney-Advisor

Donnal Glasgow, Confidential Assistant
Commissioner Donald F. Santa, Jr.

This list will be revised as necessary to reflect any changes in personnel or government-wide interpretive rulings.

Lois D. Cashell,

Secretary.

[FR Doc. 96–6336 Filed 3–15–96; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC for Extension Under Delegated Authority; Comments Requested

March 12, 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 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. The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320 to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before [insert date 60 days after date of publication in the Federal Register]. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0537.

Title: Section 13.217 Records.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 15.

Estimated Time Per Response: 1 hour per response.

Total Annual Burden: 15 hours.

Needs and Uses: The recordkeeping requirement contained in 13.217 is needed to assure that expenses and revenues collected by examination managers administering the commercial operator examinations are available if needed. If the information were not collected, it is conceivable that fraud and abuse could occur in the commercial radio examination program.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–6377 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

Notice of Public Information Collections being Reviewed by the Federal Communications Commission; Comments Requested

March 12, 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 May 17, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0061.

Form No.: FCC Form 325 Annual Report of Cable Television Systems.

Type of Review: Extension of approval.

Respondents: Business or other for-profit.

Number of Respondents: 14,000.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 28,000 hours.

Needs and Uses: Cable television system operators are required to update the pre-printed information contained on the FCC Form 325 and return the form to the Commission within sixty days of receipt of the form. The FCC Form 325 consists of five parts as follows: Part 1– information concerning the cable television operator including the community and county served, the legal and assumed name used to do business in the community, and the business address of the company. Part 2– information on the community and county in which the cable company operates including the population of the community and/or the county, subscriber count, homes passed, and miles of cable plant. Part 3– frequencies and signals (both broadcast and non-broadcast) distributed throughout the system from a single headend. Part 4– information on the services offered by the cable system including local programs such as time/weather, burglar alarm, utility meter reading, preference polling and facsimile delivery.Part 5– individual responsible for providing the reported information to the Commission.

The data collected on the FCC Form 325 enables the Commission to analyze physical and operational changes on individual cable systems as well as for the entire cable industry. This, in turn, enhances the Commission's ability to analyze competitive issues within the cable industry at the national and state

levels; conduct studies on cable industry trends and developments; and assess the effectiveness of its rules and regulations.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–6378 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

Notice of Public Information Collections Submitted to OMB for Review and Approval

March 5, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 17, 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.: 3060–0434.

Title: 90.19 Stolen vehicle recovery system requirements.

Form No.: N/A.

Type of Review: Reinstatement of a previously approved collection.

Respondents: Business or other-for-profit.

Number of Respondents: 20 respondents with 4 responses per respondent.

Estimated Time Per Response: 4 hours.

Total Annual Burden: 80 hours.

Total Annualized Cost per respondent: There are no start up or operational and maintenance costs associated with this collection.

Needs and Uses: Section 90.517 requires that applicants for stolen vehicle recovery systems perform an analysis for each base station to ensure that the system does not cause interference to TV channel 7.

OMB Approval No.: 3060–0537.

Title: Section 13.217 records.

Form No.: N/A.

Type of Review: Reinstatement of a previously approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 15 respondents.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 15 hours.

Total Annualized Cost per respondent: There are no start-up or operational and maintenance costs associated with this collection.

Needs and Uses: The recordkeeping and reporting requirements contained in Section 13.217 are necessary to assure records of expenditures and revenues for administering commercial operator examinations are available. The records are journal entries showing revenues collected and expenses incurred. The records provide a vehicle for FCC to monitor an examination manager. If the information were not available possible fraud and abuse in the commercial radio examination program could occur.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–6305 Filed 3–15–96; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Wednesday, March 20, 1996 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

There will not be a Public Hearing on the Proposed Cable Debate Regulations on Wednesday, March 20, 1996.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 96–6592 Filed 3–14–96; 2:26 pm]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1104–DR]

Alabama; 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 Alabama, (FEMA–1104–DR), dated February 23, 1996, and related determinations.

EFFECTIVE DATE: March 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: The notice of a major disaster for the State of Alabama, 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 23, 1996:

The counties of Blount, Colbert, Etowah, Madison, Marion and Winston for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–6413 Filed 3–15–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1103–DR]

North Carolina; 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 North Carolina, (FEMA–1103–DR), dated February 23, 1996, and related determinations.

EFFECTIVE DATE: March 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: The notice of a major disaster for the State of North Carolina, 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 23, 1996:

Davie, Caswell, Gates, Haywood, Hertford, Madison, Montgomery, Northampton, Randolph, Rockingham, Rutherford, Surry, Warren and Watauga Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–6412 Filed 3–15–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–3118–EM]

Oklahoma; Amendment to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Oklahoma, (FEMA–3118–EM), dated February 27, 1996, and related determinations.

EFFECTIVE DATE: March 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 an emergency for the State of Oklahoma, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 27, 1996:

Carter County for emergency assistance as defined in the amended declaration letter of March 5, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–6414 Filed 3–15–96; 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: March 7, 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 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:

Confederated Tribes of Umatilla Indian Reservation for Individual Assistance, Public Assistance, and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–6416 Filed 3–15–96; 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: March 6, 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:

Lincoln County for Individual Assistance, Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–6411 Filed 3–15–96; 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: March 8, 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, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Peter Cote of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Warren M. Pugh, Jr., as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 96–6415 Filed 3–15–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to

contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

H&S International, Inc., 7955 N.W. 21st Street, Miami, FL 33122, Officers: Pedro A. Gonzalez, President, Christina A. Gonzalez, Vice President

Zix Corporation, 2355 Salzedo Street, Suite 205, Coral Gables, FL 33134, Officers: Leonor Zarate, President, Manuel Zarate, Vice President

N.C.A. International, 6801 Chippendale Court, Tampa, FL 33634, John Dominick Cardona, Sole Proprietor.

Dated: March 12, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–6346 Filed 3–15–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission to OMB Under Delegated Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Approval by the Board of Governors of bank holding company reporting requirements.

BACKGROUND: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Robert T. Maahs, Supervisory Financial Analyst (202/872–4935) or Tina Robertson, Supervisory Financial Analyst (202/452–2949) for information concerning the specific bank holding company reporting requirements. The following may also be contacted regarding the information collection:

1. Mary M. McLaughlin, Federal Reserve Board Clearance Officer (202/452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

2. Milo Sunderahauf, OMB Desk Officer, (202/395–7340), Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

SUPPLEMENTARY INFORMATION:

General Information and Public Comment

On January 3, 1996, the Board issued for public comment proposed revisions to certain bank holding company reports. The comment period expired on March 3, 1996. Four comment letters were received on the proposed revisions in the bank holding company reporting requirements. Additional verbal comments were received from three holding companies. Under the Bank Holding Company Act of 1956, as amended, the Board is responsible for the supervision and regulation of all bank holding companies. The FR Y–9 and FR Y–11 series of reports historically have been, and continue to be, the primary source of financial information on bank holding companies and their nonbanking activities between on-site inspections. Financial information, as well as ratios developed from the Y series reports, are used to detect emerging financial problems, to review performance for pre-inspection analysis, to evaluate bank holding company mergers and acquisitions, and to analyze a holding company's overall financial condition and performance as part of the Federal Reserve System's overall analytical effort.

Final approval under OMB delegated authority the revision of the following reports:

1. *Report title:* Consolidated Financial Statements for Bank Holding Companies.

Agency form number: FR Y–9C.

OMB control number: 7100–0128.

Frequency: Quarterly.

Reporters: Bank holding companies.

Annual reporting hours: 183,927.

Estimated average hours per response: Range from 5 to 1,250 hours.

Number of respondents: 1,354.

Small businesses are affected.

General description of report: The information collection is mandatory [12 U.S.C. 1844(b) and (c)] and [12 CFR 225.5(b)]. Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form.

Data reported on the FR Y–9C, Schedule HC–H, Column A, requiring information on ''assets past due 30 through 89 days and still accruing'' and memoranda item 2 are confidential pursuant to Section (b)(8) of the Freedom of Information Act [5 U.S.C. 552(b)(8)].

The FR Y–9C consolidated financial statements are currently filed by top-tier bank holding companies with total consolidated assets of $150 million or more and by lower-tier bank holding companies that have total consolidated assets of $1 billion or more. In addition, all multibank bank holding companies with debt outstanding to the general public or engaged in certain nonbank activities, regardless of size, must file the FR Y–9C. The following bank holding companies are exempt from filing the FR Y–9C, unless the Board specifically requires an exempt company to file the report: bank holding companies that are subsidiaries of another bank holding company and have total consolidated assets of less than $1 billion; bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act; and foreign banking organizations as defined by section 211.23(b) of Regulation K.

The report includes a balance sheet, income statement, and statement of changes in equity capital with supporting schedules providing information on securities, loans, risk-based capital, deposits, interest sensitivity, average balances, off-balance sheet activities, past due loans, and loan charge-offs and recoveries.

The Board has approved the following revisions to the FR Y–9C that are effective with the March 31, 1996 reporting date. Most of the proposed new items are needed to maintain consistency with comparable items recently proposed or previously added to the commercial bank Reports of Condition and Income (Call Report). In addition, clarifications have been made to the instructions.

In response to public comment, the Board has also adopted suggestions provided by a commenter representing a number of large bank holding companies and supported by verbal comments received from other bank holding companies. The comment letter stated in part:

> We support the Agencies' proposal that the Call Report include line items for Tier 1 Capital, Tier 2 Capital, total risk-based capital, total risk-weighted assets, the excess amount of allowance for loan and lease losses (if any), and average total assets. Given the Agencies' emphasis on conforming Call Report and FR Y–9C requirements where appropriate, we would also encourage the

Agencies to incorporate the disclosure of this information into the FR Y–9C.

The Board has approved the addition of five new items to collect data on (1) Tier 1 capital; (2) Total risk-based capital; (3) Risk-weighted assets; and (4) Average total assets. With respect to the fifth item, the Board approved the collection of data on total risk-weighted assets for those bank holding companies with Section 20 affiliates.

Further, the Board has eliminated nine additional items on Schedule HC–IC ''Additional Detail on Capital Components.'' The amounts reported in these items have been small and the nine items have been combined into one. This item is ''Total perpetual debt, undedicated portions of mandatory convertible securities and long-term preferred stock with an original maturity of 20 years or more that qualify for supplementary capital (after discounting).'' Another item, ''Unsecured long-term debt issued prior to March 12, 1988, that qualified as secondary capital when issued,'' has been deleted.

As issued for public comment, the Board proposed to modify Schedule HC–G, ''Memoranda'' to add two line items to report: (a) the amount of excess servicing fees receivable (other than excess residential mortgage servicing fees receivable) and (b) the amount of excess servicing fees receivable that represent a credit enhancement for securitized receivables. With asset-backed securitizations continuing to develop in the financial services industry, the Board proposed to monitor the growth and risk exposures of this activity. In addition, excess servicing fees that represent credit enhancements for securitized receivables could affect the risk-based capital calculations, because such credit enhancements may be, in substance, recourse obligations. Three comment letters addressed the addition of these two items. All three letters expressed concern about the inclusion of these items at this time. The comments indicated that the industry had not had sufficient time to fully analyze the implications of the treatment of excess servicing rights on existing accounting policy and on capital ratios. As a result of the comments, the Board has decided to defer implementation of these items.

The other revisions to the reports, as issued for public comment, and approved are described as follows:

A. Revisions Related to Consistent Reporting With the Call Report

Balance Sheet

(1) Revise the reporting requirements for item 17, ''Other borrowed money with original maturity of one year or less,'' and item 18, ''Other borrowed money with original maturity of more than one year,'' to collect information based on *remaining* maturity instead of *original* maturity as currently reported. This change in reporting also requires a revision to line item 5 of Schedule HC–D, ''Interest Sensitivity,'' to *exclude* the portion of long-term debt reported in Schedule HC, item 18. Such reporting is no longer applicable because of the revisions to reporting ''other borrowed money.''

Schedule HC–B, Part I, Loans and Lease Financing Receivables

(1) Add a line item to report the amount of bankers acceptances of other banks that are included in loans to depository institutions.

(2) Add a memorandum item to report the amount of commercial paper included in loans.

Schedule HC–C, Deposit Liabilities in Domestic Offices

(1) Add two memorandum items to report: (a) brokered deposits less than $100,000 with a remaining maturity of one year or less, and (b) brokered deposits less than $100,000 with a remaining maturity of more than one year.

(2) Add a memorandum item to report the amount of time deposits greater than $100,000 with a remaining maturity of one year or less.

(3) Add a memorandum item to report the amount of foreign office time deposits with a remaining maturity of one year or less.

Schedule HC–F, Off-Balance-Sheet Items

(1) Add two line items to report the outstanding amount of small business obligations sold with recourse and the amount of recourse retained.

Schedule HI, Income Statement

(1) Combine the portion of item 5(c), ''Trading gains (losses) and fees from foreign exchange'' with item 5(d), ''Other gains (losses) and fees from trading assets and liabilities,'' into one line item and change the caption to ''Trading revenue.'' Also, memoranda items 9a through 9d should equal the ''Trading revenue'' item.

(2) Add a line item to report ''Other foreign transaction gains (losses),'' which is currently included in line 5(c).

(3) Delete memorandum item 3, ''estimated foreign tax credits (included in applicable income taxes, item 9 and 12).''

Schedule HI–B, Charge-offs and Recoveries and Changes in Allowance for Loan and Lease Losses

(1) Add a line item to report the amount of credit losses on off-balance-sheet derivative contracts.

B. Other FR Y–9C Revisions

Schedule HC–A, Securities

(1) Move the footnote disclosure on page 21, ''Net unrealized losses on equity securities with readily determinable fair values reported in Schedule HC–A, items 4.b and 5.b (net of tax effect),'' into the body of Schedule HC–A.

Schedule HC–I, Risk-Based Capital

(1) Combine line items 10 and 11 on Schedule HC–I, Part II, into one line item and change the caption to ''Credit equivalent amount of off-balance-sheet derivative contracts'' (an identical caption change will occur on Schedule HC–J, Part II, line 6).

(2) Delete memorandum item 6(a) of Part I, discounted value of purchased mortgage servicing rights.

2. *Report title:* Parent Company Only Financial Statements for Large Bank Holding Companies.

Agency form number: FR Y–9LP.

OMB control number: 7100–0128.

Frequency: Quarterly.

Reporters: Bank holding companies.

Annual reporting hours: 29,562.

Estimated average hours per response: Range from 2.0 to 13.5 hours.

Number of respondents: 1,646.

Small businesses are affected.

General description of report: The information collection is mandatory [12 U.S.C. 1844 (b) and (c)] and [12 CFR 225.5(b)]. Confidential treatment is not routinely given to the information in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form.

The FR Y–9LP includes standardized financial statements filed quarterly on a parent company only basis from each bank holding company that files the FR Y–9C. In addition, for tiered bank holding companies, a separate FR Y–9LP must be filed for each lower tier bank holding company if the top tier bank holding company files the FR Y–9C. The following bank holding companies are exempt from filing the FR Y–9LP, unless the Board specifically requires an exempt company to file the

report: bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act; and foreign banking organizations as defined by section 211.23(b) of Regulation K. The Board has adopted the following revisions to the FR Y–9LP. The revisions are needed to maintain consistency with comparable items on the FR Y–9C, and are effective with the March 31, 1996 reporting date.

Schedule PC, Parent Company Only Balance Sheet

Revise the reporting requirements for line item 13, ''Borrowings with an original maturity of one year or less,'' and line item 14, ''Other borrowed funds with an original maturity of greater than one year,'' to collect information based on *remaining* maturity instead of *original* maturity as currently reported.

Schedule PC–B, Memoranda

Revise the reporting requirements of line item 2, ''Amount of borrowings included in Schedule PC, items 14 through 16 and item 18 that is scheduled to mature with one year (exclude short-term debt),'' to *exclude* line item 14 because line item 14 of Schedule PC will be based on remaining maturity and will no longer be applicable to this line item.

3. *Report title:* Quarterly Financial Statements of Nonbank Subsidiaries of Bank Holding Companies.

Agency form number: FR Y–11Q.

OMB control number: 7100–0244.

Frequency: Quarterly.

Reporters: Bank holding companies.

Annual reporting hours: 6,696.

Estimated average hours per response: Range from 3.0 to 8.0 hours.

Number of respondents: 270.

Small businesses are affected.

General description of report: The information collection is mandatory [12 U.S.C. 1844 (b) and (c)] and [12 CFR 225.5(b)]. Confidential treatment is not routinely given to most of the data in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form. FR Y–11Q, memorandum item 7.a ''loans and leases past due 30 through 89 days'' and FR Y–11Q, memorandum item 7.d, ''loans and leases restructured and included in past due and nonaccrual loans'' are confidential pursuant to Section (b)(8) of the Freedom of Information Act [5 U.S.C. 552(b)(8)].

The FR Y–11Q is filed quarterly by the top tier bank holding companies for each nonbank subsidiary of a bank holding company with total consolidated assets of $150 million or more in which the nonbank subsidiary has total assets of 5 percent or more of the top-tier bank holding company's consolidated Tier 1 capital, or where the nonbank subsidiary's total operating revenue equals 5 percent or more of the top-tier bank holding company's consolidated total operating revenue. The report consists of a balance sheet, income statement, off-balance-sheet items, information on changes in equity capital, and a memoranda section.

The Board has adopted the following revisions to the FR Y–11Q to be effective with the March 31, 1996 reporting date:

Balance Sheet

(1) Delete line items 11 and 18, ''Balances with nonrelated institutions.''

(2) Revise the reporting requirements of line item 15, ''Borrowing with original maturity of one year or less (including federal funds purchased),'' and line item 16, ''Borrowing with an original maturity of more than one year (including subordinated debt),'' to collect information based on *remaining* maturity instead of *original* maturity as currently reported.

(3) Delete memorandum item 13, ''Borrowings scheduled to mature in less than one year.''

Income Statement

Add a line item to report the amount of equity in the undistributed income (losses) of subsidiaries.

4. *Report title:* Annual Financial Statements of Nonbank Subsidiaries.

Agency form number: FR Y–11I.

OMB control number: 7100–0244.

Frequency: Annual.

Reporters: Bank holding companies.

Annual reporting hours: 13,216.

Estimated average hours per response: Range from .4 to 8.0 hours.

Number of respondents: 4,130.

Small businesses are affected.

General description of report: The information collection is mandatory [12 U.S.C. 1844(b) and (c)] and [12 CFR 225.5(b)]. Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form. FR Y–11I, Schedule A, item 7.a, ''loans and leases past due 30 through 89 days '' and FR Y–11I, Schedule A, item 7.d, ''loans and leases restructured and included in past due and nonaccrual loans'' are confidential pursuant to Section (b)(8) of the Freedom of Information Act [5 U.S.C. 552(b)(8)].

The FR Y–11I is filed annually by the top tier bank holding companies for each of their nonbank subsidiaries that are not required to file a quarterly FR Y–11Q. The FR Y–11I report consists of similar balance sheet, income statement, off-balance-sheet, and change in equity capital information that is included on the FR Y–11Q. In addition, the FR Y–11I also includes a loan schedule to be submitted only by respondents engaged in credit extending activities.

The Board has adopted the following revisions to the FR Y–11I to be effective with the December 31, 1996 reporting date:

Balance Sheet

(1) Delete line items 11 and 18, ''Balances with nonrelated institutions.''

(2) Revise the reporting requirements of line item 15, ''Borrowing with original maturity of one year or less (including federal funds purchased),'' and line item 16, ''Borrowing with an original maturity of more than one year (including subordinated debt),'' to collect information based on *remaining* maturity instead of *original* maturity as currently reported.

Income Statement

Add a line item to report the amount of equity in the undistributed income (losses) of subsidiaries.

Administrative Procedures Act

The Administrative Procedures Act (5 U.S.C. 553(d)) provides that the required publication or service of a substantive rule shall be made not less that 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule. The substantive changes to this report are proposed to keep the reporting requirements consistent with those changes being incorporated in the Call Report to be filed by commercial banks as of March 31, 1996. In the past, bank holding companies have commented that reporting burden is minimized by keeping the Call Report and the bank holding company reports consistent and by implementing the changes on the same date. Furthermore, no comments were received addressing the effective date of the revisions approved by the Board and contained in this notice to the bank holding company reports. For these reasons, in accordance with 5 U.S.C. 553(d)(3), the Board finds there is good cause not to follow the 30-day notice requirements of 5 U.S.C. 553(d) and to make the implementation date for the revised FR Y–9C, FR Y–9LP, and FR Y–11Q reports effective for March 31, 1996.

Regulatory Flexibility Act Analysis

The Board certifies that the above bank holding company reporting requirements are not expected to have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The reporting requirements for the small companies require significantly fewer items of data to be submitted than the amount of information required of large bank holding companies.

The information that is collected on the reports is essential for the detection of emerging financial problems, the assessment of a holding company's financial condition and capital adequacy, the performance of pre-inspection reviews, and the evaluation of expansion activities through mergers and acquisitions. The imposition of the reporting requirements is essential for the Board's supervision of bank holding companies under the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, March 12, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–6366 Filed 3–15–96; 8:45 am]

BILLING CODE 6210–01–P

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Corrections

This notice corrects notices (FR Doc. 965672) published on pages 99709 and 9710 of the issue for March 11, 1996.

Under the Federal Reserve Bank of Chicago heading, the entry for First Chicago NBD Corporation, is revised to read as follows:

1. First Chicago NBD Corporation, Chicago, Illinois; to acquire First Federal Savings Bank of Barrington, Barrington, Illinois, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. Notificant also has an option to acquire up to 19.9 percent of Barrington Bancorp, Inc., Barrington, Illinois.

Under the Federal Reserve Bank of Minneapolis heading, the entry for Community First bankshares, Inc., is revised to read as follows:

1. Community First Bankshares, Inc., Fargo, North Dakota; to acquire Wheaton Insurance Agency, Inc., Wheaton, Minnesota, and thereby engage in operating an insurance agency in a town of less than 5,000 in population pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. This activity will take place in Wheaton, Minnesota.

Comments on these application must be received by March 25, 1996.

Board of Governors of the Federal Reserve System, March 12, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–6352 Filed 3–15–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company 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). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 11, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. SNBNY Holdings Limited, Gibraltar; to acquire 91.68 percent of the voting shares of Safra National Bank of New York, New York, New York.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Independent Bankshares Corporation, Gallatin, Tennessee; to acquire 100 percent of the voting shares of Rutherford Bank and Trust, Murfreesboro, Tennessee (in organization).

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First Commercial Corporation, Little Rock, Arkansas; to merge with Cedar Creek Bancshares, Inc., Seven Points, Texas, and thereby indirectly acquire Cedar Creek Bank, Seven Points, Texas.

Board of Governors of the Federal Reserve System, March 12, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–6353 Filed 3–15–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of

a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company 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). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 1996.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. National Bankshares, Inc., Blacksburg, Virginia; to acquire 100 percent of the voting shares of Bank of Tazewell County, Tazewell, Virginia.

Board of Governors of the Federal Reserve System, March 13, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–6451 Filed 3–15–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq*.) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company 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). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 3, 1996.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. First Hawaiian, Inc., Honolulu, Hawaii; to acquire 100 percent of the voting shares of Pacific One Bank, Portland Oregon, a *de novo* bank, which would acquire 26 branches of bank and thrift subsidiaries of U.S. Bancorp, Portland, Oregon (USB), all of which branches are located in the state of Oregon; and to acquire Idaho First Bank, Boise, Idaho, which would acquire 1 branch of a subsidiary bank of USB, which branch is located in the state of Idaho.

Applicant also has given notice of its intent to acquire, through its thrift subsidiary, Pioneer Federal Savings Bank, Honolulu, Hawaii, 5 branches of subsidiary banks of USB, all of which branches are located in the state of Washington, and thereby engage in operating a savings association in the state of Washington, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 13, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–6452 Filed 3–15–96; 8:45 a.m.]

BILLING CODE 6210–01–F

Notice of Proposals To Engage in Permissible Nonbanking Activities or to Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for 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 the proposal complies with the standards of section 4 of the BHC Act, including 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'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 1, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. TB&C Bancshares, Inc., and Synovus Financial Corporation (Applicant), both of Columbus, Georgia; to acquire, through its subsidiary Total System Services, Inc., Columbus, Georgia, 50 percent of the voting shares of Vital Processing Services, Inc., Columbus, Georgia (Company), a joint venture, and thereby engage in certain data processing activities, pursuant to § 225.25(b)(7) of the Board's Regulation Y. In particular, Company would provide merchant card processing services to financial institutions and their merchant customers. A subsidiary of VISA U.S.A., Inc., San Francisco, California, would own the remaining 50 percent of the voting shares of Company.

Board of Governors of the Federal Reserve System, March 12, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–6354 Filed 3–15–96; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Cathy Q. Lee, Massachusetts General Hospital: On February 28, 1996, ORI found that Cathy Q. Lee, Ph.D., Postdoctoral Fellow, Molecular Endocrinology Laboratory at the Massachusetts General Hospital, committed scientific misconduct by engaging in falsification and fabrication of research data incorporated in a manuscript prepared for submission (but not submitted) to the EMBO Journal (Lee, C.Q., Yun, Y., and Habener, J.F. ''Transactivation of functions of cAMP-responsive transcription factor CREB–327 mediated by amphiphatic helical domains flanking the requisite serine-119 phosphorylated by protein kinase-A.'') and by engaging in improper data selection and falsification of data published in the EMBO Journal (Lee, C.Q., Yun, Y., Hoeffler, J.P., and Habener, J.F. ''Cyclic-AMP responsive transcriptional activation of CREB–327 involves interdependent phosphorylated subdomains.'' EMBO Journal 9:4455–4465, 1990.). This research was supported by a Public Health Service grant.

Dr. Lee has entered into a Voluntary Exclusion Agreement with ORI in settlement of ORI's finding of scientific misconduct and has agreed:

(1) To exclude herself voluntarily from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, Federal nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government, as defined in 45 C.F.R. Part 76 and 48 C.F.R. Subparts 9.4 and 309.4 (Debarment Regulations) for a period of two (2) years beginning on February 28, 1996; the above voluntary exclusion, however, shall not apply to Dr. Lee's future clinical laboratory training or practice, unless that training or practice involves research or research training;

(2) That for a period of one (1) year beginning immediately after the two (2) year voluntary exclusion above, any institution that submits an application for PHS support for a research project on which the Respondent's participation is proposed or which uses the Respondent in any capacity on PHS supported research, must concurrently submit a plan for supervision of the Respondent's duties; the supervisory plan must be designed to ensure the scientific integrity of the Respondent's research contribution, and the institution must submit a copy of the supervisory plan to ORI; and

(3) To exclude herself voluntarily from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years beginning on February 28, 1996.

A letter retracting the article entitled ''Cyclic-AMP responsive transcriptional activation of CREB–327 involves interdependent phosphorylated subdomains'' (EMBO Journal 9:4455–4465, 1990) has been published in the EMBO Journal (EMBO Journal 13:2736, 1994).

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Lyle W. Bivens,

Director, Office of Research Integrity.

[FR Doc. 96–6372 Filed 3–15–96; 8:45 am]

BILLING CODE 4160–17–P

Administration for Children and Families

Proposed Collection; Comment Request

Proposed Project(s)

Title: Annual Survey of Refugees.

OMB No.: 0970–0033.

Description: The Questionnaire for the Annual Survey of Refugees collects information on the economic circumstances of a random sample of refugees and entrants who arrived in the U.S. during the previous five years, especially their employment, labor force participation and welfare utilization rates. From their responses, ORR reports on the economic adjustment of refugees for use by Congress and program managers in determining the future direction of the Refugee Resettlement Program.

Respondents: Individuals and households.

Annual Burden Estimates:

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
ORR–9	1,800	1	.75	1,350

Estimated Total Annual Burden Hours: 1,350.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

In addition, requests of copies may be made and comments forwarded to the Reports Clearance Officer over the Internet by sending a message to rkatson@acf.dhhs.gov. Internet messages

must be submitted as an ASCII file without special characters or encryption.

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 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 12, 1996.

Roberta Katson,

Director, Division of Information Resource Management Services.

[FR Doc. 96–6409 Filed 3–15–96; 8:45 am]

BILLING CODE 4184–01–M

Proposed Collection; Comment Request

Proposed Project(s)

Title: Quarterly Report of IV–F Expenditures Uniform Reporting Requirements.

OMB No.: 0970–0116.

Description: The ACF–332 report will be used by States to report IV–F expenditures by component and activity on a quarterly basis. The data are used by personnel in the Administration for Children and Families, the Department (DHHS), and other Federal Personnel responsible for the formulation of JOBS program and budget policy.

Respondents: State governments.

Annual Burden Estimates:

Instrument	No. of respondents	No. of responses per repondent	Average burden hours per response	Total burden hours
ACF–115	54	4	35	7,560

Estimated Total Burden Hours: 7,560.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

In addition, requests of copies may be made and comments forwarded to the Reports Clearance Officer over the Internet by sending a message to rkatson@acf.dhhs.gov. Internet messages must be submitted as an ASCII file without special characters or encryption.

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 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 12, 1996.

Roberta Katson,

Director, Division of Information Resource Management Services.

[FR Doc. 96–6410 Filed 3–15–96; 8:45 am]

BILLING CODE 4184–01–M

[Program Announcement No. OCS 96–06]

Fiscal Year 1996 Family Violence Prevention and Services Discretionary Funds Program; Availability of Funds and Request for Applications

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Announcement of the availability of funds and request for applications under the Office of Community Services Family Violence Prevention and Services Discretionary Funds Program.

SUMMARY: The Office of Community Services (OCS) announces its Family Violence Prevention and Services discretionary funds program for fiscal year (FY) 1996. Funding for grants under this announcement is authorized by the Family Violence Prevention and Services Act, Public Law 102–295, as amended, governing discretionary programs for family violence prevention and services. Applicants should note that the award of grants and cooperative agreements under this program announcement is subject to the availability of funds. This announcement contains all forms and instructions for submitting an application.

DATES: The closing date for submission of applications is May 17, 1996. Applications postmarked after the closing date will be classified as late.

ADDRESSES: Applications may be mailed to Department of Health and Human Services, Administration for Children and Families/Division of Discretionary Grants, (OCS–96–06), 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447

Hand delivered applications are accepted during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at:

U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center 901 D Street, S.W., Washington, DC 20447, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families, Office of Community Services, Division of State Assistance, 370 L'Enfant Promenade SW., Washington, D.C. 20447. Telephone Trudy Hairston, (202) 401–5319, Al Britt, (202) 401–5453, or William Riley (202) 401–5529.

SUPPLEMENTARY INFORMATION: The Office of Community Services, Administration for Children and Families, announces that applications are being accepted for funding for FY 1996 projects on Public Information/Community Awareness for the Prevention of Domestic Violence; Historically Black Colleges and Universities (HBCUs) Institutional Outreach Activities in Support of Comprehensive Family Violence Prevention Activities(Outreach and Prevention); and Domestic Violence/ Child Protective Services Collaboration.

This program announcement consists of four parts. Part I provides information on the family violence program and the statutory funding authority applicable to this announcement.

Part II describes the priority areas under which applications for FY 1996 family violence funding are being requested.

Part III describes the review process.

Part IV provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow Part IV. Please copy and use these forms in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

Part I. Introduction

Title III of the Child Abuse Amendments of 1984, (Pub. L. 98–457, 42 U.S.C. 10401, et seq.) is entitled the Family Violence Prevention and Services Act (the Act). The Act was first implemented in FY 1986, was reauthorized and amended in 1992 by Pub. L. 102–295, and was amended and reauthorized for fiscal years 1996 through 2000 by Pub. L. 103–322, the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill), signed into law on September 13, 1994.

The purpose of this legislation is to assist States in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and provide immediate shelter and related assistance for victims of family violence and their dependents. Through the family violence prevention discretionary program, OCS has continued to support the National Resource Center for Domestic Violence (NRC) and three Special Issue Resource Centers (SIRCs). The SIRCs are the Battered Women's Justice Project; the Resource Center on Child Custody and Protection; and the Health Resource Center on Domestic Violence. The purpose of the NRC and the SIRCs is to provide resource information, training, and technical assistance to Federal, State, and Native American agencies, local domestic violence prevention programs, and other individuals in the field of family violence.

During FY 1995, OCS awarded several family violence prevention discretionary grants for public information/community awareness activities; discretionary grant awards were also made to Historically Black Colleges and Universities (Hampton University, Hampton, Virginia; Tennessee State University, Nashville, Tennessee; University of the District of Columbia-Cooperative Extension Service; and Southern University, Baton Rouge, Louisiana) to assist in the development of family-focused interventions; and five awards were made for domestic violence and child protective services collaboration.

Grants for enhancing the collaboration between domestic violence advocates and child protective services were made to the Maine Department of Human Services, Augusta, Maine; Women's Center and Shelter of Greater Pittsburgh, Pittsburgh, Pennsylvania; Massachusetts Coalition of Battered Women Service Groups, Boston, Massachusetts; The Family Place, Dallas, Texas; Domestic Abuse Project of Delaware County, Media, Pennsylvania; and the Artemis Center for Alternatives to Domestic Violence, Dayton, Ohio.

Because of the responsiveness to and the interest displayed for the priority areas for family violence prevention during previous years, OCS will again make available discretionary grants awards in the areas of Public Information/Community Awareness; Institutional Outreach Activities in Support of Comprehensive Family Violence Prevention Activities; and Domestic Violence/Child Protective Services Collaboration.

To encourage increased collaboration and coordination among existing programs and related initiatives, OCS will give additional consideration to applications from organizations and/ or agencies that are documented participants in Empowerment Zone and/or Enterprise Community plans and applications. Applicants citing participation with Empowerment Zones and/or Enterprise Communities should document that they were involved in the preparation and planned implementation of the plan and how their proposed project supports the goal of the Empowerment or Enterprise plans (0–5 points).

Moreover, to encourage the continuation of the previously funded efforts of the Historically Black Colleges and Universities in the prevention of family violence, and to maintain the momentum of the collaborative projects between domestic violence and the Child Protective Services, OCS also will provide additional consideration to projects that were funded in these areas under the FY 1995 family violence discretionary program (0–5 points).

Part II. Fiscal Year 1996 Family Violence Projects

1. Priority Area Number FV–01–96: Public Information/Community Awareness Campaign Projects for the Prevention of Family Violence

Purpose: To assist in the continual development of public information and community awareness campaign projects and activities that provide information for the prevention of family violence. These projects should provide information on resources, facilities, and service alternatives available to family violence victims and their dependents, community organizations, local school districts, and other individuals seeking assistance.

Eligible Applicants: State and local public agencies, Territories, and Native American Tribes and Tribal Organizations who are, or have been, recipients of Family Violence Prevention and Services Act grants; State and local private non-profit agencies experienced in the field of family violence prevention; and public and private non-profit educational institutions, community organizations and community-based coalitions, and other entities that have designed and implemented family violence prevention information activities or community awareness strategies.

Background: Based on the encouraging response to the announcement for public information and community awareness grants for family violence prevention in previous Federal fiscal years, ACF will again make these grants available in FY 1996.

The public information/community awareness grant awards have spawned very effective informational activities at the local levels. These grants have assisted community organizations to focus on and emphasize prevention, helped to make available public service announcements and descriptive program brochures in several different languages, including Russian and Vietnamese, and have assisted in the implementation of conflict resolution

activities in elementary, middle and high school curricula.

The goal of this priority area is to provide support for the distribution of credible and persuasive information by community organizations to help break the so-called ''cycle of family violence.'' The continuation of these efforts will help assure that individuals, particularly within minority communities, are aware of available resources and alternative responses for the intervention and the prevention of violence.

This priority area requires the development and implementation of an effective public information campaign that may be used, for example, by public and private agencies, schools, churches, boys and girls clubs, community organizations, and individuals. The continuation of OCS support for the increase of information on services and other alternatives for the prevention of family violence underscores the notion that violent behavior is unacceptable.

Accurate information is critical to any community awareness strategy and activity. How information is communicated must be modified where communication barriers may exist because of perceived or real language differences and cultural insensitivities. OCS seeks to continue providing victims, their dependents, and perpetrators, with knowledge of the remedial and service options for their particular situations.

Minimum Requirements for Project Design: In order to successfully compete under the priority area, the applicant should:

- Present a plan for community awareness and public information activities that clearly reflects how the applicant will target the populations at risk, including pregnant women; coordinate its implementation efforts with public agencies and other community organizations; and communicate with institutions active in the field of family violence prevention.
- Describe the proposed approach to the development of a public information campaign and identify the specific audience(s), community(s), and groups that will be educated in the prevention of family violence, including communities and groups with the highest prevalence of domestic violence.
- Include, as critical elements in the plan:
- A set of achievable objectives and a description of the population groups, relevant geographic area, and the indicators to be used to measure progress and the overall effectiveness of the campaign;
- The intended strategies for test marketing the development plans and give assurances that effectiveness criteria will be implemented prior to the completion of the final plan;
- The development and use of non-traditional sources as information providers (applicants should present specific plans for the use of local organizations, businesses and individuals in the distribution of information and materials);
- The identification of the media to be used in the campaign and the geographic limits of the campaign;
- How the applicant would be responsive to and demonstrate its sensitivity towards minority communities and their cultural perspectives; and
- A description of the kind, volume, distribution, and timing of the proposed information with assurances that the public information campaign activities will not supplant or lower the current frequency of public service announcements.

Project Duration: The length of the project should not exceed 12 months.

Federal Share of the Project: The maximum Federal share of the project is not to exceed $35,000 for the 1-year project period. Applications for lesser amounts also will be considered under this priority area.

Matching Requirement: SUCCESSFUL GRANTEES MUST PROVIDE AT LEAST 25 PERCENT OF THE TOTAL COST OF THE PROJECT. THE APPROVED TOTAL COST OF THE PROJECT IS THE SUM OF THE ACF SHARE AND THE NON-FEDERAL SHARE. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $35,000 in Federal funds must include a match of at least $11,666 (25% of total project cost). If approved for funding, grantees will be held accountable for commitments of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds. *Anticipated Number of Projects to be Funded:* 1It is anticipated, subject to the availability of funds, that three projects will be funded at the maximum level; more than three projects may be funded depending on the number of acceptable applications for lesser amounts which are received.

CFDA: 93.671 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.

2. Priority Area Number FV–02–96: Historically Black Colleges and Universities (HBCUs) Institutional Outreach in Support of Comprehensive Family Violence Prevention Activities (Outreach and Prevention).

Purpose: To assist in the development of public information materials, educational strategies, and community activities for families as a part of a comprehensive approach to improve and enable family-focused interventions. It is expected that these interventions which are directed towards families will increase the awareness of violence and decrease its incidence and impact in minority communities. In these efforts the responding institutions should enlist the energy and cooperation of significant community institutions, community organizations, and individuals to serve as models and to provide information on resources, services, facilities, and alternatives to violence in the family.

Eligible Applicants: The Office of Community Services, Administration for Children and Families invites Historically Black Colleges and Universities to submit applications for projects that will provide for the development, implementation and operation of comprehensive family violence prevention strategies and for the dissemination of informational and resource materials for the prevention of family violence in minority communities. Previous applicants for this priority area who have received grant awards are not precluded from applying for funding under this announcement.

Background: The goal of this priority area is to provide support for the inclusion of ''family violence prevention'' in a comprehensive approach which considers environmental and cultural factors in plans for intervention and violence prevention strategies in minority communities. Historically Black Colleges and Universities, because of their relationships with minority communities and their residents, offer an opportunity for the exchange and development of innovative ideas and approaches to the prevention of violence in general. This effort will make it possible to capture, consider, and utilize the ideas for violence prevention that exist in the minority communities, particularly in response to problems of racism and poverty and resultant violence. The utilization of HBCUs in this effort will make available the considerable expertise, experience,

and resources to be found in these institutions.

Family violence prevention activities encompass a range of efforts that include the teaching of conflict resolution skills, the implementation of intervention strategies, and the development of informational materials on available resources and services. Family violence prevention may be viewed as the sum of activities which are guides to acceptable behavior. Activities that may be a part of the family violence prevention equation provide, for example, parenting skills and techniques, emphasize self-esteem for our youth, stress the importance of higher education as a conduit to a better lifestyle, and identify the means of avoiding negative health consequences such as AIDS and other sexually transmitted diseases.

Family violence prevention needs to be considered as a part of an overall violence prevention strategy. With this particular perspective ACF is interested in applications that address:

Overall strategies for violence prevention activities that focus on educational and training efforts, outreach activities and supportive services, and the role and impact of community institutions;

Cooperative networks and collaborative approaches within the minority communities for the prevention of anti-social and violent behavior and that facilitate the implementation of family violence preventive efforts;

Intervention approaches concerned with the ''minority family structure;'' Institutional intervention strategies utilizing resources such as alumni, fraternities and sororities, the African American religious community, and volunteers from the community in general; and

The identification of data gathering, and informational and research activities that are needed to identify, support, and implement the long-term strategic interventions to reduce ''Black on Black'' crime in general and family violence in the African American community in particular.

Minimum Requirements for Project Design

In order to successfully compete under this priority area, the applicant should:

- Prepare and submit an application that clearly reflects how the applicant will target the populations at risk, including pregnant women; coordinate with other community organizations, agencies, institutions, and individuals active in the field of family violence prevention;
- Describe, as a major element in the application, the significant prevention efforts that are a part of the educational and training, outreach, and supportive service strategies;
- Describe, as an element of the plan, the proposed approach to a public information/community awareness strategy and identify the specific audiences, groups with the highest prevalence of domestic violence, community(s), and target group(s) on which the efforts will be focused; and
- Include as critical elements in the plan:

—The development and use of non-traditional sources as information providers and in outreach efforts;
—The intended strategies for test marketing development plans and give assurances that effectiveness criteria will be included prior to finalizing the plan;
—The specific interventions to be modeled and their responsiveness and sensitivity to the general violence in the African American community;
—A set of achievable objectives and the evaluation components that are to be used to measure the degree of success in achieving the objectives as well as the assessment of the program's impact.

Project Duration: The length of the project should not exceed 12 months.

Federal Share of the Project: The maximum Federal share of the project is not to exceed $40,000 for the 12-month project period. Applications for lesser amounts also will be considered under this priority area.

Matching Requirement: SUCCESSFUL GRANTEES MUST PROVIDE AT LEAST 25 PERCENT OF THE TOTAL COST OF THE PROJECT. THE TOTAL COST OF THE PROJECT IS THE SUM OF THE ACF SHARE AND THE NON-FEDERAL SHARE. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $40,000 in Federal funds (based on an award of $40,000 per budget period) must include a match of at least $13,333 (25% of total project cost). If approved for funding, grantees will be held accountable for commitments of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects to be Funded: It is anticipated, subject to the availability of funds, that three projects may be funded at the maximum level; more than three projects may be funded depending on the number of acceptable applications for lesser amounts which are received.

CFDA: 93.671 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.

3. Priority Area Number FV–03–96: Domestic Violence/Child Protective Services Collaboration

Eligible Applicants: State and local public agencies, Territories, and Native American Tribes and Tribal Organizations who are recipients, or have been recipients, of Family Violence Prevention and Services Act grants; State and local child protection agencies; private nonprofit child welfare agencies; domestic violence advocacy organizations; and domestic violence State coalitions. Applicants must submit a signed Letter of Agreement between the public agency representing the child welfare/child protection responsibilities and the organization or coalition representing domestic violence advocacy organizations and their concerns. Either signatory to the Agreement may be the principal grantee. Previously successful applicants in this priority area are not precluded from participating in this announcement.

The Agreement to be submitted will specifically indicate the role each participant organization has in the implementation of the proposed project. Because the successful implementation of a proposed project would have implications for systemic/procedural change in the child welfare and/or the domestic violence community, the Letter of Agreement is mandatory.

Purpose: To develop effective strategies for domestic violence services integration into child protection systems and strategies. To offer the applicant organizations an opportunity to design, develop, and collaborate on one of several issues or areas of concern between the child protection system and the domestic violence community. Efforts are to be focused on the development of curricula and materials and the implementation of training to be available. The training of child protection representatives and domestic violence advocates will be to enable the most efficient and effective response when encountering partner abuse in the course of child abuse and neglect investigations. Protocols for effective strategies of intervention need to be designed, developed and put in place to allow the child protection system to assist and utilize the non-offending parent to protect his/her children.

Applicants may propose to do one or more of the following: plan and implement the training of child protection service workers, supervisors and social services providers on the relationship of domestic violence and child abuse and neglect; develop and implement domestic violence responsive policies to be adopted by the Statewide child protection services system; develop and implement through the child protection system a domestic violence specific curriculum which will become part of a mandatory training program; develop and implement Memoranda of Understanding between the child protection system and the domestic violence statewide system; and gather and submit data correlating spouse abuse and child abuse and neglect.

Background: Based on a recent review of the literature, it has become evident that the correlation of spouse abuse and child abuse and neglect is no longer anecdotal but an established fact. Domestic violence is surfacing as one of the highest risks to children. Domestic violence represents physical endangerment to the child as well as the possibility for developmental delay.

In 1985, there were an estimated 795,000 abused children between the ages of 3 and 17 living in two-parent households (Gelles, Strauss, 1987). According to these studies, men are the main perpetrators of domestic violence and commit 95 percent of all assaults on spouses. In 70 percent of households in which women are abused, the men also commit child abuse (Schecter, 1982). Also, in 70 percent of child abuse cases treated at Boston Children's Hospital in 1991, the mother was abused as well.

In an attempt to establish the actual relationship between child abuse and battering in families, 116 mothers of children ''darted'' or flagged in a single year for abuse or neglect at a metropolitan hospital were studied by Stark and Flitcraft (1984). These examinations revealed that 45 percent of the abused children had mothers who themselves were being physically abused and another 5 percent had mothers whose relationships were ''full of conflict,'' although abuse was not verified. Bowker, Arbitell and McFerron (1988) reported that children whose mothers had been battered were more likely to be physically abused and less likely to be ''neglected'' than children whose mothers had not been battered. Hilberman and Munson's (1987) research found evidence of physical and/or sexual abuse of children in 20 of the 60 cases studied. They concluded: ''There seems to be two styles of abuse: the husband beats the wife who beats the children, and/or the husband beats both his wife and children.''

Project Duration: The length of the project should not exceed 17 months.

Federal Share of the Project: The maximum Federal share of the project is not to exceed $50,000 for the 17 month project period. Applications for lesser amounts also will be considered for this project.

Matching Requirement: SUCCESSFUL GRANTEES MUST PROVIDE AT LEAST 25 PERCENT OF THE TOTAL COST OF THE PROJECT. THE TOTAL COST OF THE PROJECT IS THE SUM OF THE ACF SHARE AND THE NON-FEDERAL SHARE. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $50,000 in Federal funds (based on an award of $50,000 per budget period) must include a match of at least $16,666 (25% of total project cost). If approved for funding, grantees will be held accountable for commitments of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects to be Funded: It is anticipated, subject to the availability of funds, that three projects may be funded at the maximum level; more than three projects may be funded depending on the number of acceptable applications for lesser amounts which are received.

CFDA: 93.671 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.

Part III—The Review Process

A. Eligible Applicants

Before applications are reviewed, each application will be screened to determine that the applicant organization is an eligible applicant as specified under the selected priority area. Applications from organizations which do not meet the eligibility requirements for the priority area will not be considered or reviewed in the competition, and the applicant will be so informed.

Each priority area description contains information about the types of agencies and organizations which are eligible to apply under that priority area. Since eligibility varies among priority areas, it is critical that the ''Eligible Applicants'' section under each specific priority area be read carefully.

Only agencies and organizations, *not individuals*, are eligible to apply under any of the priority areas. On all applications developed jointly by more than one agency or organization, the applications must identify only one organization as the lead organization and official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

Any non-profit agency submitting an application must submit proof of non-profit status with its grant application. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS Code or by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled. ACF cannot fund a non-profit applicant without acceptable proof of its non-profit status.

B. Review Process and Funding Decisions

Applications that are postmarked by the deadline date and are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal government, will use the appropriate evaluation criteria listed later in this Part to review and score the applications. The results of this review are a primary factor in making funding decisions.

ACF reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. It may also solicit comments from ACF Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with those of the expert reviewers, will be considered by OCS in making funding decisions.

In making decisions on awards, OCS may give preference to applications which focus on or feature: minority populations; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations involved in the administration or delivery of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds

available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

To the extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ACF may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Criteria

Using the appropriate evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal government) will review each application. Applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement.

Reviewers will determine the strengths and weaknesses of each application in terms of the appropriate evaluation criteria listed below, provide comments and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each section may be given in the review process.

Review Criteria for All Priority Areas

Applications under all priority areas will be evaluated against the following criteria.

1. Need for the Project (10 Points)

The extent to which the need for the project and the problems it will address have national and local significance; the applicability of the project to coordination efforts by national, State and local governmental and non-profit agencies, and its ultimate impact on domestic violence prevention services and intervention efforts, policies and practice; the relevance of other documentation as it relates to the applicants knowledge of the need for the project; and the identification of the specific topic or program area to be served by the project. Maps and other graphic aids may be attached.

2. Goals and Objectives (10 Points)

The extent to which the specific goals and objectives have national or local significance, the clarity of the goals and objectives as they relate to the identified need for and the overall purpose of the project, and their applicability to policy and practice. The provision of a detailed discussion of the objectives and the extent to which the objectives reflect or impact the state-of-the-art relative to the problem or needs for the project.

3. Approach (30 Points)

The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; relates each task to the objectives and identifies the key staff member who will be the lead person; provides a chart indicating the timetable for completing each task, the lead person, and the time committed; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved.

The extent to which, when applicable, the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. Projects under Priority Areas FV 01–96 and FV 02–96 must include an evaluation component.

4. Results and Benefits (20 Points)

The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, the extent to which the application indicates the anticipated contributions to policy, practice, and theory, and the extent to which the proposed project costs are reasonable in view of the expected results. Identify, in specific terms, the results and benefits, for target groups and human service providers, to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous demonstration efforts.

5. Level of Effort: (30 Points)

Staffing pattern—Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of staff—Describe the qualifications of the project team including any experiences working on similar projects. Also, describe the variety of skills to be used, relevant educational background and the demonstrated ability to produce final results that are comprehensible and usable. One or two pertinent paragraphs on each key member are preferred to resumes. However, resumes may be included in the ten pages allowed for attachments/appendices.

Adequacy of resources—Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project. List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project.

Budget—Relate the proposed budget to the level of effort required to obtain project objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative efforts—Discuss in detail and provide documentation for any collaborative or coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how their participation will enhance the project. Letters from these agencies and organizations discussing the specifics of their commitment must be included in the application.

Authorship—The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the project is funded.

Applicants should note that non-responsiveness to the section ''*Minimum Requirements for Project Design*'' will result in a low evaluation score by the panel of expert reviewers (Priority area FV 03–96 is excepted from this requirement). Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as one which is more clearly focused on and directly responsive to the concerns of that specific priority area.

D. Available Funds

ACF intends to award grants resulting from this announcement during the fourth quarter of FY 1996. The size of the actual awards will vary. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term ''budget period'' refers to the interval of time (usually 12 or 17 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term ''project period'' refers to the total time a project is approved for support, including any extensions.

Where appropriate, applicants may propose project periods which are shorter than the maximums specified in the various priority areas. Non-Federal share contributions may exceed the minimums specified in the various priority areas when the applicant is able to do so.

E. Grantee Share of Project Costs

Federal funds will be provided to cover up to 75% of the total allowable project costs. Therefore, the non-Federal share must amount to at least 25% of the total (Federal plus non-Federal) project cost. This means that, for every $3 in Federal funds received, up to the maximum amount allowable under each priority area, applicants must contribute at least $1.

For example, the cost breakout for a project with a total cost of $56,666 to implement would be:

Federal request	Non-Federal share	Total cost
$50,000	$16,666	$66,666
75%	25%	100%

Part IV—Instructions for the Development and Submission of Applications

This Part contains information and instructions for submitting applications in response to this announcement. Application forms are provided as part of this publication along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are in Part II.

A. Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, (E.O.) ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the E.O., States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories, except Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, Washington, American Samoa and Palau, have elected to participate in the E.O. process and have established a Single Point of Contact (SPOCs). Applicants from these twenty jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that OCS can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, (OCS–96–06) 370 L'Enfant Promenade, S.W., 6th Floor East, Washington, D.C. 20447.

A list of the Single Point of Contact for each State and Territory is included at the end of this announcement.

B. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations, including program announcements. This program announcement does not contain information requirements beyond those approved for ACF grant applications under OMB Control Number 0970–0062.

C. Deadline for Submittal of Applications

The closing date for submittal of applications under this program announcement is found at the beginning of this program announcement under **DATES.**

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received in ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C., 20447, Attention: Family Violence Prevention and Services Program.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable proof of timely mailing.

Applications handcarried by applicants, applicant couriers, or overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, between Monday and Friday, (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of the date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. The ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: The ACF may extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; widespread disruption of the mails; or if ACF determines a deadline extension to be in the best interest of the Government. However, if ACF does not extend the deadline for all applicants, it may not

waive or extend the deadline for any applicant.

D. Instructions for Preparing the Application and Completing Application Forms

The SF 424, Page 2; and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the Federal Register announcement, as they are printed on both sides of the page.

In order to assist applicants in correctly completing the SF 424 and SF 424A, instructions for these forms have been included at the end of Part IV of this announcement.

Where specific information is not required under this program, NA (not applicable) has been preprinted on the form.

Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

Item 1. ''Type of Submission''—Preprinted on the form.

Item 2. ''Date Submitted'' and ''Applicant Identifier''—Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. ''Date Received By State''—State use only (if applicable).

Item 4. ''Date Received by Federal Agency''—Leave blank.

Item 5. ''Applicant Information'' ''Legal Name''—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

''Organizational Unit''—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

''Address''—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

''Name and telephone number of the person to be contacted on matters involving this application (give area code)''—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. ''Employer Identification Number (EIN)''—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

Item 7. ''Type of Applicant''—Self-explanatory.

Item 8. ''Type of Application''—Preprinted on the form.

Item 9. ''Name of Federal Agency''—Preprinted on the form.

Item 10. ''Catalog of Federal Domestic Assistance Number and Title''—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title, as indicated in the relevant priority area description.

Item 11. ''Descriptive Title of Applicant's Project''—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

Item 12. ''Areas Affected by Project''—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. ''Proposed Project''—Enter the desired start date for the project and projected completion date.

Item 14. ''Congressional District of Applicant/Project''—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter ''00.''

Items 15. ''Estimated Funding Levels''— In completing 15a through 15f, the dollar amounts entered should reflect, for a 17 month or less project period, the total amount requested.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b–e Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost-sharing or ''matching funds.'' The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see Part III, Sections E and F, and the specific priority area description.

Item 15f. Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add to or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a–15e.

Item 16a. ''Is Application Subject to Review By State Executive Order 12372 Process? Yes.''—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until September 30, 1996.

Item 16b. ''Is Application Subject to Review By State Executive Order 12372 Process? No.''—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. ''Is the Applicant Delinquent on any Federal Debt?''—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. ''To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.''—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a–c. ''Typed Name of Authorized Representative, Title, Telephone Number''—Enter the name, title and telephone number of the

authorized representative of the applicant organization.

Item 18d. ''Signature of Authorized Representative''—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. ''Date Signed''—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 17 months.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers the total project period of 17 months or less. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, ''Other.''

Justification: Identify the project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, ''Other.''

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, ''equipment'' is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of $5,000 or more per unit. For all other applicants, the threshold for equipment is $500 or more per unit. The higher threshold for State and local governments became effective October 1, 1988, through the implementation of 45 CFR Part 92, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.''

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and contracts with secondary recipient organizations. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line.

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as ''miscellaneous'' and ''honoraria'' are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter ''none.'' Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant. In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the

project. The Federal share of indirect costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement if it was negotiated with a Federal agency other than DHHS. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled ''Totals.'' In-kind contributions are defined in title 45 of the Code of Federal Regulations, Part 74.2, as the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies, and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. Not applicable.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column ''(b) First.'' If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under ''(c) Second.'' Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

Section F—Other Budget Information.

Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the application. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project ''abstract.'' It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II. The narrative should also provide information concerning how the application meets the evaluation criteria using the following headings:

(a) *Need for the Project;*

(b) *Goals and Objectives;*

(c) *Approach;*

(d) *Results and Benefits;* and

(e) *Level of Effort.*

The specific information to be included under each of these headings is described in Section C of Part III, Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½″ × 11″ plain white paper, with 1″ margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for the Project'' as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. A page is a single side of an 8½ × 11″ sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose photocopy difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-Construction Programs, and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must certify their compliance with: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities; and (3) Certification Regarding Environmental Tobacco Smoke. These certifications are self-explanatory. Copies of these assurances/

certifications are reprinted at the end of this announcement and should be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities, and Environmental Tobacco Smoke certifications.

E. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

____ One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;

____ Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);

____ Application length does not exceed 60 pages, unless otherwise specified in the priority area description.

____ A complete application consists of the following items in this order:

____ Application for Federal Assistance (SF 424, REV 4–88);

____ A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.

____ Budget Information—Non-Construction Programs (SF 424A, REV 4–88);

____ Budget justification for Section B—Budget Categories;

____ Table of Contents;

____ Letter from the Internal Revenue Service to prove non-profit status, if necessary;

____ Copy of the applicant's approved indirect cost rate agreement, if appropriate;

____ Project summary description and listing of key words;

____ Program Narrative Statement (See Part III, Section C);

____ Organizational capability statement, including an organization chart;

____ Any appendices/attachments;

____ Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88); and

____ Certification Regarding Lobbying.

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

Applicant should include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify ACF by telephone at (202) 401–5529.

G. Post-Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget periods for which support is provided, the terms and conditions of the award, the total project period for which support is contemplated, and the total required financial grantee participation.

General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR Part 74 or 92.

Grantees will be required to submit quarterly progress and financial reports (SF 269) throughout the project period, as well as a final progress and financial report within 90 days of the termination of the project.

Grantees are subject to the audit requirements in 45 CFR Parts 74 (non-governmental), 92 (governmental), OMB Circular A–133 and OMB Circular A–128. If an applicant does not request indirect costs, it should anticipate in its budget request the cost of having an audit performed at the end of the grant period.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom recipients or their subtier contractors or subgrantees will pay with profits or *nonappropriated* funds on or after December 22, 1989 and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for noncompliance.

(Catalog of Federal Domestic Assistance number 93.671, Family Violence Prevention and Services)

Dated: March 7, 1996.

Donald Sykes,

Director, Office of Community Services.

BILLING CODE 4184–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	*Preapplication*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*: _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ . ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

— ''New'' means a new assistance award.

— ''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

— ''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of this application.)

BILLING CODE 4184–01–M

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
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BILLING CODE 4184-01-C

Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–1—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). the amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revision (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

ASSURANCES—NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will

establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

6. Will comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;

(e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with the environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-based Paint Poison Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

_____

Title

_____

Applicant Organization

_____

Date Submitted

BILLING CODE 4184–01–M

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

Check ___ *if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184–01–C

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) are not presently indicated or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participate shall submit an explanation of why it cannot provide the clarification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer, or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____
Signature

_____
Title _____

_____
Organization

_____
Date

BILLING CODE 4184–01–M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

BILLING CODE 4184–01–C

OMB State Single Point of Contact Listing*

Arizona

Joni Saad,
Arizona State Clearinghouse,
3800 N. Central Avenue,
Fourteenth Floor,
Phoenix, Arizona 85012,
Telephone (602) 280–1315,
FAX: (602) 280–1305

Arkansas

Mr. Tracy L. Copeland,
Manager, State Clearinghouse,
Office of Intergovernmental Services,
Department of Finance and Administration,
1515 W. 7th St., Room 412,
Little Rock, Arkansas 72203,
Telephone: (501) 682–1074,
FAX: (501) 682–5206

Alabama

Jon C. Strickland,
Alabama Department of,
Economic and Community Affairs,
Planning and Economic Development Division,
401 Adams Avenue,
Montgomery, AL 36103–5690,
Telephone: (205) 242–5483,
FAX: (205) 242–5515

California

Grants Coordinator,
Office of Planning & Research,
1400 Tenth Street, Room 121,
Secramento, California 95814,
Telephone (916) 323–7480,
FAX: (916) 323–3018

Delaware

Francine Booth,
State Single Point of Contact,
Executive Department,
Thomas Collins Building,
P.O. Box 1401,
Dover, Delaware 19903,
Telephone: (302) 739–3326,
FAX: (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005, Telephone: (202) 727–6554, FAX: (202) 727–1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399–2100, Telephone: (904) 922–5438, FAX: (904) 487–2899

Georgia

Tom L. Reid, III,
Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia 30334, Telephone: (404) 656–3855 or (404) 656–3829), FAX: (404) 656–7938

Illinois

Barbara Beard, State Single Point of Contact, Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701, Telephone: (217) 782–1671, FAX: (217) 534–1627

Indiana

Amy Brewer, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232–5619, FAX: (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, FAX: (515) 242–4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone: (502) 573–2382, FAX: (502) 573–2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

Maryland

William G. Carroll, Manager, State Clearinghouse for Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 225–4490, FAX: (410) 225–4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226, Telephone: (313) 961–4266

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone: (601) 359–6762, FAX: (601) 359–6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, FAX: (314) 751–7819

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone: (702) 687–4065, FAX: (702) 687–3983

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, FAX: (603) 271–1728

New Jersey

Gregory W. Adkins, Assistant Commissioner, New Jersey Department of Community Affairs

Please direct all correspondence and questions about intergovernmental review to: Andrew J. Jaskolka, State Review Process, Intergovernmental Review Unit CN 800, Room 813A, Trenton, New Jersey 08625–0800, Telephone: (609) 292–9025, FAX: (609) 633–2132

New Mexico

Robert Peters, State Budget Division, Room 190 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605

North Carolina

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, FAX: (919) 733–9571

North Dakota

North Dakota Single Point of Contract, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, FAX: (701) 224–2308

Ohio

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411

Please direct correspondence and questions about intergovernmental review to: Linda Wise, Telephone: (614) 466–0698, FAX: (614) 466–5400.

Rhode Island

Daniel W. Varin, Associate Director, Department of Administration/Division of Planning One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, FAX: (401) 277–2083

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 477, Columbia, South Carolina 29201, Telephone: (803) 734–0494, FAX: (803) 734–0385

Texas

Tom Adams, Governor's Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, FAX: (512) 463–1880

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535, FAX: (801) 538–1547

Vermont

Nancy McAvoy, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05609, Telephone: (802) 828–3326 (FAX: (802) 828–3339

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia

Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

Wisconsin

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 226–2125, FAX: (608) 267–6931

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone: (307) 777–7574, FAX: (307) 638–8967

Territories

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, FAX: 011–671–472–2825

Puerto Rico

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, (809) 724–3270, FAX: (809) 724–3103

North Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden, Station, Second Floor, Saint Thomas, Virgin Islands 00802.

Please direct all questions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069.

Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

[FR Doc. 96–6259 Filed 3–15–96; 8:45 am]

BILLING CODE 4184–01–P

[Program Announcement No. OCS 96–05]

Family Violence Prevention and Services Program, National Resource Center on Domestic Violence and Three Special Issue Resource Centers; Availability of Funds for Fiscal Year 1996 and Request for Applications

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Announcement of the availability of funds and request for applications for the National Resource Center on Domestic Violence and Three Special Issue Resource Centers: Civil and Criminal Law; Child Custody and Protection; and Health Resources, respectively.

SUMMARY: The Office of Community Services (OCS) of the Administration for Children and Families (ACF) expects $1,130,436 to be available in fiscal year (FY) 1996 for the award of one cooperative agreement and three grant awards in support of a National Resource Center on Domestic Violence (NRC), and three Special Issue Resource Centers (SIRCs) to operate as the Domestic Violence Resource Network. This Announcement contains all the application materials needed to apply for these grants. Please copy and use these materials provided in submitting an application under this Announcement. *No additional application materials are available or needed to submit an application.* Applications will be judged competitively.

Applicants should note that grants and cooperative agreements to be awarded under this Program Announcement are subject to the availability of funds.

The purpose of the Domestic Violence Resource Network (a network of four domestic violence resource centers: the National Resource Center on Domestic Violence, the Resource Center on Civil and Criminal Law, the Health Resource Center on Domestic Violence, and the Resource Center on Child Protection and Custody) is to strengthen the existing support systems serving battered women, their children and other victims of domestic violence; and to provide comprehensive information and resources, policy development, and technical assistance designed to enhance community response to and prevention of domestic violence.

Each resource center, as part of the network, is required to work in partnership with community-based domestic violence programs, State domestic violence coalitions, Federal, State, and local government agencies, Indian tribal organizations, policy makers and others involved in assisting programs and victims of domestic violence in order to identify and respond to emerging issues, technical assistance requests, and increasing service demands. In addition to promoting research, providing information, and technical assistance, each center within the network must provide:

- Comprehensive statistics, fact sheets, and specialized information packets addressing a range of domestic violence issues;
- Materials to support the development and replication of model programs, legislation and exemplary practices;
- Technical assistance and training to assist organizations, programs and communities to adapt available resources to meet local needs;
- A toll-free information line which allows the public to access the latest developments in research, policy, and practice; and
- A customized service reachable by fax or mail whereby programs, agencies, and professionals may receive packets, newsletters, bibliographies, policy papers and fact sheets.

DATES: The closing date for submission of applications is May 17, 1996. Applications postmarked after the closing date will be classified as late.

ADDRESSES: Application receipt point: Department of Health and Human Services, Administration for Children and Families/Division of Discretionary Grants, (OCS–96–05) 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447.

FOR FURTHER INFORMATION CONTACT: William Riley, Administration for Children and Families, Office of Community Services, Division of State Assistance, 370 L'Enfant Promenade,

S.W., Washington, D.C. 20447. Telephone (202) 401–5529.

Part I: General Information

A. Legislative Authority

The NRC and the SIRC grants are authorized under the Family Violence Prevention and Services Act (FVPSA), 42 U.S.C. 10401 et seq. Enacted as Title III of the Child Abuse Amendments of 1984, the FVPSA was amended and reauthorized by Pub. L. 102–295, the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992. The FVPSA was further amended by the Violent Crime and Law Enforcement Act of 1994 (Pub. L. 103–322). The Act is administered by the Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

B. Program Purpose

The Department is required to establish and maintain a NRC and up to seven SIRCs. (See section 308(a)(2) of the FVPSA, as amended.)

On a nationwide basis, a network composed of the NRC and the SIRCs will offer resource, policy, and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professional and interested parties on issues pertaining to domestic violence. The NRC will maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance. The SIRCs shall provide a specialization, on a nationwide basis, in at least one area of domestic violence service, prevention or law.

C. Eligible Applicants

Private nonprofit organizations that focus primarily on domestic violence. Applicants must have documented organizational experience in the area of domestic violence prevention and services and in the specific special-issue area(s) for which they are applying. Each applicant must have an advisory board.

D. Background

To comply with the NRC mandate, the Office of Community Services seeks to support a nationwide effort that is staffed by an expert and experienced multi-disciplinary team that can respond to requests for resource, policy, and training assistance from individuals, agencies and organizations at the Federal, State and local levels.

Because of our concerns for administrative efficiency, ACF has concluded that the most effective relationships and anticipated coordination activities between the NRC and the SIRCs will be greatly enhanced with the establishment and maintenance of three (3) SIRCs. The areas of domestic violence service, prevention, or law described in section 308 of the FVPSA clearly overlap; therefore OCS has determined that they may be combined with no loss of emphasis.

(1) Areas related to the efforts of the Special Issue Resource Centers will include the:

(a) Identification, documentation and the development of innovative training curricula, materials and manuals for specific program needs;

(b) Provision of technical assistance, training and consultation to improve program administration, service delivery, and to promote the utilization of resources and state-of-the-art techniques related to domestic violence, including methods and techniques for program implementation and evaluation; and

(c) Development of a network of professionals in domestic violence and the coordination of their input and experiences to assist persons, programs or agencies requesting assistance or information.

Considered together, the NRC and the SIRCs will constitute a domestic violence resource network and will provide assistance to Federal, State and local governmental agencies, Tribal agencies, State Domestic Violence Coalitions, community-based domestic violence programs, and other organizations and individuals involved in domestic violence prevention, identification, services, and intervention. To that end, questions related to the forms and extent of the assistance needed by the field must be addressed. Additionally, questions related to the efficient and shared use of current electronic capabilities, how assistance and support for the field may be best communicated and delivered, and questions relative to the state-of-the-art on prevention, identification, intervention, and services in domestic violence must also be discussed.

Moreover, the discussion of the provision of assistance and consultation must be conducted in a manner that takes into account varying circumstances, e.g., conditions in the field, and the target populations to be addressed. The discussion of the anticipated level of responsiveness and sensitivity requires that questions of flexibility, options for services delivery, cost, and the appropriateness of content also be addressed.

The SIRCs must have the ability to deliver highly individualized technical assistance which enables a user to solve a specific problem. In addition to facilitating on-site assistance, the SIRCs shall: identify, develop, and disseminate research and evaluation findings; prepare and distribute technical assistance packages to aid in the replication of effective services, prevention efforts and training programs; and identify new areas of demonstration and services improvement needed to address domestic violence issues in their respective topical areas.

The proposed three SIRCs will provide specific leadership, resource information and materials, training, technical assistance and professional consultation as the following resource centers:

Special Issue Resource Centers on Domestic Violence:

(a) Civil and Criminal Justice

(i) Criminal justice responses to domestic violence, including court-mandated abuser treatment and the development of batterers intervention services.

(ii) The use of the self-defense plea by domestic violence victims and other issues that arise when domestic violence victims are accused of committing crimes, including homicide.

(iii) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation, including the issuance and enforcement of protection orders.

(b) Child Protection and Custody

(i) Improving the response of Child Protective Service agencies to battered mothers of abused children.

(ii) Child custody issues in domestic violence cases.

(c) Health Care and Access

(i) Improving interdisciplinary health care responses.

(ii) Improving access to health care resources for victims of domestic violence.

(2) Areas of Responsibility for the National Resource Center on Domestic Violence:

It is expected that on a nationwide basis the NRC shall have a knowledge building and dissemination capacity and exhibit a systematic approach to the development and the distribution of information on issues for the field in close coordination with the SIRCs. To that end, the NRC shall assume an

active role in the development of work groups and conferences on emerging policy and practice issues, and publish and disseminate proceedings on the state-of-the-art in selected areas of domestic violence intervention and prevention efforts, model programs, policy development and research; identify areas where additional information and research is needed to complement policy and practice; and suggest next steps for additional data compilation, innovative demonstrations, program administration, policy and service program evaluations.

Specific areas related to the efforts of the National Resource Center will include:

(a) Identifying emerging domestic violence issues and preparing information and policy papers addressing such issues;

(b) Identification of the need, documentation and development of innovative or exemplary practice and resource development, and assisting the field through the acquisition of a 1–800 information line and other means, in acquiring and adapting such resources to specific needs; and

(c) Maintaining a central resource library to collect, prepare, analyze, and disseminate information and statistics.

E. Forms of Awards

The Office of Community Services intends to support the SIRC's via regular grant awards. However, OCS intends to support the NRC through a Cooperative Agreement. A Cooperative Agreement is an award instrument of financial assistance when substantial involvement is anticipated between the awarding office and the recipient during performance of the contemplated project. The Office of Community Services will outline a plan of interaction with the grantee for implementation under the cooperative agreement. The respective responsibilities of the Office of Community Services and the successful applicant will be identified and incorporated into the Cooperative Agreement during pre-award negotiations. It is anticipated that OCS responsibilities will not change the project requirements for the NRC found in this Announcement. The plan under the cooperative agreement will describe the general and specific responsibilities of the grantee and the grantor as well as foreseeable joint responsibilities. A schedule of tasks will be developed and agreed upon in addition to any special conditions relating to the implementation of the project.

F. Minimum Requirements for Project Design

Applicants may apply to provide NRC services or SIRC services, and may submit applications for more than one center. However, in the event that the applicant does apply for more than one center, a separate application for each center would be required. Applicants must clearly indicate whether funding is being sought to support the NRC or the SIRC. When applying for the SIRC grant the applicant must specify the topical area(s) being addressed.

In order to successfully compete under this Announcement, the applicant should:

(1) For the National Resource Center:

(a) Outline a plan of interaction with OCS for implementation under a cooperative agreement including, as appropriate, activities involving Headquarters agency staff;

(b) Describe the immediacy of the need(s) to be addressed as an NRC and provide information on the specific services your organization has provided and currently provides and what need(s) and information would be provided as the NRC;

(c) Present the technical approach and the specific workplans for the provision of assistance to the field that is nationwide in scope and that includes the use of an advisory board and/or expert panel; a plan for continued contact with the field, including an 800 telephone number and direct mailings; a plan for the implementation and effective use of electronic communication capability with the field; and a plan for the development and use of a network of experts for the provision of direct training and consultation, including fees for service, if necessary;

(d) Describe the efforts that would be initiated to coordinate the NRC with national advocacy groups and domestic violence organizations, other related national resource centers and clearinghouses, and Federal, State and Indian Tribal agencies; identify the agencies/organizations and how the initiation of or continued coordination with them will enhance the NRC's activities and avoid a duplication of efforts;

(e) Provide a plan to determine the need for and the manner in which you would implement special projects relating to policy issues, training curricula, service delivery models or other aspects of services, related to the prevention of domestic violence;

(f) Provide a plan and schedule for evaluating and reporting on the effectiveness of the project(s) 6 months after the effective date of the grant;

(g) Describe the proposed NRC staff with appropriate expertise; and

(h) Describe the administrative and organizational structure, the management plan, and the cost structure within which the project will operate; describe the administrative, operational and organizational relationships to be established with the SIRCs that will constitute an effective national network in the domestic violence areas. Charts depicting these structures and the ensuing relationships must be included.

Project Period

Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for 5 years. Applications for continuation grants funded under these awards beyond the one-year budget period but within the 5-year project period will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the government.

Budget Period and Federal Share

The FY 96 Federal share for the National Resource Center is $452,174 for the first 12-month budget period, subject to the availability of funds.

Matching Requirement

Grantees must provide at least 25 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $602,898 in Federal funds for the first-year budget period must include a match of at least $200,966 (25 percent of total project cost). If approved for funding, the grantee will be held accountable for commitments of non-Federal resources, and failure to provide the required amounts will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects to be Funded

It is anticipated that one National Resource Center on Domestic Violence will be funded.

(2) For the Special Issue Resource Centers:

(a) Describe the immediacy of the need(s) to be addressed and provide information on the specific services your organization has provided and currently provides and what information, specific training, and

technical assistance would be provided as an SIRC;

(b) Demonstrate an in-depth understanding of the program/service and access/response issues of the particular SIRC(s) and the problems associated with them;

(c) Present the technical approach and the specific workplans for the provision of training and technical assistance to the field that is nationwide in scope and utilizes the support and facilitating efforts of the NRC and a network of experts; describe a plan for continuous contact with the field, an 800 telephone number and direct mailings; and a plan for the development and use of a network of experts for the provision of direct training and consultation, including fees for service, if necessary;

(d) Describe the efforts that you currently make or would implement, and the relationships that you currently have or will form, to coordinate activities with other appropriate resource centers, domestic violence advocacy organizations, public agencies, the NRC, and affiliated SIRCs in a national domestic violence network to enhance the center's activities and to avoid duplication;

(e) Provide a plan to determine the need for and to implement special projects related to training curricula, service delivery models or other aspects of the proposed SIRC topic;

(f) Provide a plan to evaluate the effectiveness of the proposed project activities within 6 months of the effective date of the grant;

(g) Describe the proposed SIRC staff with appropriate expertise; and

(h) Describe the administrative and organizational structure, the management plan, the cost structure within which the project would operate; and describe the operational and programmatic relationships to be formed with the affiliated SIRCs and the NRC. Charts depicting the organizational structures and the ensuing relationships must be included.

Project Period

The length of the projects for the Special Issue Resource Centers must not exceed 60 months.

Budget Period and Federal Share

The FY 96 Federal share for each of the three Special Issue Resource Centers is $226,087 for the first 12-month budget period subject to the availability of funds.

Matching Requirement

Successful grantees must provide at least 25 percent of the total cost of the project. The approved total cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $301,449 in Federal funds for the first year budget period must include a match of at least $100,449 (25 percent of total project cost). If approved for funding, the grantee will be held accountable for commitments of non-Federal resources, and failure to provide the required amounts will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects to be Funded

It is anticipated that three Special Issue Resource Center projects will be funded as grants, i.e., one each in the areas of Civil and Criminal Justice, Child Protection and Custody, and Health Care and Access.

CFDA: 93.671 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.

Part II—The Review Process

A. Eligible Applicants

Before applications are reviewed, each application will be screened to determine that the applicant organization is an eligible applicant as specified. Applications from organizations which do not meet the eligibility requirements area will not be considered or reviewed in the competition, and the applicant will be so informed.

Only agencies and organizations, not individuals, are eligible to apply. On all applications developed jointly by more than one agency or organization, the application must identify only one organization as the lead organization and official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

For-profit organizations and public agencies are also eligible to participate as subgrantees or subcontractors with eligible private non-profit organizations.

Any non-profit organization which has not previously received an award from the U.S. Department of Health and Human Services must submit proof of non-profit status with its grant application. The non-profit organization can accomplish this by either making reference to its listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations or submitting a copy of its letter from the IRS under IRS Code Section 501(c)(3). ACF cannot fund a non-profit applicant without acceptable proof of its non-profit status.

B. Review Process and Funding Decisions

Applications that are received by the deadline date and are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal government, will use the appropriate evaluation criteria listed later in this Part to review and score the applications. The results of this review are a primary factor in making funding decisions.

OCS reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. It may also solicit comments from ACF Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with those of the expert reviewers, will be considered by OCS in making funding decisions.

In making decisions on awards, OCS may give preference to applications which focus on or feature: past experience in operating a resource center of similar nature; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations involved in the administration or delivery of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

C. Evaluation Criteria

Using the appropriate evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal government) will review each application. Applicants should ensure that they address each minimum requirement under the appropriate section of the Program Narrative Statement.

Reviewers will determine the strengths and weaknesses of each

proposal in terms of the appropriate evaluation criteria listed below, provide comments and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each section may be given in the review process.

Review Criteria for All Priority Areas

Applications for the National Resource Center and the Special Issue Resource Centers will be evaluated against the following criteria.

1. Need for the Project (10 Points)

The extent to which the need for the project and the problems it will address have national and local significance; the applicability of the project to coordination efforts by national, State and local governmental and non-profit agencies, and its ultimate impact on domestic violence prevention services and intervention efforts, policies and practice; the relevance of other documentation as it relates to the applicants knowledge of the need for the project; and the identification of the specific topic or program area to be served by the project. Maps and other graphic aids may be attached.

2. Goals and Objectives (10 Points)

The extent to which the specific goals and objectives have national or local significance, the clarity of the goals and objectives as they relate to the identified need for and the overall purpose of the project, and their applicability to policy and practice. The provision of a detailed discussion of the objectives and the extent to which the objectives reflect or impact the state-of-the-art relative to the problem or needs for the project.

3. Approach (30 Points)

The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; relates each task to the objectives and identifies the key staff member who will be the lead person; provides a chart indicating the timetable for completing each task, the lead person, and the time committed; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved.

The extent to which the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

4. Results and Benefits (20 Points)

The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, the extent to which the application indicates the anticipated contributions to policy, practice, and theory, and the extent to which the proposed project costs are reasonable in view of the expected results. Applicants should identify, in specific terms, the results and benefits, for target groups and human service providers, to be derived from implementing the proposed project. Applicants should also describe how the expected results and benefits will relate to previous demonstration efforts.

5. Level of Effort: (30 Points)

Expertise, Commitment, and Support

(a) The extent to which the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups, such as State Domestic violence Coalitions or recognized national domestic violence groups; the extent of the applicant's commitment to diversity, and to the provision of service to ethnic, racial, and non-English speaking minorities, older individuals, and individuals with disabilities.

Staff Background, Organizational Experience, and Competence of Staff

(b) The adequacy of the staffing pattern for the proposed project, how the individual responsibilities are linked to project tasks, and the contributions to be made by key staff. Each collaborating or cooperative organization, individual consultant, or other key individuals who will work on the project should be listed along with a description of the nature of their effort or contribution.

The background and experience of the project director and key project staff and the history and accomplishments of the organization; the qualifications of the project team including any experience with similar projects; the variety of skills, relevant educational background, and the ability to effectively manage the project and to coordinate with other agencies. One or two pertinent paragraphs on each key member are preferred to vitae/resumes. However, vitae resumes may be included.

Adequacy of Resources and the Budget

(c) The adequacy of the available resources and organizational experience with regard to the scope of the tasks of the proposed project. A list of the financial, physical, and other resources already committed by other private and public institutions and agencies, if any, and the explanation of how these organizations will participate in the day-to-day operations of the project. Letters from these agencies and organizations identifying and discussing the specifics of their commitment and participation must be included in the application. The extent to which the proposed budget is related to the level of effort required to obtain the project's objectives; demonstration that the project's costs are reasonable in view of the anticipated results.

Collaborative Efforts

(d) The extent of the additional private sector resources that may be available to support or enhance the overall program. A discussion in detail and the provision of documentation for any proposed collaborative or coordinated efforts with other public or private agencies or organizations. Letters from these agencies and organizations must be included discussing their interest and/or commitment in supporting the proposed project, stating at what juncture they would become involved and the expected level of resource commitment.

Applicants should note that non-responsiveness to the section ''*Minimum Requirements for Project Design*'' will result in a low evaluation score by the panel of expert reviewers. Applicants must clearly identify the specific resource center for which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the project description is less likely to score as well as one which is more clearly focused and directly responsive.

D. Available Funds

OCS intends to award three new grants and one cooperative agreement (subject to the availability of funds) resulting from this Announcement during the third quarter of FY 1996. The size of the actual awards may vary from the estimates herein.

The term ''budget period'' refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term

''project period'' refers to the total time a project is approved for support, including any extensions.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon several factors which include proof of satisfactory performance and the availability of funds from future appropriations.

E. Grantee Share of Project Costs

Federal funds will be provided to cover up to 75% of the total allowable project costs. Therefore, the non-Federal share must amount to at least 25% of the total (Federal plus non-Federal) project cost. This means that, for every $3 in Federal funds received, up to the maximum amount allowable for each center, applicants must contribute at least $1.

For example, the cost breakout for a project with a total cost of $100,000 to implement would be:

Max. Federal request	Non-Federal share	Total cost
$75,000	$25,000	$100,000
75%	25%	100%

Part III—Instructions for the Development and Submission of Applications

This Part contains information and instructions for submitting applications in response to this Announcement. Application forms are provided as part of this publication along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are in Part II.

A. Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, (E.O.) ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the E.O., States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories, except Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, Washington, American Samoa, and Palao have elected to participate in the E.O. process and have established a Single Point of Contact (SPOCs). Applicants from these twenty jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that OCS can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, (OCS–96–05) 370 L'Enfant Promenade, S.W., 6th Floor East, Washington, D.C. 20447.

A list of the Single Point of Contact for each State and Territory is included at the end of this Announcement.

B. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations, including Program Announcements. This Program Announcement does not contain information collection requirements beyond those approved for ACF grant applications under OMB Control Number 0970–0062.

C. Deadline for Submittal of Applications

The closing date for submittal of applications under this Program Announcement is found at the beginning of this Program Announcement under **DATES.**

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received in ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447, Attention: Family Violence Prevention and Services Program.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable proof of timely mailing.

Applications handcarried by applicants, applicant couriers, or overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of the date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. The ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: The ACF may extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; widespread disruption of the mails; or if ACF determines a deadline extension to be in the best interest of the Government. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

D. Instructions for Preparing the Application and Completing Application Forms

The SF 424, Page 2; and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the Announcement, typing your information onto the copies. Please do not use forms directly from the Federal Register Announcement, as they are printed on both sides of the page.

In order to assist applicants in correctly completing the SF 424 and SF 424A, instructions for these forms have been included at the end of Part III of this Announcement.

Where specific information is not required under this program, NA (not applicable) has been preprinted on the form.

Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

Item 1. ''Type of Submission''—Preprinted on the form.

Item 2. ''Date Submitted'' and ''Applicant Identifier''—Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. ''Date Received By State''—State use only (if applicable).

Item 4. ''Date Received by Federal Agency''—Leave blank.

Item 5. ''Applicant Information''

''Legal Name''—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

''Organizational Unit''—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

''Address''—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

''Name and telephone number of the person to be contacted on matters involving this application (give area code)''—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. ''Employer Identification Number (EIN)''—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

Item 7. ''Type of Applicant''—Self-explanatory.

Item 8. ''Type of Application''—Preprinted on the form.

Item 9. ''Name of Federal Agency''—Preprinted on the form.

Item 10. ''Catalog of Federal Domestic Assistance Number and Title''—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title, as indicated in the relevant priority area description.

Item 11. ''Descriptive Title of Applicant's Project''—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

Item 12. ''Areas Affected by Project''—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. ''Proposed Project''—Enter the desired start date for the project and projected completion date.

Item 14. ''Congressional District of Applicant/Project''—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter ''00.''

Items 15. ''Estimated Funding Levels''—In completing 15a through 15f, the dollar amounts entered should reflect, for a 17 month or less project period, the total amount requested.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b–e Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost-sharing or ''matching funds.'' The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see Part III, Sections E and F, and the specific priority area description.

Item 15f. Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add to or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a–15e.

Item 16a. ''Is Application Subject to Review By State Executive Order 12372 Process? Yes.''—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until September 30, 1996.

Item 16b. ''Is Application Subject to Review By State Executive Order 12372 Process? No.''—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. ''Is the Applicant Delinquent on any Federal Debt?''—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. ''To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.''—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a–c. ''Typed Name of Authorized Representative, Title, Telephone Number''—Enter the name, title and telephone number of the

authorized representative of the applicant organization.

Item 18d. ''Signature of Authorized Representative''—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. ''Date Signed''—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 17 months.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers the total project period of 17 months or less. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, ''Other.''

Justification: Identify the project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, ''Other.''

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, ''equipment'' is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. For all other applicants, the threshold for equipment is $500 or more per unit. The higher threshold for State and local governments became effective October 1, 1988, through the implementation of 45 CFR Part 92, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.''

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and contracts with secondary recipient organizations. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line.

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as ''miscellaneous'' and ''honoraria'' are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter ''none.'' Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant. In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect costs is calculated as shown above. The

applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement if it was negotiated with a Federal agency other than DHHS. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled ''Totals.'' In-kind contributions are defined in title 45 of the Code of Federal Regulations, Part 74.2, as the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies, and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. Not applicable.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required *Federal* funds for the second budget period (months 13 through 24) under column ''(b) First.'' If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under ''(c) Second.'' Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

Section F—Other Budget Information.

Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the application. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project ''abstract.'' It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II. The narrative should also provide information concerning how the application meets the evaluation criteria using the following headings:

(a) *Need for the Project*;
(b) *Goals and Objectives*;
(c) *Approach*;
(d) *Results and Benefits*; and
(e) *Level of Effort.*

The specific information to be included under each of these headings is described in Section C of Part III, Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½″×11″ plain white paper, with 1″ margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for the Project'' as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. A page is a single side of an 8½″×11″ sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose photocopy difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Assurances/Certifications

Applicants are required to file an SF 424B, Assurances— Non-Construction Programs, and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must certify their compliance with: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities; and (3) Certification Regarding Environmental Tobacco Smoke. These certifications are self-explanatory. Copies of these assurances/certifications are reprinted at the end of this Announcement and should be reproduced, as necessary. A duly

authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities, and Environmental Tobacco Smoke certifications.

E. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

____ One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;

____ Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);

____ Application length does not exceed 60 pages, unless otherwise specified in the priority area description.

____ A complete application consists of the following items in this order:

____ Application for Federal Assistance (SF 424, REV 4–88);

____ A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.

____ Budget Information—Non-Construction Programs (SF 424A, REV 4–88);

____ Budget justification for Section B—Budget Categories;

____ Table of Contents;

____ Letter from the Internal Revenue Service to prove non-profit status, if necessary;

____ Copy of the applicant's approved indirect cost rate agreement, if appropriate;

____ Project summary description and listing of key words;

____ Program Narrative Statement (See Part III, Section C);

____ Organizational capability statement, including an organization chart;

____ Any appendices/attachments;

____ Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);

____ Certification Regarding Lobbying; and

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

Applicants should include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify ACF by telephone at (202) 401–5529.

G. Post-Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget periods for which support is provided, the terms and conditions of the award, the total project period for which support is contemplated, and the total required financial grantee participation.

General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR Part 74.

Grantees will be required to submit quarterly progress and financial reports (SF 269) throughout the project period, as well as a final progress and financial report within 90 days of the termination of the project.

Grantees are subject to the audit requirements in 45 CFR Parts 74 and OMB Circular A–133. If an applicant does not request indirect costs, it should anticipate in its budget request the cost of having an audit performed at the end of the grant period.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists; (2) to disclose the name, address, payment details, and purpose of any agreements with lobbyists whom recipients or their subtier contractors or subgrantees will pay with profits or *nonappropriated* funds on or after December 22, 1989 and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for noncompliance.

(Catalog of Federal Domestic Assistance program number, 93.671, Family Violence Prevention and Services)

Dated: March 7, 1996.

Donald Sykes,

Director, Office of Community Services.

BILLING CODE 4184–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ■ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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BILLING CODE 4184–01–C

Instructions for the SF–424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.
—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.
—''Revision'' means any change in the Federal Government's financial obligation or contingent liability for an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project if more than one program is involved, you should append an explanatin of a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184–01–M

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by functions or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by functions or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorization budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the total amount shown in Section A, Column (g), Line 5. For supplemental grants and charges to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Line 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal funds Needed for Balance of the Project

Line 16–19—Enter in column (a) the same grant program titles shown in column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Column (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a–7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of authorized certifying official ___

Title _____

Applicant organization _____

Date submitted _____

BILLING CODE 4184–01–M

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

_____

Check ___ *if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184–01–C

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) are not presently indicated or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participate shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the require statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

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Standard Form - LLL

BILLING CODE 4184–01–C

OMB State Single Point of Contact Listing*

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315, FAX: (602) 280–1305

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, FAX: (501) 682–5206

Alabama

Jon C. Strickland, Alabama Department of Economic and Community Affairs, Planning and Economic Development Division, 401 Adams Avenue, Montgomery, AL 36103–5690, Telephone: (205) 242–5483, FAX: (205) 242–5515

California

Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone (916) 323–7480, FAX: (916) 323–3018

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903, Telephone: (302) 739–3326, FAX: (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. and Dev., 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005, Telephone: (202) 727–6554, FAX: (202) 727–1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399–2100, Telephone: (904) 922–5438, FAX: (904) 487–2899

Georgia

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia 30334, Telephone: (404) 656–3855 or (404) 656–3829, FAX: (404) 656–7938

Illinois

Barbara Beard, State Single Point of Contact, Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701, Telephone: (217) 782–1671, FAX: (217) 534–1627

Indiana

Amy Brewer, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232–5619, FAX: (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, FAX: (515) 242–4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone: (502) 573–2382, FAX: (502) 573–2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

Maryland

William G. Carroll, Manager, State Clearinghouse for Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 225–4490, FAX: (410) 225–4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226, Telephone: (313) 4266

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone: (601) 359–6762, FAX: (601) 359–6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, FAX: (314) 751–7819

Nevada

Department of Administration,
State Clearinghouse,
Capitol Complex,
Carson City, Nevada 89710,
Telephone: (702) 687–4065,
FAX: (702) 687–3983

New Hampshire

Jeffrey H. Taylor,
Director, New Hampshire Office of State Planning,
Attn: Intergovernmental Review Process,
Mike Blake,
2½ Beacon Street,
Concord, New Hampshire 03301,
Telephone: (603) 271–2155,
FAX: (603) 271–1728

New Jersey

Gregory W. Adkins, Assistant Commissioner, New Jersey Department of Community Affairs

Please direct all correspondence and questions about intergovernmental review to:

Andrew J. Jaskolka,
State Review Process,
Intergovernmental Review Unit CN 800, Room 813A,
Trenton, New Jersey 08625–0800,
Telephone: (609) 292–9025,
FAX: (609) 633–2132

New Mexico

Robert Peters,
State Budget Division,
Room 190 Bataan Memorial Building,
Santa Fe, New Mexico 87503,
Telephone: (505) 827–3640

New York

New York State Clearinghouse,
Division of the Budget,
State Capitol,
Albany, New York 12224,
Telephone: (518) 474–1605

North Carolina

Chrys Baggett, Director,
N.C. State Clearinghouse,
Office of the Secretary of Admin.,
116 West Jones Street,
Raleigh, North Carolina 27603–8003,
Telephone: (919) 733–7232,
FAX: (919) 733–9571

North Dakota

North Dakota Single Point of Contact,
Office of Intergovernmental Assistance,
600 East Boulevard Avenue,
Bismarck, North Dakota 58505–0170,
Telephone: (701) 224–2094,
FAX: (701) 224–2308

Ohio

Larry Weaver,
State Single Point of Contact,
State Clearinghouse,
Office of Budget and Management,
30 East Broad Street, 34th Floor,
Columbus, Ohio 43266–0411

Please direct correspondence and questions about intergovernmental review to:

Linda Wise,
Telephone: (614) 466–0698,
FAX: (614) 466–5400

Rhode Island

Daniel W. Varin,
Associate Director,
Department of Administration/Division of Planning,
One Capitol Hill, 4th Floor,
Providence, Rhode Island 02908–5870,
Telephone: (401) 277–2656,
FAX: (401) 277–2083

Please direct correspondence and questions to:

Review Coordinator,
Office of Strategic Planning

South Carolina

Omeagia Burgess,
State Single Point of Contact,
Grant Services,
Office of the Governor,
1205 Pendleton Street—Room 477,
Columbia, South Carolina 29201,
Telephone: (803) 734–0494,
FAX: (803) 734–0385

Texas

Tom Adams,
Governor's Office,
Director, Intergovernmental Coordination,
P.O. Box 12428,
Austin, Texas 78711,
Telephone: (512) 463–1771,
FAX: (512) 463–1880

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116,

State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1535, FAX: (801) 538–1547

Vermont

Nancy McAvoy, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05609, Telephone: (802) 828–3326, FAX: (802) 828–3339

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

Wisconsin

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–2125, FAX: (608) 267–6931

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone: (307) 777–7574, FAX: (307) 638–8967

Territories

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, FAX: 011–671–472–2825

Puerto Rico

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, FAX: (809) 724–3270, (809) 724–3103

North Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to:

Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069

Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

[FR Doc. 96–6260 Filed 3–15–96; 8:45 am]

BILLING CODE 4184–01–P

Food and Drug Administration

[Docket No. 95E–0364]

Determination of Regulatory Review Period for Purposes of Patent Extension; IMMITICIDE®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for IMMITICIDE® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(j)) became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product IMMITICIDE® (melarsomine dihydrochloride). IMMITICIDE® is indicated for the treatment of stabilized Class 1, 2, and 3 heartworm disease caused by immature (4-month old, stage L_5) to mature adult infections of *Dirofilaria immitis* in dogs. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for IMMITICIDE® (U.S. Patent No. 4,514,390) from Rockefeller University and the Patent and Trademark Office requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated November 24, 1995, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of IMMITICIDE® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for IMMITICIDE® is 2,650 days. Of this time, 2,037 days occurred during the testing phase of the regulatory review period, while 613 days occurred during the approval phase. These periods of

time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act became effective*: April 20, 1988. FDA has verified the applicant's claim that the date the investigational new drug application became effective was April 20, 1988.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the Federal Food, Drug, and Cosmetic Act*: November 16, 1993. The applicant claims November 5, 1993, as the date the new animal drug application (NADA) for IMMITICIDE® (NADA 141–042) was initially submitted. However, a review of FDA records reveals that the date of FDA's official acknowledgment letter assigning a number to the NADA was November 16, 1993, which is considered to be the initially submitted date for the NADA.

3. *The date the animal drug was approved*: July 21, 1995. FDA has verified the applicant's claim that NADA 141–042 was approved on July 21, 1995.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,095 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before April 17, 1996, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 16, 1996, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 8, 1996.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 96–6454 Filed 3–15–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Special Projects of National Significance Health Care Services Demonstration Models for Youth Infected with HIV

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of extension of application due date.

SUMMARY: This notice extends the application due date for grants for Special Projects of National Significance, Health Care Services Demonstration Models for Youth Infected with HIV. The application due date is extended to June 5, 1996. All other aspects of the March 7, 1996, Federal Register notice (61 FR 9186) remain the same.

Dated: March 12, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–6455 Filed 3–15–96; 8:45 am]

BILLING CODE 4160–15–P

Office of Inspector General

Program Exclusions: February 1996

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of February 1996, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, Maternal and Child Health Services Block Grant and Block Grants to States for Social Services programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject city, State	Effective date
PROGRAM-RELATED CONVICTIONS	
ADAMS, LAURA L, INDIANAPOLIS, IN	3/13/96
BRISTER, LORI D, BRYAN, TX	3/03/96
BURNS, DOROTHY, BURTON, TX	3/03/96
CHAPMAN, JOSEPH B, AKRON, OH	3/14/96
COLSTON-BURLEY, PHYLLIS, BALTIMORE, MD	3/19/96
COTTEN, JUDITH A, BRYAN, TX	3/03/96
GLENN R WISCH, DMD, INC, FAIRLAWN, NJ	3/14/96
HEMPHILL, LAND, TEXARKANA, TX	3/03/96
HORWITZ, LAWRENCE, GLENVIEW, IL	3/06/96
JAIN, SWARAN K, LANSING, KS	3/06/96
JORDAN, BRUCE, TUSCALOOSA, AL	3/05/96
KING, JAMES B, NEWCOMERSTOWN, OH	3/14/96
LANE, ANGELA P, BALTIMORE, MD	3/19/96
LASTRES, CAROLS, MIAMI, FL	3/05/96
MALLORY, HERMAN C III, BALTIMORE, MD	3/19/96
MARTIN-DAVIS, PERLA, HIALEAH, FL,	3/05/96
MORFA, PERLA E, MIAMI, FL	3/05/96
NEWMAN, ALAN I, ELMIRA, NY	3/14/96
PLEASANT, NEAL HOWARD, FLORENCE, AZ	3/14/96
SANDERS, PATRICIA MAY, BRYAN, TX	3/03/96
SMITH, SANDRA, CEDAR PARK, TX	3/03/96
TAYLOR, TONY KURT, DENVER, CO	3/19/96
TERUEL, LORENZO, BUFFALO, NY	3/14/96
THOMAS, SHERI LYNN, ENFIELD, NC	3/05/96
TUNSTALLL, DAPHNE, HAVRE DE GRACE, MD	3/19/96
WISCH, GLENN R, FAIRLAWN, NJ	3/14/96
ZORTMAN, JOHN P, SLOAN, IA	3/06/96
PATIENT ABUSE/NEGLECT CONVICTIONS	
ABILA, ALFREDO GARCIA, BARSTOW, TX	3/03/96
AMADOR, BLANCA ROSIE, BROWNSVILLE, TX	3/03/96
ARMSTRONG, SHIRLEY ANDREWS, BURGAW, NC	3/05/96
BONNER, JIMMY, PINSON, AL	3/05/96
BRADFORD, PERCY LEE JR, BIRMINGHAM, AL	3/05/96

Subject city, State	Effective date
CONSTANT, MICHELLE, BIRMINGHAM, AL	3/05/96
COUTURE, NANCY E, PORTLAND, ME	3/14/96
CUMBERLAND, MARK A, DETROIT, MI	3/13/96
DEBOLT, DONALD L, ROCHESTER HILLS, MI	3/13/96
GOULD, PAULETTE A, CENTRAL, AZ	3/14/96
HAMILTON, SANDRA, MUSKEGON, MI	3/13/96
HOLMES, MISSIE MARIE, TUSKEGEE, AL	3/05/96
HOLYOAK, MARGARET A, CENTRAL, AZ	3/14/96
HORTON, CONTANCE DENISE, TYLER, TX	3/03/96
JONES, TERA E, MAYSVILLE, NC	3/05/96
KING, EVA, BIRMINGHAM, AL	3/05/96
MILLER, JOYCE A, ALLEGAN, MI	3/13/96
MOODY, JACQUELINE RENEE, HAUGHTON, LA	3/03/96
MOORE, THOMAS, H, DENVER, CO	3/19/96
O'NEIL, MELANIE, DEPEW, NY	3/14/96
PITTMAN, ERNEST B, TEXARKANA, TX	3/19/96
WADE, EVEREE, LEXINGTON, TX	3/03/96
WALTON, ALBERTA LENORA, TEXARKANA, TX	3/03/96
WORD, CARRIE, ANDALUSIA, AL	3/05/96

CONVICTION FOR HEALTH CARE FRAUD

CUFF, ANN-FRANCES, RENO, NV	3/19/96
JACOBSON, JAY P, HOLMDELL, NJ	3/14/96
KIRSCH, DANIEL ALAN, DENVER, CO	3/19/96
RICHARD, ELGREAT T, HARVEY, LA	3/03/96

CONTROLLED SUBSTANCE CONVICTIONS

BROADNAX, STANDLEY E, CINCINNATI, OH	3/14/96
ECKLEY, ROLLAND G, SWANTON, OH	3/14/96
REICHERT, DONALD M, DAYTON, OH	3/14/96

LICENSE REVOCATION/SUSPENSION/SURRENDER

CHEVALIER, LINDA A, COVENTRY, RI	3/14/96
DUNTON, RICHARD G, BRADFORD, VT	3/14/96
EVANS, ALFRED W SR, SEQUIN, TX	3/03/96
FAUST, DENISE I, CENTRAL FALLS, RI	3/14/96
GIBBONS, DE LAMAR J, SALT LAKE CITY, UT	3/19/96
GINSBURG, THEODORE M, BAYSHORE, NY	3/14/96
GRUTZMACHER, BARBARA D, COLORADO SPRINGS, CO	3/19/96
HUTCHINSON, LINDA, HOPKINS, MO	3/13/96
INJEIAN, ABRAHAM V, YUMA, AZ	3/14/96
JACKSON, JOSEPH JORDAN, DALLAS, TX	3/03/96
KIEPFER, RICHARD F, WOODBRIDGE, NJ	3/14/96
KULKARNI, NARAYAN R, BRENT, AL	3/05/96
KURTZ, IRWIN, COMFORT, TX	3/03/96
LEE, DAVID, SACO, ME	3/14/96
LUNSKY, ANN ALICE, DENVER, CO	3/19/96
MARONEY, PAULA J, RYE, CO	3/20/96
MATSON, SANDRA F, SAN ANTONIO, TX	3/03/96
NABIE, SORBIE, ALEXANDRIA, VA	3/19/96
PRAGER, DAVID H, DALLAS, TX	3/03/96
QUINLAN, MARY S, SARGENT, TX	3/03/96
RAGLAND, FANNIE, ARLINGTON, VA	3/19/96
RODWIG, FRANCIS ROBERT, COVINGTON, LA	3/03/96
SATTERWHITE, G'ANNA LEE, SAN ANGELO, TX	3/03/96
SCHMIDT, CARLA, YUMA, AZ	3/14/96
SCOBEE, BENNY VERN, WICHITA FALLS, TX	3/03/96
SHIPLEY, EDWARD, INDIANAPOLIS, IN	3/13/96
SHUEY, ROBERT ALLEN, TEMPLE, TX	3/03/96
SPURLOCK, CHARLES EDWARD, BATON ROUGE, LA	3/03/96
STANDLEY, JUDITH, CRAIG, CO	3/19/96
TURNER, GERALDINE, PLANO, TX	3/03/96
YOUNG, DOROTHY JEAN, DENVER, CO	3/19/96

FEDERAL/STATE EXCLUSION/SUSPENSION

CUEVAS, DIONISIO, QUEENS VILLAGE, NY	3/14/96
MITROFF, JORDAN, LONG ISLAND CITY, NY	3/14/96
PHILLIPS, COSMOS, BROOKLYN, NY	3/14/96
WOODBURN, RICHARD, SAN ANTONIO, TX	3/03/96

OWNED/CONTROLLED BY CONVICTED/EXCLUDED

HEILIG CHIROPRACTIC, TUCSON, AZ	3/14/96
HILEMAN CHIROPRACTIC, HOLLISTER, CA	3/14/96
STONE CHIROPRACTIC, SAN LEANDRO, CA	3/14/96

DEFAULT ON HEAL LOAN

BOWERS, THOMAS E, NAVARRE, OH	3/14/96
CLAY, MARK DAVID, BIRMINGHAM, AL	3/05/96
COOK, ROBERT DENNIS, TENNILLE, GA	3/05/96
DIERNA, JOHN S, ROCHESTER, NY	3/14/96
DONATHAN, ROBERT S, BRAZIL, IN	3/13/96
ELKINS, RICHARD E, ROSWELL, GA	3/05/96
EMERSON, EDWIN ARTHUR, SELDEN, NY	3/14/96
GIARRATANO, DAVID J, JEFFERSON CITY, MO	3/13/96
GIBSON, STEPHEN LEE, CAPE GIRARDEAU WAY, MO	3/13/96
GRAHAM, DALE ALLEN, MINERAL RIDGE, OH	3/14/96
HEMBREE, DAVID W, FAIRHOPE, AL	3/05/96
KALTENBACH, ROBERT T, PHOENIX, AZ	3/14/96
KELLMAN, RAPHAEL, NEW YORK, NY	3/14/96
KILGORE, CHARLES C, TORRINGTON, WY	3/19/96
KIRK, VERNON H JR, PORTSMOUTH, VA	3/19/96
KLUBENSPIES, JOHN JOSEPH, LILBURN, GA	3/05/96
KYLE, GEORGE GILBERT JR, LAWRENCEVILLE, GA	3/05/96
LANDES, DAVID A, DEER LODGE, MT	3/19/96
MARCUM, CRAIG A, GARDEN CITY, GA	3/05/96
MARTINEZ-ROURA, JOSE L, BROOKLYN, NY	3/14/96
MARVIN, ALLEN L, KANSAS CITY, MO	3/13/96
MELENDEZ, ANGELINA, CORONA, NY	3/14/96
NICKLAS, LISA ANN, PUEBLO, CO	3/19/96
NORMANN, PETER J, PROVIDENCE, RI	3/14/96
PANZA, ERNEST P, III, WILLIAMS BURG, VA	3/19/96
QUINLEY, TIMOTHY EMANUEL, HINESVILLE, GA	3/05/96
QUIRKE, CLEMENT, SALISBURY, NC	3/05/96
ROBER, MAILE JEAN, PORTLAND, ME	3/14/96
ROSENFELD, JEFFRE B, LOS ANGELES, CA	3/14/96
SEIGLE, MARCUS H, ALBANY, GA	3/05/96
SHOUKA, MOHAMMED N, COLTON, CA	3/14/96
SOTO, MARIE DEL CARMEN, BATTLE CREEK, WI	3/06/96

Subject city, State	Effective date
TUCKER, RONALD C, ATLANTA, GA	3/05/96
TURPEN, MARINA, PLEASANTVILLE, NJ	3/14/96
WEIL, MITCHELL A, SAN CLEMENTE, CA	3/14/96
ZIEGLER, LOUIS J, III, ALEXANDRIA, VA	3/19/96
ZIMMEL, DOUGLAS J, SHREWSBURY, NJ	3/14/96
SECTION 1128Aa	
PRINCIPAL NURSING SERVICES, MIAMI, FL	9/10/95
ULLOA, LAZARO J, MIAMI, FL	9/10/95
ULLOA, JULIA, MIAMI, FL	9/10/95

Dated: March 7, 1996.

William M. Libercci,

Director, Health Care Administrative Sanctions, Office of Civil Fraud and Administrative Adjudication.

[FR Doc. 96–6316 Filed 3–15–96; 8:45 am]

BILLING CODE 4150–04–P

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of an extension of the open session of the National Cancer Institute Board of Scientific Advisors meeting, the notice of which was published in the Federal Register (61 FR 8068) on March 1, 1996.

The meeting was scheduled to be open on March 21, 1996 from 8:30 a.m. to 12:30 p.m. The meeting will now be open from 8:30 a.m. to approximately 4 p.m. The extended time will allow for status reports to be given by the Division of Cancer Prevention and Control and the Division of Cancer Treatment, Diagnosis, and Centers.

Dated: March 13, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6431 Filed 3–15–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 25, 1996.

Time: 2 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857; Telephone: (301) 443–4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 27, 1996.

Time: 11:30 a.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857; Telephone: (301) 443–4843.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 13, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6429 Filed 3–15–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 8, 1996.

Time: 10 a.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857. Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 8, 1996.

Time: 9 a.m.

Place: Bethesda Ramada Inn, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857. Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 8, 1996.

Time: 8:30 a.m.

Place: Hampshire Hotel, 1310 New Hampshire Ave., N.W., Washington, DC 20036.

Contact Person: Maureen L. Eister, Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857. Telephone: 301, 443–3936.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 9, 1996.

Time: 12 p.m.

Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857. Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 12, 1996.

Time: 9 a.m.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Lawrence E. Chaitkin, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857. Telephone: 301, 443–4843.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 25, 1996.

Time: 9 a.m.

Place: Bethesda Ramada Inn, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Phyllis L. Zusman, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857. Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 13, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6430 Filed 3–15–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 19, 1996.

Time: 4 p.m.

Place: Hampshire Hotel, 1310 New Hampshire Ave., N.W., Washington, DC 20036.

Contact Person: Maureen L. Eister, Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857; Telephone: (301) 443–3936.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 13, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6432 Filed 3–15–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: April 1, 1996.

Time: 9:00 to 10:30 a.m.

Place: Executive Plaza South, Room 400C, Bethesda, MD, (telephone conference call).

Contact Person: Marilyn Semmes, Ph.D., Acting Chief, Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda, MD 20891–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate a contract proposal. The meeting will be closed in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals,the disclosure of which could contstitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication disorders)

Dated: March 12, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6434 Filed 3–15–96; 8:45 am]

BILLING BODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meetings:

Name of SEP: Chromosome-Specific Probes for Non-Human Mammals (SBIR Phase I Topic 47) and Automated Scoring of Sperm with FISH Biomarkers (Topic 48).

Date: April 10, 1996.

Time: 1:00 p.m.

Place: National Institute of Environmental Health Sciences (NIEHS), North Campus, Building 17, Conference Room 1713, Research Triangle Park, NC.

Contact Person: Dr. John Braun, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

Purpose/Agenda: To review and evaluate contract proposals.

Name of SEP: Statistical Support for NIEHS Experimental Studies.

Date: April 12, 1996.

Time: 9:30 a.m.

Place: National Institute of Environmental Health Sciences, South Campus, Building 101, Conference Room D–350, Research Triangle Park, NC.

Contact Person: Dr. John Braun, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

Purpose/Agenda: To review and evaluate contract proposals.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health.)

Dated: March 13, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6435 Filed 3–15–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following advisory committee meeting of the National Institute of General Medical Sciences.

This meeting will be open to the public as indicated below with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 3AS–43, Bethesda, Maryland 20892, (301) 495–7301, in advance of the meeting.

Mrs. Dieffenbach will provide a summary of the meeting and a roster of committee members upon request. Substantive program information may be obtained from the contact listed below.

Committee Name: Minority Biomedical Research Support Review Subcommittee, Minority Programs Review Committee.

Meeting Date: April 11–12, 1996.

Place: Natcher Conference Center, Conference Room G, 45 Center Drive, Bethesda, Maryland 20892.

Open: April 11, 8:30 a.m.–9:30 a.m..

Agenda: Special reports related to committee activities.

Closed: April 11, 9:30 a.m.–5 p.m.; April 12, 8:30 a.m.–adjournment.

Agenda: Review and evaluation of grant applications.

Contact: Dr. Michael Sesma, Scientific Review Admin., Building 45, Room 1AS–19H, National Institutes of Health, Bethesda, MD 20892. Telephone (301) 594–2048.

This meeting will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applicants and the discussions could reveal confidential trade secrets or commercial property such as patentable material and person information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal property.

(Catalog of Federal Domestic Assistance Program No. 93.821, 93.859, 93.862, 93.863, 93.880, and 93.375, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: March 13, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–6436 Filed 3–15–96; 8:45 am]

BILLING CODE 4140–01–M

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Notice of Rescheduling Public Hearing on ACIR Preliminary Report, The Role of Federal Mandates in Intergovernmental Relations

SUMMARY: The Advisory Commission on Intergovernmental Relations (ACIR) will hold a public hearing on Tuesday, March 26, 1996, beginning at 9:00 a.m. and concluding no later than 4:00 p.m. in the Rayburn House Office Building, Room #2154, Independence Ave. and South Capitol St., SW Washington, DC 20250. The purpose of the hearing is to take testimony on the Commission's preliminary report, The Role of Federal Mandates in Intergovernmental Relations.

FOR FURTHER INFORMATION CONTACT: The Advisory Commission on Intergovernmental Relations, 800 K Street, NW., Suite 450, South Tower, Washington, DC 20575, phone: (202) 653–5540 / FAX: (202) 653–5429, Internet: ir002529®interramp.com.

SUPPLEMENTARY INFORMATION: As required by Section 302(c)(2), the Advisory Commission on Intergovernmental Relations (ACIR) will hold a public hearing to take testimony on the Commission's preliminary report, The Role of Federal Mandates in Intergovernmental Relations. Copies of the report can be obtained by calling ACIR at (202) 653–5640, faxing a request to (202) 653–5429, or accessing the ACIR Internet home page (www.access.gpo.gov/acir *or* www.access.gpo:80/acir).

The public hearing will be held on March 26, 1996, in the Rayburn House Office Building, Room #2154, Independence Ave. and South Capitol St., SW, Washington, DC 20250. To enter the Rayburn Building use the South Capitol Street entrance which is equipped with wheelchair access via ramp.

The hearing will be conducted beginning at 9:00 AM and concluding no later than 4:00 PM. Oral testimony will be limited to 5 minutes per person. Written testimony in lieu of an oral statement and/or to supplement an oral statement will be accepted at the hearing. Individuals who wish to be scheduled in advanced to testify should send a written request by mail or fax to: MacArthur C. Jones, ACIR, 800 K Street, NW, Suite 450, South Tower, Washington, DC 20575. The fax number is: (202) 653–5429. In the testimony request, please provide your name, address, telephone and fax or internet number, if available. Also, it would be helpful, if you included information such as the organization being represented and/or the primary topic in the ACIR report upon which you wish to testify. Individuals with special needs (e.g. sign language interpreters for the hearing impaired) are requested to indicate such in their written request to testify. People submitting advance written requests to testify will be scheduled for testimony in order of request receipt.

Dated: March 13, 1996.

William E. Davis,

Executive Director.

[FR Doc. 96–6364 Filed 3–15–96; 8:45 am]

BILLING CODE 5500–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1990–2–24 1A]

Extension of Currently Approved Information Collection, OMB Approval Number 1004–0025

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is announcing its intention to request extension of approval to collect certain information from all owners of unpatented mining claims or mill sites who desire to apply for a mineral patent to their mining claim or mill site. Also included in this extension request are collections of information from any rival claimant with overlapping claims to the land applied for, or from anyone challenging the issuance of the patent upon alleged failure to follow law or regulation. BLM uses this information to determine the right to a mineral patent and to secure a settlement of all disputes concerning the property in order to issue the patent to the rightful owner.

DATES: Comments on the proposed information collection must be received by May 17, 1996, to be assured of consideration.

ADDRESSES: Comments may be mailed to: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street NW., Room 401LS, Washington, D.C. 20240.

Comments may be sent via Internet to: !WO140@attmail.com. Please include ''ATTN: 1004–0114'' and your name and return address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Roger A. Haskins, Solid Minerals Group, (202) 452–0355.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the Federal Register concerning a collection of information contained in current rules to solicit comments on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will analyze any comments sent in response to this notice and include them with its request for extension of approval from the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Under the General Mining Law (30 U.S.C. 29, 30, and 39), those who explore for and locate valuable mineral deposits on the public domain are rewarded for their efforts by the opportunity to obtain legal title (patent) to the land. The patent process is implemented by BLM's regulations at 43 CFR Part 3860, which were revised into their current form in 1970 (35 FR 9754, June 13, 1970) and amended in 1973 (38 FR 30001, October 31, 1973). The implementing regulations require a patent applicant to provide the following information:

Mineral survey application. Under 43 CFR Subpart 3861, the holder of a claim who desires to obtain a patent must submit to BLM a mineral survey for all lode claims, most mill sites, and placer claims located upon unsurveyed public lands, as a pre requisite to applying for patent. BLM uses Bureau Form 3860–5 to collect the mining claim or site recording, chain-of-title, and geographic location information so that BLM can authorize a Deputy United States

Mineral Surveyor to survey the claims or sites.

Mineral patent application. Under 43 CFR Subparts 3862, 3863 and 3864, a mineral patent applicant must file certain proofs of ownership demonstrating clear title to the claim(s) or millsite(s), bonafides of development, and the existence of a commercial mineral deposit subject to the General Mining Law of 1872, as amended.

Under 30 U.S.C. 29 and 30 and 43 CFR Part 3870, any rival claimant with overlapping claims to the land applied for, or anyone challenging the issuance of the patent upon alleged failure to follow law or regulation, must file with BLM certain required statements and evidence supporting their challenge, or the challenge is statutorily dismissed.

BLM uses the information collected under these two Parts (43 CFR Parts 3860 and 3870) to determine if an applicant qualifies for a mineral patent to the claims or sites applied for under the Mining Law, to process legal challenges to such application by rival mining claimants, and to adjudicate protests and appeals filed against BLM actions concerning mineral patent applications.

The Mining Law specifies the information required of an applicant for mineral patent, a party filing an adverse claim, or a party filing a protest against a mineral patent application. If BLM did not collect this information, it could not adjudicate or issue mineral patents, or if it did, it might issue them erroneously to those who do not have a right to obtain them. In either case, the incentive for mineral exploration and development would be adversely affected.

Portions of this information collection were previously covered under OMB number 1004–0110 and are being consolidated under OMB number 1004–0025 in order to have all aspects of the mineral patent process under one collection authority.

Any interested member of the public may request and obtain, without charge, a copy of Bureau Form 3860–5 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

Based on its experience administering the General Mining Law, BLM estimates the public reporting burden for completing the information collections described above as follows: mineral survey application—one hour, mineral patent application—80 hours, and adverse claim or protest—two hours. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; 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.

The respondents are owners of unpatented mining claims and mill sites located upon the public lands, reserved mineral lands of the United States, National Forests, and National Parks. The frequency of response is once for each mineral survey, each application for patent, and each filing of a protest or adverse claim. BLM estimates that 30 mineral survey applications, 112 mineral patent applications, two adverse claims and three protests will be filed each year. The total annual burden is 30 hours for mineral survey applications, 8,960 for mineral patent applications, four hours for adverse claims, and six hours for protests. The total annual burden for this consolidated information collection is 9,000 hours.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become part of the public record.

Dated: March 13, 1996.

Patrick W. Boyd,

Acting Chief, Regulatory Management Team.

[FR Doc. 96–6442 Filed 3–15–96; 8:45 am]

BILLING CODE 4310–84–P

[OR–014–06–6310–04: GP6–0092]

Emergency Closure of Public Lands; Klamath County, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency closure of public lands and access roads in Klamath County, Oregon.

SUMMARY: Notice is hereby given that certain public lands and access roads thereon in Klamath County, Oregon are temporarily closed to all public use, including but not limited to vehicle operation, camping, shooting, hiking, skiing, and sightseeing, from March 5, 1996 through November 30, 1998. The closure is made under the authority of 43 CFR 8364.1.

The public lands affected by this emergency closure are specifically identified as follows:

Willamette Meridian, Oregon

T. 38 S., R. 5 E.,
Sec. 25–All;
Sec. 36–All.
T. 39 S., R. 5 E.
Sec. 1–All.
Sec. 3–All.
Sec. 11–All.
Sec. 13–All.
T. 39 S., R. 6 E.
Sec. 6 SE¼SW¼.
Sec. 7–All.
Sec. 18 SW¼SW¼.

All roads on the public lands listed above are closed as specified above, including specifically BLM Roads Nos. 38–6E–32, 39–6E–5 and 40–5E–2.

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: Bureau employees; state, local and federal law enforcement and fire protection personnel; the holders of BLM road use permits that include roads within the closure area; the purchaser of BLM timber within the closure area and its employees and subcontractors. Access by additional parties may be allowed, but must be approved in advance in writing by the Authorized Officer.

Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7, which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months, as well as the penalties provided under Oregon State law.

The public lands and roads temporarily closed to public use under this order will be posted with signs at points of public access.

The purpose of this emergency temporary closure is to protect persons from potential harm from logging operations, protect valuable public timber resources from unauthorized damage, and to facilitate authorized timber harvest operations.

DATES: This closure is effective from March 5, 1996 through November 30, 1998.

ADDRESSES: Copies of the closure order and maps showing the location of the closed lands and roads are available from the Klamath Falls Resource Area Office, 2795 Anderson Ave. building 25 Klamath Falls, OR 97603.

FOR FURTHER INFORMATION CONTACT: A. Barron Bail Klamath Falls Area Manager, Klamath Falls Resource Area Office, at (503) 883–6916.

Dated: March 5, 1996.

A. Barron Bail,

Klamath Falls Resource Area Manager.

[FR Doc. 96–6317 Filed 3–15–96; 8:45 am]

BILLING CODE 4310–33–P

[OR–958–1430–01; GP6–0083; OR–51891]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 44.48 acres of public land to protect the recreation site known as Edson Creek Park in Curry County, Oregon. This notice closes the land for up to 2 years from surface entry and mining. The land will be opened to mineral leasing subject to any temporary segregation of record.

EFFECTIVE DATE: Comments and requests for a public meeting must be received by June 17, 1996.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, 503–952–6155.

SUPPLEMENTARY INFORMATION: On February 12, 1996, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)) but not from leasing under the mineral leasing laws, subject to valid existing rights:

Willamette Meridian

T. 32 S., R. 14 W.,

Sec. 6, a tract of land lying in the S½, (commonly called Tax Lot 32–14–06–501) as more particularly identified and described in the official records of the Bureau of Land Management, Oregon/Washington State Office and the Coos Bay District Office, Coos Bay, Oregon.

The area described contains 44.48 acres in Curry County.

The purpose of the proposed withdrawal is to protect the substantial investment of public effort and funds in establishing, maintaining, and continuing public recreation at Edson Creek Park.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of two years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary land uses which may be permitted during this segregative period include leases, licenses, permits, rights-of-way, and disposal of mineral or vegetative resources other than under the mining laws.

Dated: March 4, 1996.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 96–6315 Filed 3–15–96; 8:45 am]

BILLING CODE 4310–33–P

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 this notice announces that the Information Collection Request for Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plans described below has been forwarded to the Office of Management and Budget (OMB) for emergency clearance, and requests public comments.

DATES: Comments must be submitted on or before March 25, 1996.

FOR FURTHER INFORMATION CONTACT: John A. Trelease, (202) 208–2783.

SUPPLEMENTARY INFORMATION: *Title:* Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan—30 CFR 780. OMB Number: 1029–0036.

Abstract: Permit application requirements in sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of Public Law 95–87 require the applicant to submit the operations and reclamation plan for coal mining activities. Information collection is needed to determine whether the mining and reclamation plan will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Surface Coal Mining Operators.

Annual Responses: 610.

Annual Burden Hours: 235,261.

Average Burden Hours Per Response: 386.

The Office of Surface Mining Reclamation and Enforcement (OSM) is requesting OMB approve the collection of information on or before March 28, 1996. Send comments regarding: (1) the need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Interior, 725 17th Street NW., Washington, DC 20503.

Please refer to OMB Control No. 1029–0036 in any correspondence.

For a copy of the proposed collection of information, related form, and explanatory information, please contact the Bureau clearance officer, John A. Trelease, at (202) 208–2784

Dated: March 13, 1996.

Judy A. Saunders,

Acting Chief, Division of Technology Development and Transfer.

[FR Doc. 96–6444 Filed 3–15–96; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. TA–201–65 and NAFTA–302–1]

Broom Corn Brooms

AGENCY: International Trade Commission.

ACTION: Institution and scheduling of an investigation under section 202 of the Trade Act of 1974 (19 U.S.C. § 2252) (the Trade Act) and an investigation under section 302 of the North American Free Trade Agreement (NAFTA) Implementation Act (19 U.S.C. § 3352).

SUMMARY: Following receipt of petitions filed on March 4, 1996, on behalf of the U.S. Cornbroom Task Force and its individual members, Washington, DC, (petitioner) the United States International Trade Commission instituted investigation No. TA–201–65 under section 202(b) of the Trade Act, to determine whether an article [1] is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article; and investigation No. NAFTA–302–1 under section 302(b) of the NAFTA Implementation Act, to determine whether, as a result of the reduction or elimination of a duty provided for under the NAFTA, a Mexican article [2] is being imported into the United States in such increased quantities (in absolute terms) and under such conditions so that imports of the article, alone, constitute a substantial cause of serious injury, or a threat of serious injury, to the domestic industry producing an article like or directly competitive with the imported article.

Further, the petitioner, in its petition filed under section 302 of the NAFTA Implementation Act alleged that critical circumstances exist and requested, pursuant to section 302(a)(2) of that Act (19 U.S.C. § 3352(a)(2)), that provisional relief be provided pending completion of the full investigation and consideration by the President. Accordingly, if the Commission makes an affirmative injury determination under section 302(b) of that Act, it will also determine whether delay in taking action would cause damage to the industry that would be difficult to repair. If the second Commission determination is also in the affirmative, the Commission will find the amount or extent of provisional relief that is necessary to prevent or remedy the serious injury and forward its recommendation to the President.

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A, B, and D (19 CFR part 206).

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202–205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (http:// www.usitc.gov or ftp:// usitc.gov).

SUPPLEMENTARY INFORMATION:

Participation in the investigations and service list.—Persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than seven (7) days after publication of this notice in the Federal Register. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of confidential business information (CBI) under an administrative protective order (APO) and CBI service list.—The Commission intends to conduct these investigations jointly and maintain one information docket in these investigations. Except as provided below, the Secretary, pursuant to section 206.17(a) of the Commission's rules, will make CBI available to authorized applicants under the APO issued in the investigations, provided that the application is made not later than seven (7) days after the publication of this notice in the Federal Register. Authorized applicants may have access to such information notwithstanding any prior action taken in connection with the phase of these investigations regarding provisional relief. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO.

Hearings on injury and remedy.—The Commission has scheduled separate hearings in connection with the injury and remedy phases of these investigations. The hearing on injury will be held beginning at 9:30 a.m. on May 30, 1996, at the U.S. International Trade Commission Building. In the event that the Commission makes an affirmative injury determination or is equally divided on the question of injury in these investigations, a hearing on the question of remedy will be held beginning at 9:30 a.m. on July 11, 1996. Requests to appear at the hearings on injury and remedy should be filed in writing with the Secretary to the Commission on or before May 16, 1996 and July 3, 1996, respectively.

With regard to the hearings on injury and remedy, all persons desiring to appear at the hearings and make oral presentations should attend prehearing conferences to be held at 9:30 a.m. on May 21, 1996, and July 8, 1996, respectively, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the hearing are governed by sections 201.6(b)(2) and 201.13(f) of the Commission's rules.

Written submissions.—Inasmuch as the petitioner has alleged the existence of critical circumstances and has requested provisional relief, the Commission will, on April 8, 1996, release statistical data it has collected to that point in the investigations to enable parties to prepare briefs with respect to that issue. The deadline for briefs on provisional relief is April 12, 1996. The deadline for filing prehearing briefs on injury is May 23, 1996, and that for filing prehearing briefs on remedy, including any commitments pursuant to 19 U.S.C. § 2252(a)(6)(B), is July 8, 1996. The deadline for filing posthearing briefs on injury is June 6, 1996, and that for filing posthearing briefs on remedy is July 16, 1996.

In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the consideration of provisional relief on or before April 12, 1996, pertinent to the consideration of injury on or before June 6, 1996, and pertinent to the consideration of remedy on or before July 16, 1996. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of section 201.6 of the rules.

In accordance with section 201.16(c) of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

[1] Broom corn brooms provided for in subheadings 9603.10.05, 9603.10.15, 9603.10.35, 9603.10.40, 9603.10.50, and 9603.10.60 of the Harmonized Tariff Schedule of the United States (HTS).

[2] *Id.*

Authority: These investigations are being conducted under the authority of section 202 of the Trade Act of 1974 and section 302 of the North American Free Trade Implementation Act. This notice is published pursuant to section 206.3 of the Commission's rules.

Issued: March 12, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–6351 Filed 3–15–96; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 731–TA–745 (Preliminary)]

Steel Concrete Reinforcing Bars From Turkey

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a preliminary antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping Investigation No. 731–TA–745 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Turkey of concrete reinforcing bars of steel,[1] provided for in subheadings 7213.10.00 and 7214.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. § 1673a(c)(1)(B)), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by April 22, 1996. The Commission's views are due at the Department of Commerce within five business days thereafter, or by April 29, 1996.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: March 8, 1996.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on March 8, 1996, by Florida Steel Corporation, Tampa, FL, and New Jersey Steel Corporation, Sayreville, NJ.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 29, 1996, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202–205–3188) not later than March 26, 1996, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 3, 1996, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: March 12, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–6350 Filed 3–15–96; 8:45 am]

BILLING CODE 7020–02–P

[1] For purposes of this preliminary investigation, rebar that a processor has further worked or fabricated by, for example, bending, cutting (to non-uniform lengths) or coating is excluded.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA #144I]

Controlled Substances: 1996 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim notice establishing 1996 aggregate production quotas and request for comments.

SUMMARY: This interim notice establishes revised 1996 aggregate production quotas for heroin and levorphanol, Schedules I and II controlled substances, as required under the Controlled Substances Act of 1970.

DATES: This is effective on March 18, 1996. Comments must be submitted on or before April 17, 1996.

ADDRESSES: Send comments or objections to the Administrator, Drug Enforcement Administration, Washington, D.C. 20537, Attn: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, D.C. 20537, (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act, (21 U.S.C. 826), requires the Attorney General to establish aggregate production quotas for controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the DEA pursuant to Section 0.100 of Title 28 of the Code of Federal Regulations. The Administrator, in turn, has redelegated this function to the Deputy Administrator of the DEA pursuant to Section 0.104 of Title 28 of the Code of Federal Regulations.

The DEA established initial 1996 aggregate production quotas for controlled substances in Schedules I and II, including heroin and levorphanol, in a Federal Register notice published on November 21, 1995 (60 FR 57808). Since publication of the initial 1996 aggregate production quotas, DEA has received information which necessitates an immediate increase in the initial 1996 aggregate production quotas for heroin and levorphanol. The initial 1996 aggregate production quotas for heroin was established at zero, however a company requires heroin for the manufacture of reference standards which are currently not available in the United States. The increase for levorphanol is necessary to meet the estimated 1997 through 2000 medical needs of the United States, since the only bulk manufacturer of levorphanol is discontinuing production in 1996. For these reasons, an interim notice is being published.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations, and redelegated to the Deputy Administrator, pursuant to Section 0.104 of Title 28 of the Code of Federal Regulations, the Deputy Administrator hereby establishes the following revised 1996 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous base:

Basic class	Established revised 1996 quota
Heroin	5
Levorphanol	34,000

All interested persons are invited to submit their comments in writing regarding this interim notice.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Deputy Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment on annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–6394 Filed 3–15–96; 8:45 am]

BILLING CODE 4410–09–M

U.S. Parole Commission

Sunshine Act Meeting

PUBLIC ANNOUNCEMENT

Pursuant To The Government In the Sunshine Act (Public Law 94–409) [5 U.S.C. Section 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

DATE AND TIME: 2:00 p.m., Thursday, March 14, 1996.

PLACE: 5550 Friendship Boulevard, Suite 400, Chevy Chase, Maryland 20815.

STATUS: Closed—Meeting.

MATTERS CONSIDERED: The following matter will be considered during the closed portion of the Commission's Business Meeting:

Appeals to the Commission involving approximately 4 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

Earlier notice of this closed meeting was not possible because this is an emergency meeting which requires immediate consideration by the Commission. The reason for the emergency is the resignation of two of the agency's Commissioners effective April 1, 1996.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: March 13, 1996.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 96–6543 Filed 3–14–96; 12:56 pm]

BILLING CODE 4410–01–M

NATIONAL INDIAN GAMING COMMISSION

Fee Rates

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted a preliminary annual fee rate of 0.5% (.005) for calendar year 1996. This rate shall apply to all assessable gross revenues (tier 1 and tier 2) from each class II gaming operation regulated by the Commission.

FOR FURTHER INFORMATION CONTACT: Cindy Altimus, National Indian Gaming Commission, 1441 L Street NW., 9th Floor, Washington, DC 20005; telephone (202) 632–7003; fax (202) 632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charged with, among other things, regulating class II gaming on Indian lands.

The regulations of the Commission (25 CFR part 500) provide for a system of fee assessment and payment that is self-administered by the class II gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the rate being adopted today are effective for calendar year 1996. Therefore, all Class II gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations and report and pay any fees that are due to the Commission before the end of calendar year 1996 (December 31).

Harold A. Monteau,

Chairman, National Indian Gaming Commission.

[FR Doc. 96–6360 Filed 3–15–96; 8:45 am]

BILLING CODE 7565–01–M

NATIONAL SCIENCE FOUNDATION

Proposed Collection of Information; Comment Request; Proposed Data Collection Available for Public Comment and Recommendations

Title of Proposed Collection. Assessment of the Minority Research Centers of Excellence (MRCE) and Research Improvement in Minority Institutions (RIMI) Programs

In compliance with the requirement of Section 2506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed projects. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, call the NSF Clearance Officer on (703) 306–1243.

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 of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Assessment of the Minority Research Centers of Excellence (MRCE) and Research Improvement in Minority Institutions (RIMI) Programs. The MRCE program is designated to increase the number of minorities in science and engineering by making substantial resources available to upgrade the research capabilities of the most research-productive minority institutions. The RIMI program is designed to strengthen the research capacity of science and engineering departments at colleges and universities with significant proportions of minority students.

The objective of this project is to assess how effectively NSF is enabling the MRCE and RIMI centers/projects to achieve the program goals of increasing minority participation in science and engineering and enhancing the contributions of minority institutions to the nation's scientific and engineering research activities. The study's focus is on the two programs as a whole rather than on the individual centers and projects.

The project has three main components:

- Review of existing NSF program materials and MRCE annual reports.
- Site visits to each of the eight MRCEs. The purpose of the site visits is to interview the center directors, other core faculty, students, and university administrators to better understand the center's history, dynamics, and achievements, and expectations regarding future funding.
- Mail surveys, using structured questionnaires, of the following groups:

—MRCE and RIMI directors or principal investigators.

—All other faculty who have received MRCE or RIMI funds.

—All students who have received MRCE or RIMI financial support.

The surveys include all eight current MRCEs and those RIMI projects that received their initial award after January 1, 1985 (when the award level increased to it current annual maximum) and that will have completed at least one full funding cycle by June 1996. The survey results are intended to provide quantitative, comparable information about the extent and nature of support respondents have received from the RIMI/MRCE program, their professional achievements(e.g., publications, presentations), experiences, and opinions about the program.

Burden estimates: 500 respondents; 250 total burden hours.

Send comments to Herman Fleming, Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 485, Arlington, VA 22230. Written comments should be received within 60 days of publication.

Dated: March 11, 1996.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 96–6303 Filed 3–15–96; 8:45 am]

BILLING CODE 7555–01–M

Collection of Information Submission for OMB Review; Comments Requested by April 19, 1996

Title of Proposed Collection, ''Study of Persons with Disabilities Majoring in Science, Engineering, Mathematics, and Technology (SEMT)

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, on November 15, 1995, Federal Register No. 220, page 57458, the National Science Foundation (NSF) published, for public comment, a proposed collection of information, ''Study of Persons with Disabilities Majoring in Science, Engineering, Mathematics, and Technology (SEMT).'' *No public comments were received.* The collection of information is now being forwarded to the Office of Management and Budget for consideration. Comments on the proposed data collection plans and instruments may be directed to OMB at the following address: Office of Management and Budget, IRA, ATTN.: Jonathan Winer, New Executive Office Building, Room 3208, Washington, DC 20503.

Written Comments should be received by April 19, 1996.

Abstract: Individuals with disabilities do not pursue academic majors in science, engineering, mathematics and technology in numbers commensurate with their prevalence in the population. Further, they are underrepresented among individuals who pursue science-oriented careers. This underrepresentation in SEMT of students with disabilities represents a major loss for both those individuals and the nation's scientific labor force.

Currently, serious information gaps and contradictory data hamper the creation of policy and direction to allow and encourage talented young persons with disabilities to pursue careers in SEMT. To address this need for information the proposed project has the following objectives: (1) To determine the number and demographic characteristics of these students. (2) To examine issues related to their pursuit of a degree, including research experience, high school preparation, interest in SEMT, choice of college major, barriers, use of disability support service, critical incidents, and education and career goals. To address the research objectives, the proposed project involves an in-depth study of a sample of different types of postsecondary education institutions (research universities, 4-year colleges, disability-friendly universities, and community colleges.) At each institution there groups of student will be surveyed;

students with disabilities majoring in other fields, and students without disabilities majoring in SEMT. Interviews with SEMT faculty at each institution will also be conducted. This approach will allow for exploration of the ways in which students with disabilities majoring in SEMT are similar to and different from other groups of students, as well as the views of faculty toward students with disabilities. The project is planned as a one-time data collection that will occur in the spring of 1996.

Response time: There are 1675 respondents with an average of 25 minutes per response.

Dated: March 11, 1996.

Herman G. Fleming,

NSF Clearance Officer.

[FR Doc. 96–6302 Filed 3–15–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Number 40–1162]

Federal Register Notice of Amendment To Change Reclamation Milestone Dates in Source Material License SUA–56 Held by Western Nuclear, Inc., for the Split Rock, Wyoming Site

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Amendment of Source Material License SUA–56 to change reclamation milestone dates.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission has amended Western Nuclear, Inc.'s (WNI's) Source Material License SUA–56 to change the reclamation milestone dates. This amendment was requested by WNI by letter dated October 18, 1995, and its receipt by NRC was noticed in the Federal Register on January 22, 1996.

The license amendment modifies License Condition 75 to change the completion dates for several site-reclamation milestones. The new dates approved by the NRC extend completion of (1) placement of final radon barrier on portions of the disposal cells by up to three years, (2) placement of erosion protection by up to three years, and (3) projected completion of groundwater corrective actions by two years. WNI attributes the delays to the following factors: (1) Continued settlement in the tailings area containing extensive slime profiles, thus lengthening the time for pre-cover consolidation; (2) inclement weather creating a limited construction period having warmer weather conditions conducive to placement of the radon barrier within density and moisture specifications; (3) materials handling issues, i.e., difficulty in obtaining specified soil moisture and density for clay placement during summer 1995 construction, resulting in construction delays; and (4) continued operations of the groundwater corrective action program.

An environmental assessment is not required since this action is categorically excluded under 10 CFR 51.22(c)(11), and an environmental report from the licensee is not required by 10 CFR 51.60(b)(2).

SUPPLEMENTARY INFORMATION: WNI's license, including an amended License Condition 75, and the NRC staff's technical evaluation of the amendment request are being made available for public inspection at the Commission's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6640.

Dated at Rockville, Maryland, this 8th day of March 1996.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–6382 Filed 3–15–96; 8:45 am]

BILLING CODE 7590–01–P

Decommissioning of Sequoyah Fuels Corporation Uranium Conversion Facility in Gore, Oklahoma: Extension of Comment Period on Notice of Intent To Prepare an Environmental Impact Statement and To Conduct a Scoping Process

AGENCY: Nuclear Regulatory Commission.

SUMMARY: This notice informs the public about an extension of the public comment period on the U.S. Nuclear Regulatory Commission's intent to prepare an Environmental Impact Statement (EIS) for the decommissioning of the Sequoyah Fuels Corporation's (SFC) uranium conversion facility located in Gore, Oklahoma. NRC noticed its intent to prepare the EIS in the Federal Register on October 20, 1995 (60 FR 54260) and conducted a public meeting on the proposed scope of the EIS on November 15, 1995, in Gore. The comment period was originally supposed to close on March 29, 1996.

At the time of the original notice, NRC indicated that the public comment period was lengthened to allow public consideration of important site characterization information, which was expected to be submitted to NRC in December 1995 and January 1996. SFC was supposed to have submitted its Site Characterization Report for NRC review in January 1996. However, SFC delayed submission of the report until February 2, 1996. Reproduction of the report and distribution to interested parties has been further delayed.

Consequently, NRC is extending the public comment period on the notice to prepare the EIS until May 17, 1996, to allow time for distribution and public review of the site characterization information. In addition, NRC will conduct a public information roundtable meeting in Webbers Falls, Oklahoma on the evening of March 26, 1996.

DATES: Written comments received by May 17, 1996, on NRC's notice of intent to prepare an EIS on the decommissioning of the SFC's uranium conversion facility in Gore, Oklahoma, as described in the Federal Register on October 20, 1995 (60 FR 54260), will be considered in developing the scope of the EIS. Comments received after this date will be considered if practical to do so, but NRC is able to assure consideration only for comments received on or before this date.

A public information roundtable meeting will be held at the Town Hall in Webbers Falls, Oklahoma on March 26, 1996, from 7 to 10 p.m.

ADDRESSES: Written comments on the matters covered by this notice should be sent to the Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Hand deliver.

Comments to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:45 a.m. and 4:15 p.m., on Federal workdays.

FOR FURTHER INFORMATION CONTACT: James C. Shepherd, Project Manager, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop T7F27, Washington, DC 20555, Telephone: (301) 415–6712.

Dated at Rockville, Maryland this 9th day of March, 1996.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–6383 Filed 3–15–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–102]

Initiation of Section 302 Investigation and Request for Public Comment: Canadian Practices Affecting Periodicals

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation; request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302(b)(1) of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2412(b)(1)), with respect to certain acts, policies and practices of the Government of Canada that restrict or prohibit imports of certain periodicals into Canada and apply discriminatory treatment to certain imported periodicals. USTR invites written comments from the public on the matters being investigated.

DATES: This investigation was initiated on March 11, 1996. Written comments from the public are due on or before noon on April 12, 1996.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Claude Burcky, Director for Canadian Affairs, (202) 395–3412, or James Southwick, Assistant General Counsel, (202) 395–7203.

SUPPLEMENTARY INFORMATION: Section 302(b)(1)) of the Trade Act authorizes the USTR to initiate an investigation under chapter 1 of Title III of the Trade Act (commonly referred to as ''section 301''), with respect to any matter in order to determine whether the matter is actionable under section 301. Matters actionable under section 301 include, *inter alia,* the denial of rights of the United States under a trade agreement, or acts, policies, and practices of a foreign country that violate or are inconsistent with the provisions of, or otherwise deny benefits to the United States under, any trade agreement.

On March 11, 1996, having consulted with the appropriate private sector advisory committees, the USTR determined that an investigation should be initiated to determine whether certain laws and regulations of Canada affecting periodicals are actionable under section 301(a). The measures in question prohibit or restrict the importation into Canada of so-called ''split-run'' periodicals, provide for discriminatory tax treatment of split-run periodicals and apply favorable postage rates to Canadian periodicals.

Investigation and Consultations

As required in section 303(a) of the Trade Act, the USTR has requested consultations with the Government of Canada regarding the issues under investigation. The request is pursuant to Article XXIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) and Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) (which applies to dispute settlement under GATT 1994 and other agreements under the World Trade Organization (WTO)). If the consultations do not result in a satisfactory resolution of the matter, the USTR will request the establishment of a panel pursuant to Article 6 of the DSU.

Under section 304 of the Trade Act, the USTR must determine within 18 months after the date on which this investigation was initiated, or within 30 days after the conclusion of WTO dispute settlement procedures, whichever is earlier, whether any act, policy, or practice or denial of trade agreement rights described in section 301 of the Trade Act exists and, if that determination is affirmative, the USTR must determine what action, if any, to take under section 301 of the Trade Act.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the acts, policies and practices of Canada which are the subject of this investigation, the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices, and the determinations required under section 304 of the Trade Act. Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and must be filed on or before noon on April 12, 1996. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the Section 301 Committee, Room 223, Office of the U.S. Trade Representative, 600 17th Street NW., Washington, DC 20508.

Comments will be placed in a file (Docket 301–102) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked ''BUSINESS CONFIDENTIAL'' in contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection. An appointment to review the docket (Docket No. 301–102) may be made by calling Brenda Webb (202) 395–6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 101.

Irving A. Williamson,

Chairman, Section 301 Committee.

[FR Doc. 96–6367 Filed 3–15–96; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, April 11, 1996
Thursday, May 2, 1996
Thursday, May 16, 1996

The meetings will start at 10:45 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, five representatives from labor unions holding exclusive bargaining rights for Federal blue-collar employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor

members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Chairman compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5559, 1900 E Street NW., Washington, DC 20415 (202) 606–1500.

Dated: March 11, 1996.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 96–6267 Filed 3–15–96; 8:45 am]

BILLING CODE 6325–01–M

RAILROAD RETIREMENT BOARD

Actuarial Advisory Committee With Respect to the Railroad Retirement Account; Notice of Public Meeting

Notice is hereby given in accordance with Public Law 92–463 that the Actuarial Advisory Committee will hold a meeting on April 2, 1996, at 10 a.m. at the office of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, IL, on the conduct of the 20th Actuarial Valuation of the Railroad Retirement System. The agenda for this meeting will include a discussion of the assumptions to be used in the 20th Actuarial Valuation. A report containing recommended assumptions and the experience on which the recommendations are based will have been sent by the Chief Actuary to the Committee before the meeting.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611–2092.

Dated: March 12, 1996.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–6392 Filed 3–15–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–21819; File No. 812–9370]

Southwestern Life Insurance Company, et al.

March 11, 1996.

AGENCY: U.S. Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Southwestern Life Insurance Company (''Southwestern Life''), Variable Annuity Fund I of Southwestern Life (the ''Separate Account''), and Philadelphia Life Asset Planning Company (''PLAPCO'').

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) for exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the Act.

SUMMARY OF APPLICATION: An order is sought exempting Applicants to the extent necessary to permit the payment to Southwestern Life of a mortality and expense risk charge from the assets of the Separate Account under certain variable annuity contracts (''Contracts'') issued through the Separate Account.

FILING DATE: The application was filed on December 19, 1994 and amended and restated on March 14, 1995, November 24, 1995, and February 28, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 5, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549; Applicants, Daniel B. Gail, Esq., Southwestern Life Corporation, 500 North Akard Street, Dallas, Texas 75201.

FOR FURTHER INFORMATION CONTACT: Edward P. Macdonald, Staff Attorney, or Wendy Friedlander, Deputy Chief (Office of Insurance Products), Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application. the complete application is available for a fee from the Public Reference Branch of the SEC.

Applicants' Representations

1. Southwestern Life, a stock life insurance company incorporated under the laws of the State of Texas, is wholly-owned by Southwestern Life Acquisition Corp., a Delaware corporation, which in turn is wholly-owned by Southwestern Financial Corporation, a Delaware corporation. Southwestern Life, the depositor of the Separate Account, is engaged in the sale of life insurance and annuity policies in 39 states, Washington, D.C. and Guam.

2. The Separate Account was established by Southwestern Life as a management investment company on December 19, 1967, under the laws of the State of Texas to serve as the funding medium for the Contracts. The Separate Account is in the process of converting from a management investment company to a unit investment trust. Contractowners approved the conversion at a meeting of Contractowners held on July 28, 1995. Upon conversion, Contractowners will receive in exchange for their shares of the Separate Account units of interest in the Separate Account representing beneficial interests in shares of Scudder Growth Portfolio, portfolio of Scudder Variable Life Investment Fund. If the conversion is not consummated, the Separate Account will remain a managed open-end separate investment account and there will be no exchange of shares for units of interest. However, Southwestern Life expects that the conversion will be consummated promptly upon the issuance of an order by the SEC granting the exemptive relief requested in the application.

3. PLAPCO, formerly but not currently an affiliate of Southwestern Life, is the principal underwriter for the

Contracts. PLAPCO is registered with the SEC as a broker-dealer and is a member of the National Association of Securities Dealers, Inc. PLAPCO is a wholly-owned subsidiary of Wabash Life Insurance Company, which is a wholly-owned subsidiary of Life Partners Group, Inc. No Contracts have been marketed or distributed by PLAPCO or any other party for approximately ten years and there are currently no plans to do so. However, Southwestern Life continues to receive purchase payments under outstanding Contracts and new participants to existing Contracts may be added.

4. Six forms of Contracts are currently issued through the Separate Account by Southwestern. Four of the Contracts are individual variable annuity Contracts, and two are group variable annuity Contracts for retirement plans qualified under Section 401(a) or 403(b) of the Internal Revenue Code.

5. A death benefit is available under the Contracts. Prior to the Annuity Date the death benefit is equal to the value of the Contractowner's individual account as of the date on which due proof of death is received by Southwestern Life. If the Annuitant under a Contract dies after the Annuity Date, the death benefit, if any, depends upon the form of annuity payment in effect at the time of death.

6. Southwestern Life makes a deduction from each purchase payment received for sales and administrative expenses relating to the Contracts. The deduction for group Contracts is 3¼% for the sales charge and 3% for administrative expenses. The deduction for individual Contracts is 4½% for the sales charge and 3¾% for administrative expenses. Southwestern Life represents that these charges are guaranteed not to increase for the duration of the Contracts. Southwestern Life also represents that the deductions for administrative expenses are ''at cost'' in reliance upon Rule 26a–1.

7. Southwestern Life deducts from the assets of the Separate Account a charge to reimburse if for auditing the Separate Account. This charge of .20% will be made pursuant to Rule 26a–1 under the Act and Southwestern Life represents that it will not make a profit from this charge.

8. Southwestern Life also deducts a charge for premium taxes, which range from .5% up to 3%.

9. Southwestern Life imposes an annual charge of 1.00% on the net assets of the Separate Account to compensate it for bearing certain mortality and expense risks in connection with the Contracts. Of that amount .70% is attributable to the mortality risk, and .30% is attributable to the expense risk. Southwestern Life guarantees that this charge will never exceed an annual rate of 1.00%. If the mortality and expense risk charges under the Contracts are insufficient to cover actual costs and assumed risks, the loss will be borne by Southwestern Life. Conversely, if the charge is more than sufficient to cover such costs, any excess will be profit to Southwestern Life. Southwestern Life currently anticipates a profit from this charge.

10. The mortality risk born by Southwestern Life arises from its contractual obligation to make annuity payments regardless of how long all annuitants or any individual annuitant may live. This undertaking assures that neither an annuitant's own longevity, nor an improvement in general life expectancy, will adversely affect the periodic annuity payments that an annuitant will receive under a Contract. Southwestern Life also incurs a mortality risk in connection with the death benefit guarantee.

11. The expense risk assumed by Southwestern Life is the risk that its actual administrative costs will exceed the amount recovered from the administrative charge.

Applicants' Legal Analysis

1. Section 6(c) of the Act authorizes the SEC to grant an exemption from any provision, rule or regulation of the Act to the extent that it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Sections 26(a)(2)(C) and 27(c)(2) of the Act, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the SEC may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

2. Applicants request exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit the deduction of a charge of 1.00% from the assets of the separate Account to compensate Southwestern Life for the assumption of mortality and expense risks. Applicants assert that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Southwestern Life represents that the charge of 1.00% on an annual basis under the Contracts made for mortality and expense risks is within the range of industry practice with respect to comparable annuity products. This representation is based upon an analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. Southwestern Life will maintain at it its administrative office, available to the SEC, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, the comparative survey.

4. Southwestern Life acknowledges that the proceeds of the sales charges may be insufficient to cover all costs relating to the distribution of the Contracts. Southwestern Life also acknowledges that, if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed as being offset by distribution expenses not reimbursed by the sales charge. Southwestern Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Separate Account and the Contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Southwestern Life at its administrative offices and will be available to the SEC. Southwestern Life also represents that the Separate Account will only invest in management investment companies which undertake, in the event any such company adopts a plan under Rule 12b–1 to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the company as defined in the Act, formulate and approve any such plan under Rule 12b–1.

Conclusion

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

For the SEC by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–6323 Filed 3–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36957; File No. 4–388]

Symposium on Intangible Assets

AGENCY: Securities and Exchange Commission.

ACTION: Notice of symposium participants.

SUMMARY: In Release No. 34–36892 (61 FR 8313 March 4, 1996) the Securities and Exchange Commission (''Commission'') announced that it would hold a symposium on issues related to the financial accounting and reporting of intangible assets. In connection with that announcement, the Commission is publishing notice of the participants in the symposium.

DATES: The symposium will be held on Thursday, April 11, 1996 from 1:00 p.m. to 5:30 p.m., and on Friday, April 12, 1996 from 9:00 a.m. to 4:30 p.m.

ADDRESSES: The symposium will take place in Room 1C–30 at the Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: The symposium is open to the public. Members of the public planning to attend the symposium are encouraged to contact Terry Warfield at (202) 942–4400 or Andre Owens at (202) 942–0800.

I. Introduction

The symposium will consist of various panels that will address such topics as the nature and types of intangible assets, including intellectual property, human capital, research and development, software and related items. Discussion at the symposium also will center upon the types of companies that utilize intangible assets, the importance of disclosure relating to these assets from the perspective of investors and other users of financial reporting, and the sources of information relating to intangible assets. Invited panelists also will discuss issues related to the measurement of intangible assets by preparers of financial reports, concerns about disclosures related to intangible assets, academic research pertaining to such assets, and the experience of U.S. and foreign standards setters with regard to accounting and disclosure of intangible assets. The symposium will conclude with a general discussion of issues raised by the various panels and measures that might be taken to address these issues.

II. Participants in Symposium

The participants in the symposium and the schedule for the panel discussions are:

Thursday, April 11, 1996

Plenary Speaker (1:15 p.m.–2:15 p.m.)
[To be announced]

User Panel (2:15 p.m.–3:45 p.m.)
Moderator: Patricia McQueen, Association for Investment Management and Research
Lewis Alexander—Chief Economist, U.S. Department of Commerce
John Bajkowski—Financial Analyst, American Association of Individual Investors
J. J. Jelincic—Investment Officer, CALPERS
James F. Morgan—Partner, OneLiberty Ventures (National Venture Capital Association)
I. Rossa O'Reilly, CFA—Vice Chair, Wood Gundy, Inc.
Gerald White, CFA—Grace & White, Inc.

Preparer Panel (4:00 p.m.–5:30 p.m.)
Moderator: Jonathan Low, Deputy Assistant Secretary for Work and Technology Policy—U.S. Department of Labor.
Michael Brown—Chief Financial Officer, Microsoft Corporation
Leif Edvinsson—Vice President and Director of Intellectual Capital, Skandia AFS
Gordon Petrash—Global Director of Intellectual Assets & Capital, The Dow Chemical Company
Jonathan Southern—Director of Accounting, Grand Metropolitan Plc.

Friday, April 12, 1996

Accounting and Reporting Research Panel (9:00 a.m.–10:30 a.m.)
Moderator: Professor John Elliott, Associate Dean, Johnson School of Management, Cornell University
Professor Paul Healy—Sloan School of Business, Massachusetts Institute of Technology
Professor David Larcker—Wharton School of Business, University of Pennsylvania
Professor Baruch Lev—Stern School of Business, New York University

Standard-Setting Panel (10:30 a.m.–12:00 p.m.)
Moderator: Michael H. Sutton, Chief Accountant—U.S. Securities and Exchange Commission
Dennis R. Beresford—Chairman, Financial Accounting Standards Board
Michael Crooch—AICPA Accounting Standards Committee
James Salomon—Chief Accountant, Ontario Securities Commission

''Where from Here'' Panel (2:00 p.m.–4:30 p.m.)
Moderator: Steven M. H. Wallman, Commissioner—U.S. Securities and Exchange Commission
Dennis R. Beresford—Chairman, Financial Accounting Standards Board
Michael Brown—Chief Financial Officer, Microsoft Corporation
Leif Edvinsson—Vice President and Director of Intellectual Capital, Skandia AFS
Dr. George N. Hatsopoulos—Chairman & President, Thermo Electron Corporation
Professor Baruch Lev—Stern School of Business, New York University
Gerald White, CFA—Grace & White, Inc.
Michael H. Sutton—Chief Accountant, U.S. Securities and Exchange Commission.

Dated: March 12, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–6319 Filed 3–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36955; File No. SR–ASD–95–59]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc. To Amend Section 65 of the Uniform Practice Code To Require Members Who Are Participants in a Registered Clearing Agency To Use the Electronic Facilities of Such Agency To Transmit Customer Account Transfer Instructions

March 11, 1996.

On December 16, 1995,[1] the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed a proposed rule change with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder.[3] The rule change amends Section 65 of the Uniform

[1] On March 11, 1996, the NASD filed Amendment No. 1 with the Commission. Amendment No. 1 was technical in nature and does not require republication of notice and filing. The text of Amendment No. 1 may be examined in the Commission's Public Reference Room. *See* Letter from Elliott R. Curzon, Assistant General Counsel, NASD, to Mark P. Barracca, Branch Chief, Division of Market Regulation, Commission, dated March 11, 1996.

[2] 15 U.S.C. 78s(b)(1).

[3] 17 CFR 240.19b–4.

Practice Code (''UPC'')[4] to require members who are participants in a registered clearing agency to use the electronic facilities of such agency to transmit customer account transfer instructions.

Notice of the proposed rule change, together with the substance of the proposal, was provided by issuance of a Commission release (Securities Exchange Act Release No. 36638, December 26, 1995) and by publication in the Federal Register (61 FR 206, January 3, 1996). No comment letters were received. This order approves the proposed rule change.

Section 65 of the UPC requires a customer who wishes to transfer an account from one member to another to give written notice (a Transfer Instruction Form or ''TIF'') to the member who will be receiving the account (''receiving member''). The notice is then delivered to the member carrying the account (''carrying member'') and the carrying member is ten obligated to validate and return the TIF, or take exception to all or part of it. The account is then transferred to the receiving member, subject to the exceptions.

Subsection 65(m) of the UPC requires members to use the automated systems of a registered clearing agency, when available, to accomplish account transfers when both the receiving member and carrying member are participants in the clearing agency. The use of such automated systems avoids the delay and risk associated with physical delivery and transfer of securities.

The National Securities Clearing Corporation's (''NSCC'') Automated Customer Account Transfer Service (''ACATS'') currently is the only automated transfer system and is the system through which virtually all customer accounts are transferred between members. Until recently, however, it was standard industry practice to delvier physically (or by facsimile) a customer-signed TIF to the carrying member, even though member firms use ACATS to accomplish electronic transfers of the customer accounts.

In early 1993, NSCC implementated a voluntary TIF Immobilization Program (''Program'') to permit transfer instructions to be transmitted electronically through ACATS. The goal of the Program is to automate the entire customer account transfer process and immobilize the TIF at the receiving firm.[5] To participate in the Program current participants require new participants to execute a uniform ''Pilot Program Agreement'' (''Agreement'') that specifies the rights, obligations and liabilities of the participants.[6] The most significiant aspect of the Agreement is that it shifts liabiity for improper transfers to the receiving firm, provided the carrying firm transfers the account according to the instructions it receives through ACATS.[7]

The NASD stated in its filing that some investors and others believe that account transfers are unreasonably delayed for reasons that are not related to difficulties in account transfer procedures. The NASD further stated that it believes that any unreasonable delay in transferring customer accounts is unacceptable and detrimental to the interests of investors. The rule change approved today is intended to reduce or eliminate any delays associated with customer account transfers by mandating participation in the Program.

The amendment to Section 65 of the UPC approved today will require members to transmit account transfer instructions electronically through automated systems when both the carrying and receiving firms are participants in a registered clearing agency that has such automated facilities. The effect of this rule change is to require members who are NSCC participants to participate in the Program and to use ACATS to transmit customer account transfer instructions.

The rule change approved today also will require members participating in the Program to execute an agreement designated by the NASD's Operations Committee specifying the rights, obligations and liabilities of all participants in or users of ACATS in transmitting customer account transfer instructions. The NASD stated in its filing that it intends to designate the Agreement in order to: (i) maintain continuity of rights, obligations and liabilities among current and future participants; and (ii) ensure that the NASD's Operations Committee will be able to review and approve any changes to the Agreement that may be proposed by participants or others in the future.

The rule change also will require that customer account transfer instructions be transmitted in accordance with the procedures prescribed by the registered clearing agency. NSCC's rules currently prescribe procedures for transmitting customer account transfer instruction.[8]

The rule change also provides that the transmittal of a transfer instruction constitutes a representation that the receiving member has received a properly executed TIF or other actual authority to receive the customer's account. Although it is similar to a provision in the Agreement, the NASD stated in its filing that it intends this provision to perform a regulatory function in that a member transmitting account transfer instructions through ACATS without first obtaining a properly executed TIF or other actual authority from the customer may be subject to disciplinary sanctions for misrepresenting its authority to receive the customer account. The NSAD also stated that such a misrepresentation may constitute a violation of Article III, Section 1 of the Rules of Fair Practice.[9]

Finally, the rule change provides that transfer instructions transmitted through an electronic facility shall contain the information necessary for the clearing agency and the carrying member to respond to the transfer instruction as may be specified by Section 65 of the UPC and the clearing agency. This provision means that members transmitting transfer instructions must comply with Section 65 and with the requirements of NSCC's rules[10] and that generating a valid

[4] *NASD Manual,* Uniform Practice Code, Section 65 (CCH) ¶ 3565.

[5] The Program has grown to 27 broker-dealers representing 85% of the accounts transferred.

[6] NSCC administers the Program by providing application material to prospective participants. The application material includes the Agreement.

[7] For transfers occurring outside the Program a carrying firm is liable, in general, if it improperly transfers an account, or securities in an account. Such an improper transfer could occur, for example, if the carrying firm transferred the wrong account or if an IRA account was transferred in a manner that subjected the account owner to unintended tax liability. Finally, it could occur if the receiving firm, or a former employee who had moved to the receiving firm, submitted a transfer instruction that had not been authorized by the customer. In such cases, if the carrying firm did not verify the transfer instruction with the customer, the carrying firm would be primarily liable for the improper transfer even if it could sue the receiving firm for transmitting an unauthorized or incomplete transfer instruction.

[8] *See* NSCC Rule 50.

[9] *NASD Manual,* Rules of Fair Practice, Art. III, Sec. 1 (CCH) ¶ 2151.

[10] NSCC's rules permit it to specify the information required for a customer account transfer instruction. Neither the NSCC's rules nor UPC Section 65 specify the information that constitutes a valid transfer instruction. However, NSCC currently uses two forms, one for cash/margin accounts and the other for tax exempt/retirement accounts. In addition, UPC Section 65 sets forth several bases for carrying members to take exception to account transfer instructions, some of which relate to incomplete or missing information about the account or securities in the account. For automated transmittals of account transfer instructions, NSCC requires the same information to be entered into ACATS by the receiving firm as is required on TIFs. In addition, NSCC reviews transfer instructions received through ACATS and may require the receiving firm to provide any other information it deems necessary to accomplish an account transfer.

transfer instruction involves providing the information that NSCC considers necessary to accomplish the account transfer.

The Commission finds that the rule change is consistent with Section 15A(b)(6) of the Act because the rule change will reduce the delays associated with the physical transmission of TIFs by requiring members to transmit account transfer instructions electronically through automated systems when both the carrying and receiving firms are participants in a registered clearing agency that has such automated facilities. This change will promote the protection of investors and the public interest and enhance the clearance and settlement system.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change SR–NASD–95–59 be, and hereby is, approved, effective July 1, 1996.

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. 96–6322 Filed 3–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36952; File No. SR–PSE–96–03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange Incorporated Relating to its Options Lead Market Maker Program

March 11, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] notice is hereby given that on January 16, 1996, the Pacific Stock Exchange Incorporated (''PSE'' 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 Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') proposes to amend its rules governing the Options Lead Market Maker (''LMM'') Program.

[1] 15 U.S.C. 78s(b)(1) (1988).

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

PSE Rule 6.82 (''LMM Rule'') sets forth the basic rules and procedures applicable to LMMs and the LMM Program.[2] The Exchange proposes to modify Rule 6.82 by adding several new substantive provisions and by restructuring the rule and clarifying some of its existing provisions. The purpose of the proposal is to enhance the LMM program and to clarify and streamline the LMM Rule. The proposed changes include, more specifically, the following:

1. Current PSE Rule 6.82(c)(6) provides that LMMs are guaranteed 50% participation in transactions occurring at their disseminated bids and/or offers in their allocated issues. The Exchange proposes to modify this provision to give the Options Allocation Committee (''OAC'') discretion to reduce such guaranteed participation from 50% to 40% for mulitply-traded issues, and from 50% to 25% for exclusively-traded issues, where the average daily trading volume in an issue reaches 3,000 contracts at the Exchange for three consecutive months. *See* proposed Rule 6.82(d)(2)(A)–(B).

2. Current PSE Rule 6.82(b)(4) sets forth several circumstances (*e.g.*, unsatisfactory LMM performance, or material changes in LMM's financial or operational condition) under which the OAC may reallocate an issue to a new or existing LMM. The Exchange proposes to add two new circumstances under which the OAC may reallocate an issue: (a) if the Exchange's share of the total multi-exchange customer trading volume in a dually-traded issue drops from above 70% to below 70%; or (b) if the Exchange's share of the total multi-exchange customer trading volume in an issue that is traded by three or more options exchanges drops from above 45% to below 45%. *See* proposed Rule 6.82(f)(1)(D)–(E). The Exchange also proposes to provide the OAC with the discretion to reallocate such an issue either to an interim LMM or to a market maker trading crowd in any situation in which reallocation is authorized by Rule 6.82. *See* proposed Rule 6.82(b)(4).

3. Under the proposal, if an issue is reallocated from an LMM to a market maker trading crowd, the market quality and service provided by the crowd must equal or better that previously provided or guaranteed by the LMM. Otherwise, the OAC may determine that the issue revert to the LMM system. *See* proposed Rule 6.82(f)(3).

4. The proposal would allow the OAC to designate a cooperative of market makers to act as an LMM in an issue provided that they maintain collectively a cash or liquid asset position in the amount required by LMM's, set forth in current Rule 6.82(c)(8). This provision further states that violations of the Exchange Constitution and Rules committed by a market maker cooperative that is not registered as a broker-dealer may render each market maker thereof personally liable for disciplinary sanctions for such violations. *See* proposed Rule 6.82(a)(3).

5. The Exchange proposes that in the absence of extraordinary circumstances, as determined by the OAC, no LMM may be located more than 10% of the number of option issues traded on the Options Floor. *See* proposed rule 6.82(e)(3).

6. The Exchange proposes to replace references to the LMM Appointment Committee in the current rule with references to either the Options Allocation Committee or the Options Appointments Committee. *See passim*.

7. The proposal specifies that each LMM must designate an approved LMM to act as a substitute LMM (in case the designated LM is unable to perform its duties), and notify Book Staff of such designation. *See* proposed rule 6.82(c)(5).

8. Rule 6.82(b)(8) currently provides that if an issue is reallocated pursuant to Subsection (b)(7), the LMM shall receive an award of compensation based upon time of and performance during LMM service, capital commitment and, trading volume in the subject option issue. The Exchange proposes to change

[2] The LMM Rule was adopted in January 1990 as a pilot program. *See* Exchange Act Release No. 27631 (January 17, 1990), 55 FR 2462. The pilot program recently was extended to September 30, 1996. *See* Exchange Act Release No. 36293 (September 28, 1995), 60 FR 52242. The Exchange intends to seek permanent approval of the LMM Program before the expiration of the latest pilot extension.

the term ''shall'' in that provision to ''may.'' *See* proposed Rule 6.82(f)(4).

9. The Exchange proposes to simplify the current provisions concerning appeals from OAC or Options Appointment Committee decisions so that in all cases such appeals are governed by Rule 11, and, during such appeals, the OAC shall appoint an interim LMM or trading crowd until such appeal has been resolved. *See* proposed rule 6.82(g).

10. The proposal would remove a provision requiring that LMM issues shall be traded in an area of the trading floor that is separate from other issues. *See* current Rule 6.82(a)(2).

11. The Exchange also proposes to restructure the rule, eliminate superfluous provisions, and make other revisions that would clarify the current text of the Rule. *See passim*.

The Exchange believes that its proposal is consistent with Section (b) of the Act in general, and Section 6(b)(5) in particular, in that it is designed to facilitate transactions in securities and to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 years of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

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 in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–PSE–96–03 and should be submitted by [insert date 21 days after the date of this publication].

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–6321 Filed 3–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36954; File No. SR–Philadep–96–03]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Enhancing Philanet Terminal Services To Allow Participants To Access Their Bookkeeping Activity Reports for Continuous Nets Settlement Accounts and Other Accounts

March 11, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 23, 1996, the Philadelphia Depository Trust Company (''Philadep'') 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 primarily by Philadep. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Philadep proposes to enhance its Philanet terminal services to allow participants to access their bookkeeping activity reports for continuous net settlement (''CNS'') accounts at Stock Clearing Corporation of Philadelphia (''SCCP'') and for Philadep accounts through their Philanet terminals.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep included statements concerning the purpose of and the 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. Philadep has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Currently, participants may obtain bookkeeping reports for CNS accounts at SCCP and for Philadep accounts in the form of hard copy reports or by computer-to-computer facilities (''CCF''). The proposed rule change will give participants the option of accessing the same information through their Philanet terminals by choosing the ''RPTS'' function. Philadep believes that this method is more expeditious and efficient than issuing hard copy reports and for some participants it is more economical than using CCF.

Philadep believes the proposed rule change is consistent with the requirements of Sections 17A(b)(3) (A) and (F)[4] of the Act because it fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and further assures the safeguarding of securities which are in the custody or control of Philadep.

(b) Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not believe that the proposed rule change will have an

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[3] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Philanet is an on-line terminal network system that allows participants to access information affecting their accounts through an on-site terminal located at the participant's office.

[3] The Commission has modified the text of the summaries prepared by Philadep.

[4] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) [5] of the Act and pursuant to Rule 19b–4(e)(4) [6] promulgated thereunder because the proposal effects a change in an existing service of Philadep that does not adversely affect the safeguarding of securities or funds in the custody or control of Philadep and does not significantly affect the respective rights or obligations of Philadep or persons using the service. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, 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 in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Copies of such filings will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to tile number SR–Philadep–96–03 and should be submitted by April 8, 1996.

[5] 15 U.S.C. 78s(b)(3)(A)(iii) (1988).

[6] 17 CFR § 240.19b–4(e)(4) (1995).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–6324 Filed 3–15–96; 8:45 am]

BILLING CODE 8010–01–M

[7] 17 CFR § 200.30–3(a)(12) (1995).

[Release No. 34–36951; International Series Release No. 950; File No. SR–Phlx–95–80]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Strike Price Intervals for Australian Dollar Options

March 11, 1996.

I. Introduction

On January 2, 1996, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') pursuant to Section 19 (b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change to revise its strike price policy respecting foreign currency options on the Australian dollar by changing from a $.01 interval to a $.005 interval in the nearest three expiration months.

Notice of the proposal was published for comment and appeared in the Federal Register on January 24, 1996.[3] No comment letters were received on the proposed rule change. This order approves the Exchange's proposal

II. Description of the Proposal

The Phlx has proposed to revise its strike price policy respecting foreign currency options on the Australian dollar pursuant to Phlx Rule 1012—Series of Options Open for Trading by adopting shorter strike price intervals than currently used. Currently, Australian dollar options are listed at 1 cent intervals.[4] Pursuant to Phlx Rule 1012, six expiration months are currently listed in regular foreign currency options, with one, two, three, six, nine, and twelve months until expiration.

The Exchange proposes to revise its strike price policy respecting foreign currency options on the Australian dollar by changing from a $.01 interval to a $.005 interval in the nearest three expiration months. The mid-term expiration months (listed with six, nine, and twelve months until expiration) will continue to be listed at one cent interval.

The Exchange states that the purpose of the proposed rule change is to address certain market needs that have arisen as a result of recent lower volatility respecting the Australian dollar (in relation to the U.S. dollar), which has created a customer need for narrower strike price intervals.[5] The Exchange represents that the lower volatility of the Australian dollar has regulated in a narrower trading range for the currency option.

The Phlx asserts that the proposed rule change will initially create 72 new strike prices.[6] Additionally, both the Phlx and the Options Price Reporting Authority (''OPRA'') represent that the predicted increase in the number of Australian dollar options series will not adversely affect their respective computer processing capacities to accommodate the additional strike prices.[7]

The Exchange further states that its general policy with respect to the delisting of inactive options series, subject to the assigned option specialist's approval, is to delist series in which there is no open interest beginning with the highest or lowest strike for that month. The Exchange, however, may not delist a series if such delisting would create a gap in consecutive strikes.[8]

The Exchange believes that the proposed reduction in the strike price interval should provide investors and traders of Australian dollar foreign

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 36729 (January 17, 1996), 61 FR 1964.

[4] *See* Securities Exchange Act Release No. 23945 (December 30, 1986), 52 FR 633 (January 7, 1987) (SR–Phlx–96–38).

[5] The Commission has previously approved certain Phlx proposals that shortened foreign currency option strike price intervals. *See e.g.,* Securities Exchange Act Release Nos. 35631 (April 20, 1995), 60 FR 20544 (April 26, 1995) (British pound from $.025 to $.01 strike price intervals) (file No. SR–Phlx–95–06); 25685 (May 10, 1988), 53 FR 17524 (May 17, 1988) (French franc from $.05 to $.025 strike price intervals) (File No. SR–Phlx–86–14), and 24103 (February 13, 1987), 52 FR 5605 (February 25, 1987) (British Pound from $.05 to $.025 strike price intervals) (File No. SR–Phlx–86–14).

[6] The total number of new strikes includes both puts and calls for American and European style options on the Australian dollar. *See* Letter from Gerald O'Connell, First Vice President, Phlx, to Michael Walinskas, Office of Market Supervision (''OMS''), Division of Market Regulation (''Market Regulation''), Commission, dated February 29, 1996 (''O'Connell Letter'').

[7] *See* Letters from Tom Wittman, Director, Trading Systems, Phlx, dated March 6, 1996 (''Phlx Capacity Letter''), and Joseph P. Corrigan, Executive Director, OPRA, dated March 7, 1996 (''OPRA Capacity Letter''), to Michael Walinskas, Branch Chief, OMS, Market Regulation, Commission.

[8] *See* Letter from Gerald O'Connell, First Vice President, Phlx, to Michael Walinskas, Branch Chief, OMS, Market Regulation, Commission, dated March 1, 1996 (''O'Connell Letter No. 2'').

currency options with the ability to more closely tailor investment and hedging strategies to Australian dollar trading levels and movement. The Exchange further believes that the proposed rule change is designed to promote just and equitable principles of trade by enabling more effective management of foreign currency risk respecting the Australian dollar.

III. Commission Finding and Conclusions

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) of the Act.[9] Specifically, the Commission finds that the Exchange's proposal to revise its strike price policy respecting foreign currency options on the Australian dollar by changing from a $.01 interval to a $.005 interval in the nearest three months is a reasonable attempt to perfect the mechanism of a free and open market and a national market system.

The Commission recognizes that any narrowing of strike price intervals increases the flexibility accorded market participants and allows options positions to be more finely tailored to achieve intended investment objectives. At the same time, however, narrower strike price intervals create the possibility of dispersing trading interest to the degree that there is an excessive dilution of liquidity in open options series.

Accordingly, an evaluation of the appropriate strike price interval for an options contract requires a balancing of the need to accommodate market participants by providing a wide array of investment opportunities and the need to avoid causing excessive proliferation of illiquid options series. The Commission believes that the Phlx proposal strikes such a reasonable balance. Although the proposal makes available a significant number of new options series, the Commission notes that Phlx generally seeks to delist options series (including Australian dollar foreign currency options) with no open interest.[10] Therefore, the Phlx should be able to eliminate any illiquid series that might result from the implementation of the new strike price proposal. Accordingly, the Commission expects the Phlx to monitor Australian dollar foreign currency options activity closely in order to detect any proliferation of illiquid series possibly resulting from the narrower strike price intervals and to act promptly to remedy this situation should it occur.

In addition, based on representations from the Phlx[11] and OPRA,[12] the Commission believes that the predicted increase in the number of Australian dollar options series should not adversely affect the computer processing capacity to accommodate the additional strike prices. More specifically, both the Phlx and OPRA have represented that their respective systems can adequately handle the additional options transaction-related traffic generated by the projected new series. Nevertheless, the Commission requests that the Exchange monitor the volume of additional options series listed as a result of this rule change and continue to ensure that these additional series will not adversely impact processing system capacity.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (File No. SR–Phlx–95–80) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–6325 Filed 3–15–96; 8:45 am]

BILLING CODE 8010–01–M

[9] 15 U.S.C. 78f(b)(5).

[10] *See* O'Connell Letter No. 2, *supra* note 8.

[11] *See* Phlx Capacity Letter, *supra* note 7. *See also* O'Connell Letter, *supra* note 6.

[12] *See* OPRA Letter, *supra* note 7.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12)

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0179]

Enterprise Venture Capital Corporation of Pennsylvania; Notice of Surrender of License

Notice is hereby given that Enterprise Venture Capital Corporation of Pennsylvania, 111 Market Street, Johnstown, Pennsylvania 15901 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). Enterprise Capital Corporation was licensed by the Small Business Administration on September 11, 1985.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on March 1, 1996, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: March 11, 1996.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 96–6320 Filed 3–15–96; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Representative Payment Advisory Committee; Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

DATES:
March 28, 1996, 9:00 a.m.–8:30 p.m.
March 29, 1996, 9:00 a.m.–5:00 p.m.

ADDRESSES: Martin Luther King, Jr. Center for Nonviolent Social Change, 449 Auburn Avenue NE., Atlanta, GA 30312.

SUPPLEMENTARY INFORMATION:

Type of Meeting: The meeting is open to the public.

Purpose: The Social Security Administration (SSA) had previously announced this meeting in the Federal Register (60 FR 66574) on December 22, 1995. Subsequently, a Notice of Postponement was published in the Federal Register (61 FR 1661) on January 22, 1996. In accordance with section 10(a)(2) of the Federal Advisory Committee Act, SSA now announces the fourth meeting of the Representative Payment Advisory Committee. The Committee will discuss issues related to payee recruitment and retention, standards for payee performance, use/misuse of benefits, payee accountability and payee oversight. The Committee will focus its discussion on the investigation and selection of payees.

SSA investigates all payee applicants. The application form requires the individual to disclose certain information, including his/her relationship to the beneficiary and his/her own source(s) of income. After the applicant has provided positive identification, SSA uses its own records to verify the applicant's social security number and work history. SSA screens the applicant against a listing of persons who have been convicted of social security or supplemental security income fraud. Such persons may not be appointed as payees under any circumstances. There are other factors which may result in the rejection of a payee applicant also.

SSA has built a database of representative payee information which

is readily accessible to all social security offices. The database includes information concerning any prior performance as a representative payee.

SSA selects the best payee from among the applicants who are willing to serve. If none is immediately available, SSA continues developing leads until a satisfactory applicant is located. Unless direct payment is legally prohibited, benefits generally continue to be paid to a beneficiary while SSA seeks a qualified payee.

Advance notification of the payee selection is provided to the beneficiary (or his/her legal representative or guardian) before payment is certified and the beneficiary is given the opportunity to appeal the payee selection.

Agenda: The Committee will meet commencing at 9:00 a.m. to 8:30 p.m. on Thursday, March 28, 1996, with a break for dinner and from 9:00 a.m. to 5:00 p.m. on Friday, March 29, 1996. The public is invited to attend both days, including the evening deliberation; however, no testimony will be heard that evening. Agenda items for both days will include, but not be limited to, a discussion concerning the investigation and selection of the payee applicant. Oral statements on these issues or any issue concerning representative payment policy are sought from the public for presentation on March 29. Presentations will be limited to 5 minutes per public speaker.

Persons interested in presenting an oral statement may call the Advisory Committee staff at (410) 966–4688 to schedule a presentation time or they may submit a written request, along with a copy of their statement, to the Representative Payment Advisory Committee, 2–N–24 Operations Building, P.O. Box 17763, Baltimore, MD 21203–7763. Requests should contain the name, address, telephone number and any business or professional affiliation of the person desiring to make an oral statement. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Representative Payment Advisory Committee will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not make a written or oral request for presentation in advance, but desire to make an oral statement, may sign up at the meeting site before noon on March 29. These persons will be allowed to present their oral statements as time permits. The Committee also encourages written comments. They may be sent to the Representative Payment Advisory Committee at 2–N–24 Operations Building, P.O. Box 17763, Baltimore, MD 21203–7763.

Records are being kept of all Committee proceedings, and are available for public inspection at the office of the Social Security Administration, Representative Payment Advisory Committee, Room 2–N–24, Operations Building, 6401 Security Boulevard, Baltimore, MD 21235 between the hours of 9:00 a.m. and 4:00 p.m. on regular business days. Anyone requiring information regarding the Committee should contact the Representative Payment Advisory Committee at P.O. Box 17763, Baltimore, MD 21203–7763; Telephone: (410) 966–4688; FAX: (410) 966–0980; Internet: adcom@ssa.gov.

Dated: March 11, 1996.

Reba Andrew,

Staff Director, Representative Payment Advisory Committee.

[FR Doc. 96–6376 Filed 3–15–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice 2356]

Notice of Proposed Information Collection for Public Comment

AGENCY: Bureau of Consular Affairs, State.

ACTION: The Department has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due May 17, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: Room B264 Department of State, 2201 C Street, NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed form and supporting documents may be obtained from Charles S. Cunningham, telephone number (202) 647–0596.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995. 44 U.S.C. (Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond.

This Notice also lists the following information:

Title of Proposal: Request for Extension of Approval for the Nonimmigrant Visa Application Form.

OMB Control Number: 1405–0018.

Description of the need for the information and the proposed use: The Immigration and Nationality Act (''INA''), 8 U.S.C. 1101 et. seq., establishes the application and eligibility requirements for aliens seeking to obtain nonimmigrant visas. Section 222(c), 8 U.S.C. 1202(c), specifically requires that an alien provide the following information in applying for a nonimmigrant visa:

Full and true name,
Date and place of birth,
Nationality,
Purpose and length of intended stay in the United States,
Personal description (including height, complexion, color of hair and eyes, and marks of identification),
Marital status, and
Additional information necessary to identify the applicant and to enforce the immigration and nationality laws as prescribed by regulations.

Section 221(b) of the INA requires that a photograph accompany the application. 8 U.S.C. 1201(b).

The Nonimmigrant Visa Application form or OF–156 is designed to fulfill the legal requirements described above. The information requested on the form is limited to what is necessary for consular officers of the Department of State to efficiently determine the eligibility of an alien's application for a nonimmigrant visa and appropriate classification of that visa. A consular officer would not be able to issue a visa without first collecting this information. Applicants for certain classifications of visas, such as treaty investors and fiancees, are

required to provide additional information to demonstrate eligibility for such visas.

The Department of State envisions no changes to the existing form at this time.

Title of Information Collection: Nonimmigrant Visa Application.

Agency Form Number: OF–156.

Frequency: The form is used each time an alien applies for a nonimmigrant visa to the United States, which in many cases is one time only for an individual. The frequency of use is the minimum required to meet the statutory provisions of the INA.

Member of affected public: Nonimmigrant visa applicants.

Estimated number of respondents: 8,000,000 per year.

Estimated hours per response: 25 to 1 hour.

Total estimated burden hours: 2,000,000 to 8,000,000 hours.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Sections 3506 and 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended. 44 U.S.C. 3507(d) does not apply.

Dated: March 6, 1996.

Ruth A. Davis,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 96–6437 Filed 3–15–96; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 28495]

Airport Financial Reports

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability; request for comments.

SUMMARY: This document announces the availability of formats for the preparation and filing of certain financial reports required from sponsors of federally assisted airports, and requests comments on those formats. The FY 1994 FAA Authorization Act included provisions requiring two new reports from airport sponsors. The first requires sponsors of federally assisted airports to report to the Department of Transportation amounts paid and services provided to other units of government. The second requires that the sponsor of each commercial service airport report in detail the total revenue and expenditures at the airport, including revenue surplus. This notice provides information on obtaining copies of the formats, assistance from the FAA in completing the reports, and directions for submitting the required reports. In the near future the FAA will issue further guidance on the filing of this information in an electronic data format and may issue revised formats in response to comments received.

DATES: Comments on the reporting formats contained in this notice are due May 2, 1996. Financial reports described in this notice are due from airport sponsors on the 60th day following the end of the sponsor's fiscal year, beginning the first fiscal year ending after the date of this notice.

ADDRESSES: Comments should be mailed, in quadruplicate, to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28495, 800 Independence Avenue, SW., Washington, DC 20591. All comments must be marked: ''Docket No. 28495.'' Commenters wishing the FAA to acknowledge receipt of their comments must include a pre-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 28495.'' The postcard will be date stamped and mailed to the commenter. Comments on this Notice may be examined at the above address in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

Copies of the report formats and instructions for completing the reports are available from the persons listed under ''For Further Information Contact,'' and may also be downloaded via internet from the Office of the Associate Administrator for Airports World Wide Web site at: http:www.faa.gov/arp/arphome.htm.

Reports must be submitted to the airport sponsor's Airports District Office and to: Airport Safety and Compliance Branch, AAS–310, ATTN: AIRPORT FINANCIAL REPORTS, Federal Aviation Administration, 800 Independence Ave., NW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Benedict D. Castellano, Manager, Airport Safety and Compliance Branch, AAS–310, Federal Aviation Administration, 800 Independence Ave. S.W., Washington, DC 20591, telephone (202) 267–8728; or Ellis Ohnstad, Manager, Airports Program Guidance Branch, APP–510, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, telephone (202) 267–3431.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration Authorization Act of 1994

This proposed statement of policy and related procedures is being published pursuant to section 111 of the Federal Aviation Administration Authorization Act of 1994, Public Law 103–305 (August 23, 1994) (1994 Authorization Act). That section requires the Secretary, through a new grant assurance and through establishment of a new report format, to require two new reports relating to airport revenue.

Section 111(a) of the 1994 Authorization Act amends Title 49 U.S.C. 47107(a) to add a new sponsor assurance. New assurance no. 26(e) requires airport owners or operators to submit to the Secretary and make available to the public an annual report listing all amounts paid by the airport to other units of government and the purposes for the payments. Airport owners or operators must also make available a listing of all services and property provided to other units of government and the amount of compensation received for provision of each such service and property.

Section 111(b) of the 1994 Authorization Act requires the Secretary to issue a simplified format for financial reporting for airports, to assist in public understanding of airport finances and to provide information concerning the amount of any revenue surplus, the amount of concession-generated revenue, and other information required by the Secretary. Under existing Assurance 26, the sponsor is obligated to submit such annual or special financial and operations reports as the Secretary may reasonably request. Section 111(b) specifies a report to be submitted under that authority. Specifically, Section 111(b) requires that the report include:

* * *information relating to total revenues, operating expenditures, capital expenditures, debt service payments, contributions to restricted funds, accounts, or reserves required by financing agreements or covenants or airport lease or use agreements or covenants. Such format shall require each commercial service airport to report the amount of any revenue surplus, the amount of concession-generated revenue, and other information as required by the Secretary.

An operating and financial report, such as the Operating and Financial Summary, may be required under Assurance No. 26 at the request of the Secretary. Responsibility for administration of this requirement is delegated to the FAA. By this notice the FAA is requiring the filing of annual financial and operating reports under

Assurance No. 26 in accordance with Section 111 of the 1994 Authorization Act.

Airport Sponsors Required To File Reports

Sponsors of commercial service airports are required to file both reports. While the Governmental Payment and Services Report is technically required from all sponsors accepting grants with the new assurance, the FAA will require submission of the report to the Airports District Office and Washington headquarters only by commercial service airports at this time. There are slightly more than 600 commercial service airports in the United States. This group of airports includes the airports used by air carriers, and includes all of the largest airports most likely to be able to generate excess revenue that could be diverted to non-airport uses. Other airport sponsors subject to the requirement must prepare the report and make it available on request to the FAA, members of the public, and members of the airport user community. The FAA may require that all airports submit the Governmental Payment and Services Report in the future.

Sponsors Operating More Than One Airport

Generally, a separate report must be submitted for each airport. State governments that operate multiple airports may request an exception to this requirement to consolidate reports for certain airports, such as non-commercial or non-primary airports. The request must be submitted in writing to the FAA office that administers the sponsor's projects (e.g., Airports District Office) and must include an explanation of the reasons for proposed consolidation of multiple airports in one report, a list of the airports that would be affected, and an explanation of why the consolidation would not significantly affect the collection of information on revenue use at those airports.

Effective Date and Time for Filing

The formats and instructions for the two reports described in this notice are effective on the date of publication of this notice. The requirement to file the Governmental Payment and Service Report is effective upon the acceptance of a grant containing new Assurance No. 26(e) required by 49 U.S.C. 47107(a)(19). The FAA is requiring the filing of annual financial and operating reports under Assurance No. 26 effective upon publication of this notice.

Both reports are due 60 days after the end of the sponsor's fiscal year, beginning the first year that ends after the publication date of this notice. This will require that the report include information on part of a fiscal year prior to publication of the notice. However; the information requested in the report is basic airport financial information, and would have been collected and recorded by a sponsor in any event. Accordingly, we would not expect the reporting of information for the current fiscal year to be an undue burden on sponsors. Comment is requested on any specific hardships with the reporting of this information.

Where To File Reports

Sponsors should send one copy of each report to the FAA office that administers the sponsor's grants and one copy to the Airport Safety and Compliance Branch, AAS–310, ATTN: AIRPORT FINANCIAL REPORTS, Federal Aviation Administration, 800 Independence Ave., NW., Washington, DC 20591. Also, all reports must be made available to the public and to airport users on request. The reports represent summaries of airport financial activity only, and the FAA expects that the sponsor will have detailed accounting information and records available to support the summaries if requested by the FAA.

Signature Level of Certifying Official

The reports must be signed by:

(1) The principal financial officer of the airport authority, if the airport is an independent authority;

(2) the principal financial officer of the local political jurisdiction that operates the airport, if the airport is operated as an agency or department of local government; or

(3) the principal financial officer of the state executive department that operates the airport, if the airport is operated by a state government.

Electronic Data Submission

The formats made available indicate how the information included in the reports is to be categorized and organized if filed by hard copy report. It is the FAA's intention to provide for the filing of this information using an electronic data format. The FAA will publish more detailed information on the format and technical requirements for electronic data format filing prior to July 1, 1996. It is contemplated that the reports will be required on electronic spreadsheet and word processing programs, submitted electronically or on standard-format computer diskettes. Word processing and spreadsheet files will be required to be readable by current versions of one or more of the following programs, or in such other format as may be specified by notice in the Federal Register: Microsoft Word, Word Perfect, Ami Pro, Microsoft Excel, Lotus, Quattro Pro, or ASCII tab-delineated files. Submissions in electronic form will assist the FAA to analyze data and prepare reports, including consolidated reports to Congress, on the individual submissions. The paper copy would be the official record copy of the report, but sponsors would certify that files on the diskette are true copies of the data file used to prepare the printed version of the report.

Effective Date and Request for Comments

The reporting formats made available at this time are effective upon publication of this notice and should be used until superseded by a new format published in the Federal Register. Copies of the formats are available from the persons listed under **FOR FURTHER INFORMATION CONTACT** and may also be downloaded by internet from the Office of the Associate Administrator for Airports World Wide Web site at: http:/ www.faa.gov/arp/arphome.htm.

Comments are invited on the format and instructions for each report. The FAA will make every effort to make any changes in the format and publish notice of the revised form in the Federal Register prior to June 30, 1996.

Issued in Washington, DC on March 13, 1996.

James H. Washington,

Acting Associate Administrator for Airports.

[FR Doc. 96–6408 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

Acceptance of Noise Exposure Maps and Request for Review of Noise Compatibility Program for Kahului Airport, Kahului, Maui, HI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the State of Hawaii, Department of Transportation for the Kahului Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Kahului Airport

under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before August 31, 1996.

EFFECTIVE DATES: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is March 4, 1996. The public comment period ends April 4, 1996.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Planner, Honolulu Airports District Office, Federal Aviation Administration, P.O. Box 50244, Honolulu, HI 96850, Telephone: (808) 541–1243. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Kahului Airport are in compliance with applicable requirements of Part 150, effective March 4, 1996. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 31, 1996. This notice also announces the availability of this program for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The State of Hawaii, Department of Transportation, submitted to the FAA on October 26, 1995 noise exposure maps, descriptions and other documentation which were produced during the preparation of the Kahului Airport Noise Compatibility Study dated September, 1995. It was requested that the FAA review this material as the noise exposure maps, as described in Section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the State of Hawaii, Department of Transportation. The specific maps under consideration are Figures 5–1 and 6–1 in the submission. The FAA has determined that these maps for Kahului Airport are in compliance with applicable requirements. This determination is effective on March 4, 1996. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Kahului Airport, also effective on March 4, 1996. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 31, 1996.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, D.C. 20591

Federal Aviation Administration, Western-Pacific Region, Airports Division, AWP–600, 15000 Aviation Blvd., Room 3E24, Hawthorne, California 90261

Federal Aviation Administration, Honolulu Airports District Office, 300 Ala Moana Boulevard, Room 7116, Honolulu, Hawaii 96813

State of Hawaii, Department of Transportation, Airports Division, Honolulu International Airport, 400 Rodgers Boulevard, Suite 700, Honolulu, Hawaii 96819

State of Hawaii, Department of Transportation, Airports Division, District Office Manager, Kahului Airport, Kahului, Maui, Hawaii 96732

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on March 4, 1996.

Robert C. Bloom,

Acting Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 98–6402 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

Pease International Tradeport, Portsmouth, NH; FAA Approval of Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: Noise.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings in the noise compatibility program submitted by the Pease Development Authority under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of federal and non-federal responsibilities in Senate Report No. 96–52 (1980). On August 14, 1995, the FAA determined that the noise exposure maps submitted by the Pease Development Authority under Part 150 were in compliance with applicable requirements. On February 9, 1996, the Associate Administrator approved the Pease International Tradeport noise compatibility program. Out of the 23 proposed program elements, 22 were approved and one was partially approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Pease International Tradeport noise compatibility program is February 9, 1996.

FOR FURTHER INFORMATION CONTACT: John C. Silva, Federal Aviation Administration, New England Region, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone: (617) 238–7602.

Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Pease International Tradeport noise compatibility program, effective February 9, 1996.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter the Act), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps.

The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulation (FAR), Part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

(a) the noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

(b) program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

(c) program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the federal government; and

(d) program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator as prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action.

Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, request for project grants must be submitted to the FAA Regional Office in Burlington, Massachusetts.

The Pease Development Authority submitted to the FAA, on August 1, 1995, noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 1991 to June 1995. The Pease International Tradeport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 14, 1995. Notice of this determination was published in the Federal Register on August 22, 1995.

The Pease study contains a proposed noise compatibility program comprised of actions designed for implementation by airport management and adjacent jurisdictions from the date of study completion to approximately 2010. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on August 14, 1995, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such a program within the 180-day period shall be deemed to be an approval of such a program.

The submitted program contained 23 proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator effective February 9, 1996.

Approval was granted for 22 specific program elements: preferential runway use, flight track changes, descent profiles, support for navigational aid improvements, run-up areas, a noise barriers, noise-sensitive location of flight line structures, voluntary aircraft nighttime use restriction, updating the study to examine mandatory access restrictions in accordance with FAR Part 161, land acquisition, sound insulation, a sales assurance program, recommendations for construction standards and guidance, subdivision and site review regulations, and master planning, and administrative elements which include noise monitoring, pilot education, a citizen complaint mechanism, a community participation program, and a public outreach program.

One program element was partially approved and partially disapproved:

continuing restrictions on aircraft run-ups.

FAA's determinations are set forth in detail in a Record of Approval endorsed by the Associate Administrator on February 9, 1996. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the office of the Pease Development Authority, Pease International Tradeport, Portsmouth, New Hampshire.

Issued in Burlington, Massachusetts on March 5, 1996.

Bradley A. Davis,

Acting Manager, Airports Division, New England Region.

[FR Doc. 96–6400 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Rescheduled Public Scoping Meetings and Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Rescheduled Public Scoping Meetings and Extension of Comment Period.

SUMMARY: In accordance with requirements of the National Environmental Policy Act of 1969, as amended, (NEPA), 42 U.S.C. 4332(2)(C), the FAA is preparing an Environmental Impact Statement (EIS) for Terminal Doppler Weather Radar (TDWR) to serve John F. Kennedy International and La Guardia Airports. The FAA will conduct scoping meetings to obtain public comments on the issues and alternatives to be analyzed in this EIS. Meetings were held in March at various locations as announced in the Federal Register Notice of meetings, January 29, 1996. Scoping meetings originally scheduled for 7:00 p.m. Wednesday March 6, 1996 and for 7:00 p.m. Thursday March 7, 1996, have been rescheduled for Wednesday April 17, 1996 at 7:00 p.m. at La Guardia Marriott Hotel, East Elmhurst, NY, and for Thursday April 18, 1996, at 7:00 p.m. at The Mill Basin School-Public School 236, Brooklyn, NY. A Scoping Paper outlining the objectives and procedures of the scoping process and technical issues to be addressed in the EIS is available upon request to the FAA. Written requests for the Scoping Paper and comments on the scope of the EIS can be submitted to the FAA as follows: Federal Aviation Administration, Office of the Chief Counsel, Attention: Docket (AGC–200) Docket No. 28365, 800 Independence Avenue, SW, Washington, DC 20591. The comment period is extended; comments will be accepted until May 3, 1996. All scoping meetings are open to all interested parties.

DATES: The rescheduled public scoping meetings will take place the evenings of Wednesday April 17, 1996, and Thursday April 18, 1996. Information exhibits will open at 6:30 p.m. and the presentations will begin at 7:00 p.m.

ADDRESSES: The public scoping meeting on Wednesday April 17, 1996 will be held at the La Guardia Marriott Hotel, 102–05 Ditmars Boulevard, East Elmhurst, NY 11369, and the public scoping meeting on Thursday April 18, 1996, will be held in the auditorium of The Mill Basin School-Public School 236, 6302 Avenue U (at East 63rd Street), Brooklyn, NY 11234.

FOR FURTHER INFORMATION CONTACT: Jerome D. Schwartz, Environmental Specialist, Federal Aviation Administration, Wind Shear and Weather Radar Products Team, AND–420, 800 Independence Avenue, SW, Washington, DC, 20591, telephone (202) 358–4946.

SUPPLEMENTARY INFORMATION: In accordance with requirements of the National Environmental Policy Act of 1969, as amended, (NEPA), 42 U.S.C. 4332(2)(C), the FAA is preparing an Environmental Impact Statement (EIS) for Terminal Doppler Weather Radar (TDWR) to serve John F. Kennedy International and La Guardia Airports. Rescheduled public scoping meetings will be held as part of the scoping process to determine the issues and alternatives to be analyzed in the EIS.

Comments from interested parties on the scope of the EIS are encouraged and should be submitted to the FAA in writing or presented verbally at a scoping meeting. Written comments must be received by May 3, 1996. Comments should discuss environmental concerns and issues related to the proposed action, suggested analyses and methodologies for inclusion in the EIS, possible sources of relevant data or information, or feasible alternatives to the proposed action. Submit written requests for copies of the Scoping Paper and comments on the Scoping Paper to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Docket (AGC–200), Docket No. 28365, 800 Independence Avenue, SW, Washington, DC 20591.

Sign interpretation will be available if requested at least 10 calendar days before the meeting at which it is required.

Issued in Washington, DC on March 13, 1996.

Arthur R. Feinberg,

Acting Deputy Director of Communications, Navigation, and Surveillance Systems, AND–2.

[FR Doc. 96–6371 Filed 3–15–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Community Development Financial Institutions Program; Bank Enterprise Award Program

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Notice of waiver.

SUMMARY: The Community Development Financial Institutions Fund (the Fund) has granted a waiver of the deadline for receipt of an application under the Community Development Financial Institutions (CDFI) Program and the Bank Enterprise Award (BEA) Program for certain applications which were received after the deadline of 4 p.m. Eastern Standard Time on January 29, 1996. The waiver is applicable to those applications for which the Fund has determined that on or before January 29, 1996, the actual process of delivering the application to the Fund was initiated.

ADDRESSES: All questions or comments concerning the contents of this action should be addressed to the Director, Community Development Financial Institutions Fund, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: The Community Development Financial Institutions Fund, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220 at (202) 622–8662. (This is not a toll free number.).

SUPPLEMENTARY INFORMATION: The interim regulations for the CDFI Program (12 CFR part 1805) and the BEA Program (12 CFR part 1806), published in the Federal Register on October 19, 1995 (60 FR 54110), provide that the deadline for submission of applications will be established in a Notice of Funds Availability (NOFA) published in the Federal Register. (§ 1805.700, § 1806.206) The regulations also provide that the Fund may waive any requirement of such regulations that is not required by law upon a determination of good cause.

(§ 1805.105, § 1806.104) Each such waiver must be in writing and supported by a statement of the facts and grounds forming the basis of the waiver. For waivers of general applicability, the Fund is required to publish notice of granted waivers in the Federal Register.

On October 19, 1995 the Department of the Treasury published a NOFA for the CDFI Program (60 FR 54136) and a separate NOFA for the BEA Program (60 FR 54140) which established initial deadlines for receipt by the Fund of applications. The Department of the Treasury subsequently published Notices on December 8, 1995 (60 FR 63120) and January 17, 1996 (61 FR 1204) which had the ultimate effect of extending the application receipt deadlines for both the CDFI Program and the BEA Program to 4 p.m. Eastern Standard Time on January 29, 1996. Each of these Notices stated that an application received by the Fund after the specified date and time would not be accepted and would be returned to the sender.

The Fund has determined to waive the application deadline with respect to applications as to which the process of delivery to the Fund was commenced on or before January 29, 1996. The Fund received certain applications for both the CDFI Program and the BEA Program after the stated deadline with respect to which the Fund has determined that the actual process of delivering the application to the Fund was initiated on or before January 29, 1996. In this connection, the Fund has determined that the actual process of delivery will be considered to have been initiated on or before January 29, 1996 if: (1) the application was actually received by the Fund on January 29, 1996; (2) the application was mailed with a postmark dated on or before January 29, 1996; or (3) the application was delivered to a professional courier service on or before January 29, 1996. This waiver of the deadline for receipt by the Fund of these applications is based upon the Fund's determination that such a waiver will promote the achievement of the purposes of the CDFI Program and the BEA Program and their underlying statutes.

Several factors contributed to the Fund's determination to grant this waiver. First, in this first year of implementation of these programs it is in the Fund's interest to seek the broadest possible participation. Second, preparing an application required an extensive amount of work which without the waiver might go to waste merely because of a technical failure in the mail or delivery process. Third, given the fact that these programs are new, and some applicants had never previously applied to the Federal government for funding, there appears to have been a certain amount of confusion about the precise requirements for delivery of an application in a timely fashion. Finally, the effect of the requirement that the Fund be in receipt of an application by a specified time appears to have had a disproportionately adverse effect on applications from geographically remote places. Thus a strict enforcement of the deadline could hinder the Fund in achieving its geographic diversity objectives.

By granting this waiver of the application deadline for this initial round of funding, the Fund does not intend in any way to establish a precedent for granting similar waivers in subsequent funding rounds.

Authority: 12 U.S.C. 4703, 4717; Chapter X, Pub. L. 104–19, 109 Stat. 237; 12 CFR 1805.105, 1806.104.

Dated: March 13, 1996.

Kirsten S. Moy,

Director, Community Development Financial Institutions Fund.

[FR Doc. 96–6417 Filed 3–15–96; 8:45 am]

BILLING CODE 4810–70–M

Corrections

Federal Register
Vol. 61, No. 53
Monday, March 18, 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 ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95-197-000, RP95-197-001 and RP96-44-000]

Transcontinental Gas Pipe Line Corporation; Notice of Informal Settlement Conference

Correction

In notice document 96–5927 appearing on page 10333, in the issue of Wednesday, March 13, 1996, the docket line should read as set forth above.

BILLING CODE 1505–01–D

FARM CREDIT ADMINISTRATION

Proposed Related Services; Real Estate Brokerage, Farm Management, and Minerals Management

Correction

In notice document 96–5421, beginning on page 8935, in the issue of Wednesday, March 6, 1996, the heading should read as set forth above.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21782; 811-5453]

Eaton Vance Equity-Income Trust; Notice of Application

Correction

In notice document 96–4731 appearing on page 8083 in the issue of Friday, March 1, 1996, the Release number should read as set forth above.

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[PS–2–95]

RIN 1545–AT19

Distribution of Marketable Securities by a Partnership

Correction

In proposed rule document 95–31457 beginning on page 28 in the issue of Tuesday, January 2, 1996, make the following correction:

§ 1.731-2 [Corrected]

On page 32, in the third column, in § 1.731-2(j), *Example 4*(i), the table should read as follows:

* * * * *

	Value	Basis	Gain (loss)
Security *X*	1,000	500	500
Security *Y*	1,000	800	200
Security *Z*	1,000	1,100	(100)

* * * * *

BILLING CODE 1505–01–D

federal register

Monday
March 18, 1996

Part II

Department of Education

Office of Special Education and Rehabilitative Services; Postsecondary Education Programs for Individuals With Disabilities; Notices

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services, Postsecondary Education Programs for Individuals With Disabilities

AGENCY: Department of Education.

ACTION: Notice of proposed priority.

SUMMARY: The Secretary proposes to establish an absolute priority for four Regional Centers on Postsecondary Education for Individuals who are Deaf, a program administered by the Office of Special Education and Rehabilitative Services (OSERS) under the Individuals with Disabilities Education Act. The Secretary may use this priority in Fiscal Year 1996 and subsequent years. The Secretary takes this action to focus Federal assistance on identified needs to improve educational opportunities and outcomes for postsecondary students who are deaf. The proposed priority is intended to ensure wide and effective use of program funds. The Secretary also proposes selection criteria that will be applied in evaluating applications submitted for this competition.

DATES: Comments must be received on or before April 17, 1996.

ADDRESSES: All comments concerning the proposed priority should be addressed to Ramon Rodriguez, U.S. Department of Education, 600 Independence Avenue SW., Switzer Building, Room 3125, Washington, D.C. 20202–2524.

FOR FURTHER INFORMATION CONTACT: Ramon Rodriguez, U.S. Department of Education, 600 Independence Avenue SW., Switzer Building, Room 3125, Washington, D.C. 20202–2524. Telephone: (202) 205–8555. Fax: (202) 205–9252. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 206–9156. Internet: Ramon.__Rodriguez@ed.gov

SUPPLEMENTARY INFORMATION: This notice contains information on the Regional Centers on Postsecondary Education for Individuals who are Deaf under the Postsecondary Education Programs for Individuals with Disabilities, a program authorized by section 625 of the Individuals with Disabilities Education Act. The purpose of this program is to provide assistance for the development, operation, and dissemination of specially designed model programs of postsecondary, academic, vocational, technical, continuing, or adult education for individuals with disabilities.

This proposed priority would support the National Education Goal of every adult American being literate and possessing the knowledge and skills necessary to compete in a global economy by helping students who are deaf to reach higher levels of academic achievement.

The Secretary will announce the final priority in a notice in the Federal Register. The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depend on the availability of funds, the content of the final priority, and the quality of the applications received. Further, the activities of the projects funded under this priority could be affected by the enactment of legislation reauthorizing the program. The publication of the proposed priority does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priority does not solicit applications. A notice inviting applications under this competition will be published in the Federal Register concurrent with or following publication of the notice of final priority.

Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet this priority. The Secretary proposes to fund under this competition only applications that meet the priority.

Proposed Absolute Priority—Regional Centers on Postsecondary Education for Individuals Who Are Deaf

Purpose

The purpose of this proposed priority is to support projects that assist educational institutions to implement proven models, components of models, and other exemplary practices, including innovative technology, to increase and improve postsecondary opportunities for individuals who are deaf.

Background

This priority would support four regional centers on postsecondary education for individuals who are deaf that will provide technical assistance to a range of postsecondary institutions, including academic, vocational, technical, continuing, and adult education programs, to expand the array of educational opportunities within the region that are available to students who are deaf. The centers must provide technical assistance to institutions currently not serving students who are deaf to assist them to develop services and to institutions currently serving students who are deaf to assist them to improve existing programs. In carrying out the objectives of this priority, projects must distribute technical assistance services and resources equitably, taking into account population and geographic size, within each State in its targeted geographic region.

Each regional center must:

(a) Conduct assessments of the technical assistance needs of postsecondary education institutions related to recruiting; enrolling; addressing the varying communication needs of and methods used by individuals who are deaf; and, otherwise effectively serving students who are deaf;

(b) Provide consultation, in-service training, and planning and development assistance to postsecondary education institutions and their staff to enhance the access of individuals who are deaf to postsecondary education and training;

(c) Provide technical assistance on the responsibilities of postsecondary education institutions under Federal statutes, including section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act;

(d) Develop outreach strategies and disseminate information to individuals who are deaf to enhance their awareness of available postsecondary educational opportunities;

(e) Disseminate information about financial and other resources available to students and to postsecondary institutions to help them accommodate these students;

(f) Develop training materials and disseminate information on proven models, components of models, and other exemplary practices, including innovative technology, among postsecondary educational programs to assist them in implementing effective and cost-efficient service delivery systems that foster integration of students who are deaf with other students;

(g) Encourage the use of consortia of postsecondary education institutions and other cooperative arrangements to provide services and assistance to students who are deaf, including coordination of postsecondary education options with existing public and private community services that may address the educational, remedial, support service, transitional, independent living, and employment needs of individuals who are deaf;

(h) Coordinate technical assistance and dissemination activities with

relevant information clearinghouses and organizations such as the National Clearinghouse on Postsecondary Education for Individuals with Disabilities (HEATH), National Information Center for Children and Youth with Disabilities, National Transition Alliance, and Association of Higher Education and Disability;

(i) Coordinate material development, technical assistance, outreach, and information dissemination activities with each other to ensure that activities are not duplicative; that individuals who are deaf have information on postsecondary programs throughout the country that provide accommodations; and that information on proven models, components of models, and other exemplary practices, including innovative technology, are equally available in each of the four regions. This coordination must include carrying out collaborative activities and cross-regional initiatives, where appropriate; and

(j) Evaluate the impact, effectiveness, and results of postsecondary institutions within the region in accommodating students who are deaf.

The Secretary anticipates funding four cooperative agreements, each for a project period of up to 60 months, subject to the requirements of 34 CFR 75.253(a) for continuation awards. In determining whether to continue a center for the fourth and fifth years of the project period, in addition to applying the requirements of 34 CFR 75.253(a), the Secretary will consider the recommendations of a review team consisting of three experts selected by the Secretary. The services of the review team, including a two-day visit to the center, are to be performed during the last half of the center's second year and must be included in that year's evaluation required under 34 CFR 75.590. Funds to cover the costs of the review team must be included in the center's budget for year two. These costs are estimated to be approximately $4,000.

To ensure that all States benefit from these projects, the Secretary intends to support four projects which will be required to serve each State within one of the following geographic regions:

Northeast Region—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, and Vermont.

Southern Region—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Virgin Islands, and West Virginia.

Midwest Region—Iowa, Illinois, Indiana, Kansas, Ohio, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Western Region—Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Northern Marianas Islands, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Selection Criteria for Evaluating Applications

The Secretary proposes to use the following weighted criteria to evaluate an application under the Regional Centers on Postsecondary Education for Individuals who are Deaf competition.

The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary considers—

(i) The extent to which the management plan will ensure proper and efficient administration of the project;

(ii) The quality of the activities proposed to accomplish the goals and objectives;

(iii) The adequacy of proposed timelines for accomplishing those activities; and

(iv) Effectiveness in the ways in which the applicant plans to use the resources and personnel to accomplish the program's goals and objectives.

(3) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use.

(2) The Secretary considers—

(i) The qualifications of the project director and project coordinator (if one is used);

(ii) The qualifications of each of the other key project personnel;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) plans to commit to the project; and

(iv) How the applicant will ensure that personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(3) To determine personnel qualifications under (b)(2)(i) and (ii), the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application to determine if the project has an adequate budget and is cost effective.

(2) The Secretary considers the extent to which—

(i) The budget for the project is adequate to support project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application to determine the quality of the evaluation plan for the project.

(2) The Secretary considers—

(i) The extent to which the applicant's methods of evaluation are appropriate to the project; and

(ii) To the degree possible, the extent to which the applicant's methods of evaluation are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application to determine if the applicant plans to devote adequate resources to the project.

(2) The Secretary considers the adequacy of the facilities and the technology, equipment, and supplies the applicant plans to use.

(f) *Project design.* (40 points)

(1) The Secretary reviews each application to evaluate the quality of the proposed technical assistance project design.

(2) The Secretary determines the extent to which—

(i) The technical assistance objectives are designed to meet the purpose of the priority and are clearly defined, measurable, and achievable; and

(ii) The proposed technical assistance addresses the needs of a range of postsecondary institutions, including academic, vocational, technical, continuing, and adult education programs.

(3) The Secretary determines the extent to which each application provides for—

(i) Use of current research findings and information on model practices;

(ii) Methods for linking postsecondary institutions in need of technical assistance;

(iii) Innovative procedures for disseminating information and imparting skills to postsecondary institutions, staff of these institutions, and postsecondary students and

potential postsecondary students who are deaf; and

(iv) Innovative procedures for collaborating and coordinating with other entities that are involved with broader technical assistance efforts.

Intergovernmental Review

This notice 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 the proposed priority.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3125, 330 C Street SW., 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.

Program Authority: 20 U.S.C. 1424a.

(Catalog of Federal Domestic Assistance Number: Regional Postsecondary Centers for Individuals Who are Deaf, 84.078A)

Dated: March 8, 1996.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96–6304 Filed 3–15–96; 8:45 am]

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federal register

Monday
March 18, 1996

Part III

Environmental Protection Agency

40 CFR Part 22

Hazardous Waste: Technical Revision for the Federal Facility Compliance Act of 1992 Amendments; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 22

[FRL–5426–7]

Hazardous Waste: Technical Revision for the Federal Facility Compliance Act of 1992 Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today promulgating a rule in response to a requirement established by section 6001 of the Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act of 1992 (FFCA). The FFCA includes explicit authority to the Administrator of the EPA to commence administrative enforcement actions against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government that is in violation of requirements under RCRA. The FFCA further provides that no administrative enforcement order issued to a department, agency, or instrumentality of the Federal Government becomes final until the department, agency, or instrumentality has an opportunity to confer with the EPA Administrator. Today's rule is a technical revision of the Agency's administrative rules of practice to provide a federal department, agency, or instrumentality which is the subject of an administrative enforcement order, with the opportunity to confer with the Administrator, as provided under the FFCA.

EFFECTIVE DATE: This rule is effective on March 18, 1996.

ADDRESSES: The public docket for this rule is in room M2616, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Call 202–260–9327 for an appointment to review docket materials.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA/CERCLA Hotline at 1–800–424–9346 or in the Washington Metropolitan Area at 703–412–9810. For information on specific aspects of this rule, contact Sally Dalzell or Melanie Garvey, Federal Facilities Enforcement Office (2261A), Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202–564–2510.

SUPPLEMENTARY INFORMATION: EPA is today finalizing a rule that revises the supplemental practice rules for RCRA administrative orders, 40 CFR 22.37, by adding a new paragraph (g) in the nature of a technical amendment. Specifically, under new paragraph (g), an order issued by the Environmental Appeals Board to a federal agency for RCRA violations would not be a final order, if the recipient federal agency made a timely request for a conference with the Administrator. In that event, the decision by the Administrator would be the final order. New paragraph (g) also establishes the timing and procedure that a federal agency must follow to preserve its right to confer with the Administrator prior to an administrative enforcement order becoming final.

The contents of today's preamble are listed in the following outline:

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I. Statutory Authority
II. Effective Date
III. Background
IV. Final Rule
V. Response to Comments
VI. Regulatory Analysis

I. Statutory Authority

This regulation is issued under the authority of sections 2002 and 6001(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act (FFCA), Pub. L. 102–386, 42 U.S.C. 6912 and 6961(b).

II. Effective Date

This rule will be effective on March 18, 1996.

III. Background

The FFCA clarified that EPA has explicit authority to issue administrative enforcement orders to other federal agencies that are in violation of RCRA. In the past, where EPA found RCRA violations at a federal facility, it primarily relied on a negotiated Federal Facility Compliance Agreement to bring the federal facility into compliance. The FFCA amended RCRA to expressly authorize the EPA Administrator to commence an administrative enforcement action against federal facilities pursuant to the Agency's RCRA enforcement authorities. RCRA section 6001(b)(1), 42 U.S.C. 6961(b)(1). Moreover, the FFCA requires the Administrator to initiate administrative enforcement actions against federal facilities ''. . . in the same manner and under the same circumstances as an action would be initiated against another person.'' Id. The legislative history makes it clear that Congress intends that the Agency issue administrative complaints pursuant to RCRA section 3008(a) to federal facilities to address violations that are of the same types that are found at private companies or municipalities. H.R. No. 102–886, 102nd Cong. 2nd Sess. at 19 (1992). Finally, the FFCA provides that before any such administrative enforcement order issued to a federal facility becomes final, the recipient department, agency, or instrumentality must have the opportunity to confer with the Administrator. RCRA section 6001(b)(2), 42 U.S.C. 6961(b)(2).

The adjudication process for all administrative enforcement complaints issued pursuant to RCRA section 3008(a) is governed by the Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, and the Supplemental Rules of Practice governing the administrative assessment of civil penalties under the Solid Waste Disposal Act, 40 CFR 22.37. Under current regulations, the initial decision of a Presiding Officer shall become the final order of the Environmental Appeals Board within 45 days after its service upon the parties and without further proceedings unless an appeal is taken to the Environmental Appeals Board or the Environmental Appeals Board elects, sua sponte, to review the initial decision. 40 CFR 22.27(c). If the Presiding Officer's initial decision is appealed to the Environmental Appeals Board or if the Environmental Appeals Board elects, sua sponte, to review the initial decision, then the Environmental Appeals Board issues a final order as soon as practicable after receiving the appellate briefs or oral argument, whichever is later. 40 CFR 22.31.

These rules currently have no provisions which accommodate the statutory requirement that no such administrative enforcement order issued to a federal facility shall become final until the recipient agency has had an opportunity to confer with the Administrator. The purpose of today's rule is to revise 40 CFR Part 22 to reflect a federal agency's right to an opportunity to confer with the Administrator before an administrative enforcement order issued to that agency becomes a final order.

IV. Final Rule

The rule revises the supplemental practice rules for RCRA administrative orders, 40 CFR 22.37, by adding a new paragraph (g) in the nature of a technical amendment. Specifically, under new paragraph (g), an order issued by the Environmental Appeals Board to a federal agency for RCRA violations

would not be a final order, if the recipient federal agency made a timely request for a conference with the Administrator. In that event, the decision by the Administrator would be the final order. New paragraph (g) would also establish the timing and procedure that a federal agency must follow to preserve its right to confer with the Administrator prior to an administrative enforcement order becoming final. The head of the recipient federal agency would have 30 days from the Environmental Appeal Board's service of an order or decision to request a conference with the Administrator in writing. The request must also be served upon all parties of record. Finally, new paragraph (g) states that a motion for reconsideration filed under 40 CFR 22.32 does not toll the 30-day period for filing a request for a conference with the Administrator.

The Agency believes that placing the conference at the end of the administrative enforcement process will enable the Agency to proceed with an enforcement case against a Federal agency in the same manner as it would against a private party. This procedure also best assures that the Administrator will have a complete factual and legal record on which to base a decision. The Agency further believes that the 30-day request period, and the requirement that the request for a conference be in writing and served upon the parties of record, are fair and reasonable requirements necessary for the orderly administration of administrative enforcement actions against federal agencies.

The Agency also believes that not tolling the period for requesting a conference for the filing of motions for reconsideration with the Environmental Appeals Board is consistent with 40 CFR 22.32. That section provides that the filing of a motion for reconsideration does not stay the effective date of an Environmental Appeals Board final order. Moreover, the Agency sees no reason to build additional delay into the administrative enforcement process by automatically tolling the request period during the pendency of a motion for reconsideration before the Environmental Appeals Board. Under the rule, the Environmental Appeals Board can grant a request to toll the time period for filing a request for a conference; in addition, the Administrator can always take into account a motion for reconsideration filed with the Environmental Appeals Board, when scheduling a requested conference.

Finally, the rule is consistent with previously published Agency guidance issued by the Office of Federal Facilities Enforcement entitled: *Federal Facility Compliance Act: Enforcement Authorities Implementation*, dated July 6, 1993 (58 FR 49044, September 12, 1993). This guidance remains in effect for matters not covered by the rule.

V. Response to Comments

EPA received three sets of comments on the March 22, 1995 proposed rule. First, one commenter suggested that regarding to the conference with the Administrator, ''there is no indication that such a conference will be put on hold pending action on a request for reconsideration submitted within the 10 day time frame to the Board.'' EPA believes it has addressed this concern in the preamble to the proposed rule. In the proposal, EPA stated that ''the Administrator can always take into account a motion for reconsideration filed with the Environmental Appeals Board (EAB), when scheduling a requested conference.'' 60 FR 15209. Moreover, if the Administrator feels a conference would be useful prior to the EAB's ruling, the conference should be able to proceed. EPA suggests, however, that a request for a conference should note that a motion for reconsideration has been filed and indicate a preference as to the timing of the conference either prior to or after the EAB's ruling on the motion for reconsideration. We believe this approach preserves the Administrator's discretion while at the same time minimizing the possibility that a conference is held prematurely. Therefore, the Agency has decided not to make the suggested change in the final rule.

Another commenter suggested that ''in instances where a dispute involves a policy concern, the litigation-oriented procedures of Part 22 are at best inappropriate, and may in fact prevent both EPA and other federal agencies from addressing in a timely manner the real issues in dispute.'' To solve this issue, the commenter suggests that the informal settlement provisions of 40 CFR 22.18(a) be amended to provide timely access to the Administrator to resolve policy questions. EPA does not believe that such an amendment is warranted or appropriate. It is often difficult to separate a policy dispute from a question of law or fact. EPA envisions that the Part 22 hearing will clearly define the issues in dispute such that, if a conference is necessary, the issues potentially before the Administrator will be fully ripe for her participation. Otherwise, issues may reach her prematurely. In addition, adopting the commenter's approach would inevitably lead to disagreements over whether a dispute presents a policy issue which undoubtedly would cause delays in resolving the dispute. Therefore, the Agency has decided not to adopt the commenter's approach.

Two commenters suggested that the rule prohibit the Administrator from delegating the duty to confer to any other EPA employee. One of the two commenters would allow such delegation with the express consent of the affected agency. EPA does not interpret the statute as prohibiting the Administration from delegating the duty to confer to any other EPA employee. However, in EPA's July 1993 ''Final Enforcement Guidance on Implementation of The Federal Facility Compliance Act,'' EPA determined that, as a matter of policy, the conference should be at the Administrator's level. This policy is further reflected in the rule.

Another comment received suggested that EPA measure the time period by when a Federal agency must request a conference with the Administrator from the date the Federal respondent receives service as evidenced by the receipt from certified mail. 40 CFR 22.06 indicates that copies of all Environmental Appeals Board rulings, decisions, or orders ''shall be served personally or by certified mail, return receipt requested upon all parties. * * *'' EPA believes the current time period provisions are sufficient and need not be changed. Therefore, EPA will begin the clock depending on the method of service. If the service shall be certified mail, return receipt requested, EPA will begin counting the thirty days 5 days from the date of mailing as provided in 40 CFR 22.07. However, if the ruling, decision, or order is served personally, EPA will begin counting the thirty days from the date of service.

Another comment suggested that contractor operators be given the same opportunity to confer with the Administrator as is given to a Federal agency. The opportunity to confer is given to a Federal agency in order to preserve the President's ability to resolve disputes within the Executive Branch. There is no similar concern with contractor operators. EPA issued on January 7, 1994 its ''EPA Enforcement Policy for GOCO Facilities.'' In that guidance EPA considers contractors that meet the statutory definition of operators to be separate from the Federal government. As a result, EPA may pursue an enforcement action against the Federal agency, the contractor operator, or both.

One comment suggested that EPA address the impact of the rule and the Federal Facility Compliance Act

enforcement process on state authorized programs. Neither EPA's issuance of orders to Federal agencies nor the opportunity to confer apply to anyone other than to other Federal agencies. Again, the purpose of the conference is to preserve the President's ability to resolve disputes within the Executive Branch. Disputes between states and Federal agencies do not present this concern.

Finally, a commenter suggested that the Administrator consult with OMB and her counterpart in the Federal agency as part of the conference. As the conference is with the Administrator's counterpart in the affected agency, a change to the rule requiring consultation is not necessary. In addition, the Administrator is not prohibited from consulting with anyone of her choosing in making her decision. To mandate consultation with OMB on all issues is overly restrictive and may cause delays unnecessarily. Therefore, EPA will not amend the rule to require the Administrator's inclusion of OMB in the conference.

VI. Regulatory Analysis

A. Executive Order No. 12866

Under Executive Order 12866 [58 FR 51,735 (October 4, 1993)] the Agency must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (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.

Because the rule is merely a technical amendment to the Part 22 procedures and adds no economic burdens, it has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 (Pub. L. 96–354) requires Federal regulatory agencies to consider the impact of rulemaking on ''small entities.'' If a rulemaking will have a significant impact on small entities, agencies must consider regulatory alternatives that minimize economic impact.

Today's decision does not affect any small entity. Rather, it is merely a technical amendment to the Part 22 procedures ensuring consistency between the regulatory procedures and the Federal Facility Compliance Act. Accordingly, this action will not add any economic burdens to any affected entities, small or large. Therefore, a regulatory flexibility analysis is not required. Pursuant to Section 605(b) of the RFA, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant impact on small entities.

C. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to review of the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501, *et seq.*

D. 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. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives 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, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them 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.

List of Subjects in 40 CFR Part 22

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Water pollution control, Federal facilities.

Dated: March 12, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, 40 CFR part 22 is amended as follows:

PART 22—[AMENDED]

1. The authority citation for part 22 continues to read as follows:

Authority: 42 U.S.C. 6961.

2. Section 22.37 is amended by adding a new paragraph (g) to read as follows:

§ 22.37 Supplemental rules of practice governing the administrative assessment of civil penalties under the Solid Waste Disposal Act.

* * * * *

(g) *Final Orders to Federal Agencies on Appeal.* (1) In the case of an administrative order or decision issued to a department, agency, or instrumentality of the United States, such order or decision shall become the final order for purposes of the Federal Facility Compliance Act, 42 U.S.C. 6961(b), in accordance with §§ 22.27(c) and 22.31 except as provided in paragraph (g)(2) of this section.

(2) In the case of an administrative order or decision issued by the Environmental Appeals Board, if the head of the affected department, agency, or instrumentality requests a conference

with the Administrator in writing and serves a copy of the request on the parties of record within thirty days of the Environmental Appeals Board's service of the order or decision, a decision by the Administrator (rather than the Environmental Appeals Board) shall be the final order for the purposes of the Federal Facility Compliance Act.

(3) In the event the department, agency, or instrumentality of the United States files a motion for reconsideration with the Environmental Appeals Board in accordance with § 22.32, filing such motion for reconsideration shall not toll the thirty-day period for filing the request with the Administrator for a conference unless specifically so ordered by the Environmental Appeals Board.

[FR Doc. 96–6449 Filed 3–15–96; 8:45 am]

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federal register

Monday
March 18, 1996

Part IV

Environmental Protection Agency

40 CFR Parts 9 and 761

Disposal of Polychlorinated Biphenyls; Import for Disposal; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 761

[OPPTS–66009B; FRL–5354–8]

RIN 2070–AC01

Disposal of Polychlorinated Biphenyls; Import for Disposal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 6, 1994, EPA proposed to allow the import and export of Polychlorinated Biphenyls (PCBs) for disposal at concentrations of 50 parts per million (ppm) or greater under certain circumstances. This final rule promulgates regulations at 40 CFR part 761, subpart F to permit the import of PCBs for disposal at concentrations of 50 ppm or greater. Today's rule continues to allow the import and export of PCBs for disposal at concentrations less than 50 ppm. Those portions of the December 6, 1994, proposed rule addressing other issues, including export of PCBs for disposal at concentrations of 50 ppm or greater and other transboundary shipments of PCB waste, will be addressed in a separate Federal Register notice at a later date. This rule will provide for the sensible management of PCB waste imports, consistent with hazardous waste import regulations, and the United States' obligations under international agreements. This rule will benefit the United States by facilitating the safe removal of PCBs from areas near the United States' borders, as well as the world environment in general, and this rule will produce economic benefits for the United States.

DATES: In accordance with 40 CFR 23.5, this rule is promulgated for purposes of judicial review at 1 p.m. eastern standard time on March 18, 1996. Because this final rule relieves a regulatory restriction, under section 553(d) of the Administrative Procedures Act (APA), this final rule is also effective on March 18, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E-543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551, FAX: (202) 554-5603 (document requests only), e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Overview of Rulemaking

A. Purpose of this Final Rule

In the Federal Register of December 6, 1994 (59 FR 62788), EPA issued a notice of proposed rulemaking to amend the polychlorinated biphenyl (PCB) rules at 40 CFR part 761, promulgated under section 6(e) of the Toxic Substances Control Act (TSCA). Comprehensive changes were proposed for the PCB regulations which included, among other things, the requirements for determining PCB concentration; marking, storage and disposal; decontamination levels and procedures; reporting and recordkeeping requirements; and use authorizations. In addition, EPA proposed to allow the import and export of PCBs for disposal at concentrations of 50 ppm or greater under certain circumstances. Comments were specifically solicited on retaining the prohibitions on transboundary shipments of PCB waste for purposes of disposal, on removing the prohibitions, and on specific regulatory language proposed at § 761.20(b) and (c) that would allow import and export of PCB waste under certain circumstances with appropriate administrative controls (see 59 FR 62816-62818).

On June 6 and 7, 1995, EPA held a public hearing on the proposed PCB Disposal Amendments, including the proposed import provision, in Arlington, Virginia. A transcript of that hearing was placed in the public record.

In response to considerable public interest in the proposal to allow importation of PCBs for disposal, EPA has expedited its final action on the portion of the PCB Disposal Amendments addressing import, and is promulgating these provisions in today's final rule. The other regulatory changes proposed in the PCB Disposal Amendments, including those relating to export for disposal at concentrations of 50 ppm or greater and other transboundary shipments of PCB waste, will be addressed in a separate Federal Register notice at a later date.

B. Statutory Authority

This final rule is issued pursuant to section 6(e)(1) of TSCA. Section 6(e)(1) of TSCA gives EPA the authority to promulgate rules to prescribe methods for the disposal of PCBs (15 U.S.C. 2605(e)(1)).

When EPA adopted a year-long open border policy in 1979, it explained that, while the Agency has concurrent authority to regulate import of PCB waste for disposal under both section 6(e)(1) and section 6(e)(3), it was doing so under the authority of section 6(e)(1):

> In [establishing the open border policy], EPA has reviewed whether the regulation of imported and exported PCB wastes for disposal should be accomplished under section 6(e)(1) of TSCA or under section 6(e)(3). While section 6(e)(3)(A)(i) could be read to allow regulation of the import of PCB wastes for disposal, section 6(e) treats PCB disposal as a separate matter under section 6(e)(1), which allows comprehensive regulation of the disposal of PCBs. Accordingly, EPA has elected to regulate import and export of PCB waste for disposal under section 6(e)(1). (44 FR 31514-31516; May 31, 1979.)

After the border was closed in 1980, EPA relied on its authority under section 6(e)(3) in accepting and considering exemption petitions for specific transboundary shipments of PCB waste at concentrations of 50 ppm or greater. Such exemptions were rarely granted.

Under its section 6(e)(1) authority, EPA is implementing in this rule a broad-based approach to import for disposal that EPA believes carries out Congress' intent that EPA take action to prevent unreasonable risks of injury to health and the environment in the United States from PCBs.

Under section 6(e)(1) EPA has promulgated a series of disposal regulations which support a consistent course of action to promptly dispose of regulated PCBs in a manner which limits releases to the environment to the best levels achievable by technology at the time the regulations were promulgated. Section 761.65 requires disposal of PCBs within 1 year of the time the PCBs are designated a waste. Part 761, subpart D prescribes standards which are used for issuing disposal approvals. EPA believes that PCB wastes which are not disposed of for extended periods of time or which are not disposed of in facilities providing equivalent protection from release to the environment may pose an unreasonable risk of injury to health and the environment. Therefore, EPA believes today's rule which allows foreign generated PCB wastes to be disposed of in a prompt and safe manner in the United States is consistent with the requirements it has promulgated for storage and disposal of domestically generated PCB wastes. Under TSCA section 6(e), EPA makes decisions using the concept of ''unreasonable risk.'' This includes the consideration of the risks of harm to health or the environment in the United States and of the costs of regulation in the United States. EPA does not consider risks that occur outside the United States except to the extent those risks may result in risks in the United States, and EPA does not consider costs of regulation to parties

outside the United States. Thus EPA's analysis for this rulemaking does not consider impacts of the rule that take place outside the United States.

Because EPA is promulgating this rule to allow import for disposal under its section 6(e)(1) authority, it is no longer necessary for persons who wish to import PCBs for disposal in accordance with this rule to apply for case-by-case exemptions under section 6(e)(3). However, to the extent that persons wish to engage in import activity outside the scope of this rule (i.e., an activity other than importing PCB waste for disposal), section 6(e)(3) petitions may still be filed with the Agency.

C. Coordination with International Agreements

On May 5, 1992, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) entered into force. The Basel Convention imposes a series of obligations on Parties regarding transboundary shipments of hazardous waste. One provision of the Convention of significance to the implementation of today's rule is that Basel Parties are prohibited from exporting or importing wastes that fall within the scope of the Convention to or from non-Parties unless a separate agreement or arrangement exists with non-Parties regarding transboundary shipments of such wastes. (For a more detailed explanation of the Basel Convention, the content and role of these separate agreements and the text of the Convention, please see the Federal Register of May 13, 1992 (57 FR 20602).)

On March 21, 1990, the United States signed the Basel Convention. Signature indicates that the United States will not take action that would defeat the object and purpose of the Basel Convention. However, the United States has not yet ratified the Basel Convention. Since the United States is not a Party to the Convention, Parties to the Convention may not trade in Basel-covered wastes with the United States absent a separate bi- or multi-lateral agreement or arrangement between the concerned governments covering such wastes (e.g., PCB waste) that meets the conditions specified in Article 11 of the Basel Convention. The lack of such an agreement or arrangement could prevent the export of PCB waste from a Basel Party to the United States for disposal.

Nothing in today's rule alters the existing authority of the United States to prohibit an import where the import is not in compliance with an agreement or arrangement that the United States has entered into regarding PCB waste imports; or where the import is not in compliance with other international obligations of the United States.

D. Coordination with Other EPA Regulations

Section 9(b) of TSCA mandates EPA to ''. . .coordinate actions taken under this Act with actions taken under other Federal laws. . . .'' EPA believes that today's final rule has the advantage over the proposed rule and the current ''Closed Border Policy'' of making the regulation of importation of PCBs for disposal more consistent with the regulations on the importation of hazardous wastes under the Resource Conservation and Recovery Act (RCRA), 40 U.S.C. 6901 et seq. Currently, under RCRA, EPA generally does not restrict the importation of hazardous wastes from abroad for disposal at permitted facilities in the United States, apart from certain controls adopted pursuant to relevant international instruments, such as the U.S.-Canadian Agreement Concerning the Transboundary Movement of Hazardous Waste. EPA believes that without appropriate controls, the importation of PCBs for disposal could pose unreasonable risks to human health and the environment in the United States. Therefore, EPA believes that it is in the public interest to regulate the importation of PCBs for disposal.

The need to make a determination of no unreasonable risk under TSCA mitigates against an unrestricted open border policy for PCBs. Therefore, today's rule will allow for importation of PCB wastes with minimal disruption, including PCB-containing hazardous wastes that formerly were barred from entry into the United States. For the reasons explained below in Unit I.E., EPA determines that, with proper control, including prior notification, tracking, and storage and disposal in approved facilities, a less restrictive policy concerning the import of PCBs for disposal, which is more consistent with the program for hazardous wastes under RCRA, will not present an unreasonable risk of injury to health or the environment.

In addition to compliance with the TSCA PCB regulations at 40 CFR part 761, importers should be aware that other requirements may also apply to imports of PCBs. For instance, importers must provide a TSCA Section 13 Importer's Certification to U.S. Customs in accordance with 40 CFR part 707, subpart B. Further, all parties should be aware that imported PCB waste may be subject to regulation under RCRA Subtitle C as a hazardous waste, unless it satisfies the RCRA exemption set forth in 40 CFR 261.8 or another applicable exemption. Section 261.8 exempts generally from RCRA Subtitle C regulations the disposal of certain PCB-containing dielectric fluid and electrical equipment containing such fluid authorized for use under 40 CFR part 761. EPA believes this RCRA exemption should apply to the disposal of PCB waste that meets the criteria of § 261.8 regardless of whether the dielectric fluid or electrical equipment containing this fluid originated domestically or abroad. (These fluids and equipment may not be imported for use, but may be imported for disposal.) There is no reason to treat these imported fluids and equipment differently from their domestic counterparts for purposes of this disposal exemption and § 261.8 was not intended to result in different treatment of the same type of materials. However, if imported PCB waste meets the RCRA definition of a hazardous waste and fails to meet the § 261.8 exemption, then it will have to be handled in compliance with all applicable RCRA regulations (as is the case with domestic PCB waste).

Nothing in this rule affects or obviates obligations affecting PCBs under other laws or regulations. The importer, and the owner or operator of each storage and disposal facility managing imported PCBs for disposal are responsible for determining and complying with all other applicable Federal, State and local laws and regulations pertaining to the management of this material.

E. Unreasonable Risk Finding

In this final rule, EPA is not implementing the proposed import notice provision that would have required importers to justify, on an individual shipment basis, how importing PCB waste for disposal would be in the interests of the United States. Based on additional data supplied by commenters, in particular comments demonstrating the very low risks associated with regulated transportation, EPA has determined that the risk associated with the import for disposal of PCBs would be insignificant under the circumstances outlined in this rule, and these insignificant risks are outweighed by significant benefits. Provided import of PCBs for disposal is conducted under the circumstances outlined in this final rule, including notification of the Agency, EPA finds that such import will not present an unreasonable risk of injury to health or the environment in the United States. This is because in the United States all PCBs imported for disposal are subject to U.S. Department of Transportation regulations for hazardous materials during transport, and must be

manifested, stored, and disposed of only in facilities with PCB storage and disposal approvals, or laboratories handling limited quantities. The United States will realize significant benefits from this rule, including the amelioration of the risks posed to the United States by the presence of PCBs in the world environment. United States industry stands to gain an economic benefit of $50 - $100 million annually from PCB waste imports, and additional jobs may be created.

EPA received substantial written and oral comments in response to the proposed PCB Disposal Amendments and the proposed PCB Exemptions Rule (59 FR 62875, December 6, 1994) on the risk of transportation for disposal. Most commenters addressing the transportation issue argued that the risks involved in transportation for disposal are negligible. The American Trucking Association's (ATA) comments included a review of the Department of Transportation's (DOT) statistics, and found that only one ''serious incident'' involving PCB transport occurred in the period from January 1, 1990 to November 15, 1994. (During that period, a ''serious incident'' was defined by DOT to be an accident or derailment, an evacuation, a death, an injury requiring hospitalization or lost work time, or a road closing. (comment C1-047).) For comparison, 1,923 serious incidents involving hazardous wastes occurred from January 1, 1990 to December 31, 1995, and during that same period, 16,074 serious incidents involving all hazardous materials (including wastes) occurred. Also, during that time, 14 serious incidents involving Class 7 radioactive material occurred. ATA estimates that upwards of 500,000 shipments of hazardous materials and 5,000 shipments of hazardous wastes are made daily.

The Environmental Technology Council (ETC) noted in its comments that over 200,000 tons of RCRA hazardous waste per year move across the U.S.- Canadian border, including pesticides and other chlorinated hydrocarbons with hazard profiles similar to PCBs. Comments supporting the safe shipment of PCBs for disposal were also provided by S.D. Myers, Inc. EPA Region IV, in a 1986 study, concluded that the risk associated with a PCB transportation spill would be slight (Ref. 5). Based on this data and analysis, EPA finds that the transportation of PCBs imported into the United States for disposal presents little risk of injury to health or the environment.

EPA also finds that the storage and disposal of imported PCBs at facilities approved under TSCA, as required by this rule, presents little risk of injury to health or the environment. In developing the disposal regulations at 40 CFR part 761, subpart D, EPA determined that the benefits of disposal (be that destruction, decontamination, or long-term containment) outweighed the risks associated with these processes, especially since EPA regulations require the use of the best available technology standards for destruction and long-term containment at approved facilities. As part of its approval process for PCB waste management facilities, EPA evaluates the technology and procedures of each facility to ensure its ability to meet these standards. These assessments presume a conservative scenario with regard to concentration of constituents and feed-rate. The operating conditions of the approval are set so that they do not exceed the values established in the technical assessment and during the demonstration test. Therefore, since each disposal approval establishes operating conditions based on waste characteristics demonstrated to the Agency as part of the approval process, disposing of foreign-generated PCB waste in U.S. disposal facilities will not increase the risks of disposal over and above the risks calculated at the time the PCB disposal approval was issued. In approving facilities under 40 CFR part 761, subpart D, EPA ensures that disposal facilities are designed and operated in accordance with the regulatory standards. While PCBs currently in storage or in the environment outside the United States pose less immediate risk of injury to health and the environment in the United States than PCBs in the United States today, they do pose some risk. EPA believes that the benefits of the removal of these PCBs outside the United States outweighs any risks associated with their disposal in TSCA-approved facilities.

The importation of PCBs for disposal could theoretically cause situations posing risks of injury by creating a shortage of disposal capacity for domestic PCB disposers, especially in the initial period of this change in policy. Theoretically, such a shortage could raise disposal prices enough to slow the removal of PCBs from service in the United States, or to encourage the improper disposal of PCBs, either of which might result in increased exposure to PCBs. While the import of PCB wastes may cause minor increases in disposal prices over the short-term, EPA does not believe that import will cause a shortage of storage or disposal capacity. With certain exceptions, comments on this rule confirm that the U.S. PCB disposal companies have generally experienced an excess of capacity in recent years.

Furthermore, EPA believes the amounts of PCBs available for import are small in comparison to domestic generation, and pose little threat of swamping domestic disposal capacity. For instance, a recent report estimates there are 172,722 metric tons of PCB materials in Canada (Ref. 3). Mexico reportedly has 60,000 metric tons of PCB materials (Ref. 1). EPA believes all of this waste is unlikely to be imported into the United States, particularly not within a single year. For comparison, 842,050 tons of domestic PCB waste were disposed of at U.S. commercial facilities in 1993. Paradoxically, allowing import of PCBs could even stabilize disposal prices for U.S. PCB waste generators in the future, by ensuring that U.S. PCB disposal facilities continue to have an economically viable market, and continue to remain in the PCB waste disposal business.

Despite EPA confidence that import will not hinder United States generators from disposing of PCBs, as a safety measure, today's rule will provide a storage capacity cushion for domestic PCB waste. EPA is requiring owners of storage and disposal facilities accepting imported PCB waste to certify that no more than 70% of their facilities' approved and operating storage capacity is being used at any one time for imported PCB waste from all sources. This will ensure disposal firms handling imported waste cannot use all their resources for imported waste to the exclusion of domestic customers. Such a situation might increase risk by forcing domestic generators to store their waste for extended periods of time. The 70% capacity limit will facilitate compliance with the existing requirements for disposal of PCB waste within 1 year of removal from service (see § 761.65(b)) by ensuring adequate access to disposal capacity for domestic generators. This provision will expire after 3 years. Based on the above cited inventories of waste in Canada and Mexico, EPA estimates that this 3-year period will be sufficient to allow for any surge of waste imports generated by this new opportunity to dispose of PCB waste in the United States. After that time, EPA believes that the PCB disposal market will have compensated for any effects of additional foreign waste, and removal of this capacity provision will not deny domestic

generators access to disposal capacity or contribute to the need to store PCBs for more than 1 year.

EPA now concludes that to attempt to regulate individual import shipments of PCBs based on the risk those PCBs would pose to health or the environment in the United States if they were to remain in storage or use outside of the United States is impractical and inequitable. This conclusion is based on the lack of any established scientific methods in use to measure the relative risk of one cross-border exposure scenario with another. This issue is further complicated by the persistence of PCBs in the environment and their world-wide dispersal. For instance, research supporting EPA's report to Congress, *Deposition of Air Pollutants to the Great Waters* (EPA-453A/R-93-055, May, 1994), indicates that up to 89% of the current PCB loading for Lake Superior occurs through air deposition, much of it from distant sources. Figures for the other Great Lakes range from 6% to 63%. Based on the persistence of PCBs in the global environment and EPA's finding that any exposure to human beings or the environment may be significant, EPA believes that the safe disposal of PCBs in approved U.S. facilities poses less risk of injury to health or the environment in the United States than the continued presence of PCBs in other countries, since proper disposal in this country provides protection against possible hazards from improper disposal elsewhere.

II. Discussion of the Rule and Comments

A. Background

Currently, EPA allows the import for disposal of PCBs only at concentrations less than 50 ppm. In response to periodic requests from individuals to import PCBs for disposal at higher concentrations, and to ensure that the PCB rules are not inconsistent with the conditions of the Basel Convention, EPA proposed in the PCB Disposal Amendments (59 FR 62788, December 6, 1994) to allow such imports under certain circumstances, in the belief that doing so would not pose an unreasonable risk of injury to health or the environment. EPA specifically proposed to create certain categorical exemptions to the general ban on import for disposal of PCBs at 50 ppm or greater. For PCB waste not included in these categorical exemptions, EPA proposed to establish a petition procedure to allow import on a case-by-case basis. EPA also proposed to clarify the status of certain transboundary shipments of PCBs which the Agency does not consider import for purposes of these regulations. Outside of these excepted activities, the proposed rule retained the general prohibition on the import of PCBs for disposal at concentrations of 50 ppm or greater.

EPA also requested comment on the extent to which the U.S. border should be opened to transboundary shipments of PCBs for disposal, noting that the choices available for the final rule ranged from allowing all imports under section 6(e)(1) to maintaining the generally closed border status, and might include opening the border to PCBs from a limited geographical area such as the Great Lakes drainage basin (see 59 FR 62816).

B. Summary of Comments

Oral and written comments in response to the proposed import provisions were submitted by approximately 32 separate parties. Comments are available for review in the docket to this final rule. EPA's response to these comments are summarized in a Response to Comments document, which is also available in the docket to this rule.

In general, comments submitted in writing and presented orally at the public hearing strongly supported opening the border as broadly as possible to imports of PCBs for disposal. The general sentiment of commenters was that the time was appropriate for a relaxation of EPA's 1980 ''Closed border policy'' (May 1, 1980, 45 FR 29115) on PCB wastes because the United States has the technology, capacity, and ability to dispose of PCB waste generated in other countries. Commenters generally supported allowing imports of wastes from foreign countries, with particular emphasis on PCB wastes coming from United States firms with foreign operations, and from Mexico and Canada. Many commenters opposed restricting imports to instances where ''the interests of the United States'' was narrowly interpreted to apply to PCBs in a narrow geographical area just outside the country's borders, where mismanagement of those wastes could pose an immediate risk of exposure and thus pose a risk of injury to health and the environment in the United States.

Little support was expressed for the actual process proposed by EPA. Generally, commenters indicated that the proposed petition and review mechanism was too burdensome and not likely to provide the relief intended. One commenter, American Trucking Association (C047), summarized this belief: ''While such case-by-case review may not be a shipment-by-shipment review nor subject to notice-and-comment rulemaking, the policy still provides inadequate relief. . .The petition process still creates market barriers between similarly qualified potential importers. . .EPA should. . .allow transborder movements of PCBs at least on a level no more restrictive than currently exists for hazardous waste.'' Several commenters suggested that at a minimum, EPA establish a deadline for response to petitions, and others recommended EPA grant petitions on a class basis for specific types of imports (i.e., allow only liquids, or recyclable metals, or waste from countries with no disposal capacity).

Even greater concern was expressed in comments about the actual criteria that EPA would use to review and rule on petitions to import waste as proposed. The absence of a description of the review process and the potential for inequity in EPA's decision-making process were noted as uncertainties that could negatively impact the U.S. disposal industry's planning process and hurt business competitiveness. Commenters indicated that if EPA retained the review process in the final rule, it should elaborate on the time frame for a decision and the actual standards it would use in accepting or rejecting petitions to import PCB waste (e.g., how EPA intends to determine whether an import is in the interests of the United States). Preference was expressed for the replacement of the proposed petition process with a codified list of conditions on import, allowing unrestricted import for disposal within the bounds of those conditions, with no notification to EPA.

Not all commenters supported the general proposal to open the border to PCB wastes at concentrations of 50 ppm and above. One commenter expressed concern that allowing imported PCBs to compete for finite domestic disposal capacity would increase PCB disposal costs for domestic generators such as itself. Adequate domestic disposal capacity was one of the concerns which caused EPA to close the borders in 1980 and it remains an issue that is being addressed in this rulemaking. The 1980 border closing was focused almost exclusively on waste disposal capacity in Canada. Capacity now exists in Canada as indicated in written and oral comments by Canadian disposal firms (e.g., fixed-site incinerator at Swan Hills, Alberta; mobile incinerators, etc.).

Comments opposing any extension of the current open border policy for waste at concentrations less than 50 ppm PCBs, to PCBs at concentrations of 50 ppm or greater, were submitted by the firm of Hogan & Hartson and others on behalf of several Canadian disposal

concerns. The commenters argued that EPA does not have the statutory authority under TSCA section 6(e)(1) to regulate import for disposal; rather, all imports must be regulated under the statutory ban on manufacture at section 6(e)(3). The commenters also maintained that by this rule EPA was making a significant policy change, and that EPA has failed to support its action with data or analysis, as required by the Administrative Procedure Act (APA) 5 U.S.C. 551 *et seq*. The commenters also questioned the appropriateness of the proposed rule under existing international law governing the shipment of hazardous wastes.

As discussed in Unit I.B. of this preamble under the heading ''Statutory Authority,'' EPA believes it has the authority to regulate import-for-disposal under TSCA section 6(e)(1).

EPA closed the border in 1980 primarily because of both limited disposal capacity in the United States and no appropriate disposal capacity in Canada, the country which presented the greatest potential for exports to the United States. Today, that situation has changed dramatically, with excess U.S. disposal capacity at an all time high, and with the presence of adequate disposal capacity in Canada. EPA believes that today's rule is more in harmony with the international obligations of the United States pertaining to the transboundary shipment and disposal of hazardous wastes than the previous closed border policy.

EPA received a late comment that any decision by the Agency to generally open the border to imports (and exports) would not have been properly announced in the Federal Register and therefore potential commenters did not have an opportunity to provide comment. EPA disagrees with this comment. The notice proposing to open the border clearly requested comments on a broad range of options. The December 6, 1994, Federal Register notice stated: ''EPA is requesting comment on the circumstances under which the U.S. border should be opened to transboundary shipments of PCBs for disposal. The options range from allowing all imports for disposal under section 6(e) to maintaining the current closed border status, and might include opening the border to PCBs from a limited geographic area such as the Great Lakes drainage basin'' (59 FR 62816). Many of those who provided written comments or oral comments at the public hearing on the issue of opening the border availed themselves of EPA's request. EPA also notes that the written comment period on this rule was extended once, and totalled 120 days. The public hearing was held after the close of the written comment period, and there was opportunity to file written reply comments after the public hearing. Therefore, EPA rejects the argument of a lack of prior notice and opportunity for comment on this issue.

C. Discussion of Today's Final Rule

In response to the general support for an expansion of the current exception (i.e., the import of PCBs for disposal at concentrations of less than 50 ppm) to allow import of higher concentration waste under section 6(e)(1) of TSCA, and because EPA has been able to make a finding of no unreasonable risk, EPA is allowing imports of PCB waste at concentrations at 50 ppm or greater, under certain conditions. EPA is adopting the import for disposal portion of the proposed rule, with modifications to eliminate EPA review and approval of each import notice. This final rule eliminates these notice requirements for the import of limited quantities of PCB waste for laboratory analysis or for treatability studies. These activities facilitate the disposal process, and import of these limited quantities will not pose an unreasonable risk to health or the environment. For clarity, EPA is finalizing the provisions of today's rule under a new subpart F of the PCB regulations at 40 CFR part 761, which will include all provisions pertaining to import, export, and other transboundary shipments of PCB waste. References to the new subpart F are being included at §§ 761.20(b) and (c)(3) and 761.60(h) and definitions are being added to § 761.3 for ''Basel Convention,'' ''Importer,'' and ''Treatability study.''

1. *Import notice*. Under this final rule at § 761.93(b), importers of PCBs and PCB Items are required to submit a PCB waste import notice to EPA's Office of Enforcement and Compliance Assurance. EPA must receive this notice at least 45 days before the first import enters the United States. The notice must contain specific information, including the identity of the importer (company name, name of contact person, address, telephone number, facsimile (fax) number, EPA identification number), the identity of the foreign generator (company name, contact name, address — including country, telephone and fax numbers), countries of transit (if any), port of entry in the United States, and methods of transport (e.g., by ship or rail). The notice must identify the types of PCB waste (e.g., transformers, capacitors, oil, soil) and PCB concentrations, the number and frequency of shipments, maximum shipment size, and the maximum total quantity to be imported during the period covered by the notice. Projected dates of shipment must be included, as well as the period of time covered by the import notice (not to exceed 12 months). The notice must identify each storage and disposal facility which will be managing the PCB waste covered by the notice (by company name, contact name, address, telephone and facsimile numbers, and EPA identification number). Imported PCB waste must be stored and disposed of in TSCA-approved commercial facilities, unless otherwise noted in § 761.93(b). The notice must also include written certifications from each storage or disposal facility identified in the notice, including the importer if applicable, that the facility has the capacity to store the waste and that no more than 70% of their facilities' approved and operating storage capacity is being used at any one time for imported PCB waste from all sources, the facility agrees to accept the waste, and has the appropriate TSCA approval(s) to manage the waste. In addition, the importer must certify that it is a TSCA-approved commercial storer or disposer of PCBs, and that it agrees to accept full financial liability for the waste from the time it enters the United States until it has been completely and finally disposed of. Such liability includes the costs associated with any spills, cleanups, and additional disposal that may occur. Finally, the importer must certify the completeness and accuracy of the information included in the notice, using existing certification language at 40 CFR 761.185(e).

One commenter stated that EPA should require disposers accepting imported PCB waste to notify all their customers of such imports, so those customers could assess their liability. EPA does not believe this is necessary, in that before it accepts any imported PCB waste, the importer, which must be a commercial storage or disposal facility, must accept full financial liability for this waste. Further arrangements for protection from liability for the mismanagement of imported PCBs are best dealt with in the contractual arrangement between the facility and their domestic PCB waste clients.

One notice will be sufficient for all shipments by the importer for 12 months from the date of the first import, so long as all shipments are accurately described by that notice. A change in import practices during that year which deviates from the notice, such as exceeding the quantities identified in the notice, commencement of import

from a new country, or storage or disposal in a different facility, requires that a new notice be submitted, and received by EPA 45 days prior to the change occurring. A notice submitted to report such changes in import practice should indicate that it is an amendment of an earlier notice. By requiring an import notice only once every 12 months, rather than before every shipment, EPA believes that today's final rule will impose a significantly lighter reporting burden and significantly fewer delays on the regulated community than shipment-by-shipment notification, while still retaining sufficient EPA oversight. If a series of import shipments will continue beyond 12 months, the importer must submit a new import notice to cover the activity which continues beyond the initial 12-month notice period. Provided an importer submits subsequent notices punctually so that they are received by EPA at least 45 days before the annual expiration of the first import notice, the importer should be able to continue importing indefinitely without interruption, assuming the notices are properly filed and complete. EPA believes that 45 days are necessary for it to review the import notice and investigate any associated issues, such as disposal capacity at a facility, or U.S. international obligations pertaining to shipments of waste from specific countries.

EPA recognizes that some of the information required to be submitted in a PCB waste import notice may also be required to be submitted to EPA pursuant to certain international agreements. With the exception of the information and certifications required by § 761.93(b)(1)(iii)(F), (G), and (H), importers may elect to include information in the PCB waste import notice in the same format as the information is submitted under the international agreement. Under all circumstances, the specific certifications required by § 761.93(b)(1)(iii)(F), (G), and (H) must be included in each PCB waste import notice. EPA encourages importers to submit information using the same form submitted under the international agreement, provided the form contains the information required by § 761.93(b)(1)(iii)(A)-(E).

2. *Confidential business information*. EPA believes that the information requested in PCB waste import notices will generally not warrant treatment as confidential business information (CBI) pursuant to section 14 of TSCA. EPA believes that most, if not all, of the information requested in the PCB waste import notice, will not meet the criteria established for TSCA CBI. Also, much of this information would be accessible to the public through other avenues, such as on manifest forms, or through notices provided under other statutes, such as RCRA, or under international agreements. For instance, while some international agreements, such as the bilateral agreement between the United States and Canada on hazardous waste, have provisions for CBI, many others, such as the Basel Convention, contain no provisions for such information.

EPA strongly recommends that importers not make claims of CBI on their import notices. Notices containing CBI claims will require an enhanced level of review by the Agency. If CBI claims are made, such claims should be accompanied, at the time the claim is made, by a written justification substantiating each item of the claim pursuant to 40 CFR 2.204(e). In accordance with the procedures set forth in TSCA and 40 CFR part 2, EPA will routinely request such substantiation from the importer if it does not accompany the claim of confidentiality. EPA intends to challenge CBI claims, unless the submitter satisfactorily demonstrates a valid need to maintain confidentiality, and can demonstrate that the information is not accessible to the public through other avenues, such as a government-to-government notification under the Basel Convention, or through manifesting.

Any claim of confidentiality must accompany the PCB waste import notice at the time it is submitted to EPA. To make a CBI claim, the importer must submit two copies of each PCB waste import notice. One copy of the notice must contain all information required in § 761.93(b)(1)(iii). In this copy of the notice, the submitter must clearly highlight or mark the specific items claimed as confidential on each page, and identify each item with the label ''TSCA Confidential Business Information.'' This notice must be double wrapped, and the inner envelope marked ''PCB Waste Import Notice — CBI Claimed.'' The outer envelope must be addressed to: TSCA Document Processing Center (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Washington, DC 20460. Substantiation of CBI claims must be submitted with this copy. The second, ''sanitized,'' copy must contain all information required in the first copy, with the exception that all information claimed as confidential in the first copy must be deleted. This copy must be sent to the address used for non-CBI notices (Attn: PCB Waste Import Notice, Office of Enforcement and Compliance Assurance, Office of Compliance (2222A), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460). EPA will not consider a PCB waste import notice that contains CBI claims to be complete for purposes of this rule, nor initiate the 45–day time period, until both copies and the written substantiation are received by EPA.

3. *Review of import notice*. EPA will screen incoming PCB import notices for compliance with the notice conditions required by § 761.93(b)(1). EPA may refuse entry of individual PCB waste import shipments in instances where the import notice is incomplete, inaccurate, or the designated storage or disposal facility is not approved for the type, concentration, or quantity of waste proposed. EPA is also reserving the right to refuse entry based on shortage of the storage or disposal capacity at the designated facility (including non-compliance with the 70% storage capacity requirement), or non-compliance with international law or obligations that would result from a given import. In addition, EPA may always at a later date bring an enforcement action against a shipment which has already entered the United States.

4. *Regulation of PCBs after import*. EPA is also including a provision at § 761.93(b)(2) in the final rule to address the storage and disposal of imported PCB wastes in the United States. Imported PCBs and PCB Items are subject to all applicable marking provisions of subpart C, and must be stored and disposed of in accordance with subpart D. All storage container provisions of subpart D apply, as well as any applicable Department of Transportation (DOT) standards.

In general, all PCB wastes imported into the United States are regulated under 40 CFR part 761 in the same manner as domestic PCBs except that imported PCB wastes must be stored and disposed of in a facility with an appropriate commercial storage or disposal approval that has been issued under section 6(e) of TSCA. Imported PCB wastes may not be stored at a facility which is not approved as a commercial storer of PCB waste, nor may they be disposed of at a facility without a TSCA disposal approval issued by EPA, such as a municipal solid waste landfill, boiler, industrial furnace, or high-efficiency boiler. For instance, intact and non-leaking fluorescent light ballasts and drained PCB-contaminated electrical equipment from domestic sources are currently allowed under TSCA to be disposed of as municipal solid waste. However, if these PCB items are imported for

disposal, they must be treated as PCB waste. They must be manifested, stored at a commercial storage facility, and disposed of in a TSCA-approved disposal facility (e.g., incinerator or TSCA landfill). The handling of all imported PCBs and PCB Items as PCB waste subject to subpart D is a necessary condition of EPA's finding of no unreasonable risk for the import of PCBs for disposal. EPA is mandating the use of TSCA-approved commercial storage and disposal facilities for the same reason; such facilities have financial assurance to ensure proper closure, they must submit annual reports to the Agency, and they have Agency approved capacity limits at their storage facilities. These conditions are necessary for the Agency to track imported PCB waste, and they permit the United States to assure the exporting country that the imported PCB waste is being managed in an environmentally sound manner.

Imported PCB waste is subject to the 1 year limit on storage for disposal at § 761.65(a). For calculation of the 1 year storage for disposal limitation, EPA will consider storage for disposal to initiate on the first one of the following three dates, as applicable: (1) The date the PCB waste enters a State in the 48 contiguous States; (2) the date the PCB waste enters any State, if the waste is to be disposed of in that State; (3) the date the waste enters a State outside the contiguous 48 States, if the waste is stored in that State for more than 10 consecutive days. The first of these instances will be the usual situation. The second provision currently is expected to apply to waste disposed of at the U.S. Army's disposal facility at Johnston Atoll, as this is currently the only TSCA-approved disposal facility outside the contiguous 48 States. The third instance is intended to prevent the indefinite storage of waste in a State. For instance, shipments of waste in transit from another country to the U.S. mainland might enter a Hawaiian port for a few days for transfer to another vessel. EPA does not consider such a transfer to begin the 1 year storage for disposal time period. However, EPA does not wish to allow waste to be stored at dockside or in ships for weeks on end. Ten days is the existing regulatory limit on such transfer storage, because that is the time limit imposed on storage at a transfer facility without approval for commercial storage (see § 761.3, definition of a ''transfer facility''). That is, if waste is stored at a port for over 10 days, it must be stored by an approved commercial storer, and the 1 year storage for disposal limit will also commence for that waste. Importers should be aware that the 1 year limit on storage for disposal automatically precludes the legal import of PCB wastes that cannot be disposed of within 1 year, such as some types of mixed PCB-radioactive wastes for which there are currently no permanent disposal solutions.

5. *Recordkeeping and manifesting.* For purposes of recordkeeping under 40 CFR part 761, subpart J, ''General Records and Reports,'' importers, other than those who are the initial commercial storer or disposer of the waste, are required by § 761.93(b)(3)(i) to keep the same annual records required of domestic generators. EPA is not requiring importers to keep these records if the waste is imported directly upon entry to the importers own facility, because these records would be duplicative of those maintained by the facility as a commercial storer or disposer under § 761.180(b). Importers who must keep the records required of generators, shall keep those records distinct from those that the importer maintains in its capacity as a commercial storer and disposer. If the importer also happens to be a generator of (domestic) PCB waste, and is required to keep annual records for those wastes, the annual log must clearly distinguish between the imported and domestic wastes. For instance, the log must indicate in some manner, such as a code, asterisk, bolding, or separate subheadings, each item on the log (manifest numbers, PCB Articles, PCB Containers, etc.) that came from a foreign source. The totals required at § 761.180(a)(2)(iii) must also include separate subtotals for imported wastes in those categories. The log need only distinguish imported waste from domestic waste, and need not identify the country of origin or subdivide the subtotals by specific country of origin.

Similarly, all disposers and commercial storers who accept imported waste must identify imported wastes as such in their annual logs, and provide subtotals for imported wastes in their annual logs and the annual report they must submit to EPA pursuant to the requirements at 40 CFR 761.180(b). Such denoted records and reports will assist EPA in monitoring the effect of waste imports on domestic disposal rates and disposal capacity.

Section 761.93(b)(3)(ii) of today's rule makes the part 761, subpart K requirements applicable to imported PCB wastes with certain modifications. In filling out the manifest, identifying information on both the importer and the foreign generator must be substituted for information on the generator. The importer must also sign the manifest in place of the generator, and obtain the signature of the first U.S. transporter. These provisions conform to the requirements of 40 CFR part 262, subpart F for the manifesting of imported Hazardous Waste under RCRA.

In general, the importer shall be considered the generator under this rule for purposes of compliance with the provisions of subpart K. Since importers are required by this rule to be TSCA-approved commercial storers or disposers, they are required to have already submitted a Form 7710-53 under § 761.205 and received a unique EPA identification number.

Also, EPA is requiring that all imported PCB waste must be manifested, even if the importer is also the receiving facility indicated on the manifest. That is to say, if a commercial disposal facility is importing waste to its own facility, even with its own trucks, it must manifest the waste; it cannot claim exemption from the manifest requirements as a ''generator'' who has not relinquished control over its own waste. This provision also applies to persons in the United States importing PCB wastes generated by their own facilities abroad. At § 761.207(a), EPA exempted domestic generators from manifesting shipments so long as they retained control, to encourage consolidation of waste, and because EPA could track the waste's movement through the generators' annual records. Since neither the rationale nor the control mechanism applies to waste generated at foreign sites, EPA is requiring that all PCB waste imported pursuant to § 761.93(b) be manifested. EPA recognizes that this will create many instances where an importing company will manifest waste to itself. EPA is also stipulating that imported PCB wastes always be manifested separately from domestic PCB wastes, both to insulate domestic waste generators from liability for imported wastes, and to simplify tracking of imported wastes for annual records, annual reports, and EPA compliance monitoring.

6. *Analytical samples.* Under § 761.93(c), EPA is adding a provision to today's rule allowing limited quantities of PCB waste to be imported into the United States by any commercial storer, disposer, or laboratory to determine physical and chemical properties of the PCBs. (For purposes of this rule, EPA considers such analysis as a disposal related activity, and within the scope of today's rule under section 6(e)(1) of TSCA.) This action is being taken in order to facilitate storage or disposal,

and verification of appropriate storage and disposal approval conditions and sufficient storage capacity. No prior notification or approval is required under this provision. However, laboratories, storers, and disposers importing samples should be aware that notification may nevertheless still be required for these shipments by other Federal, State, or local laws or international treaties. Analytical samples are also subject to TSCA section 13 import certification (40 CFR 707.20). As with all other PCBs of unknown concentration, samples containing unknown concentrations of PCBs must be assumed to contain, and treated as if they contain, PCBs at concentrations of 50 ppm or greater. All unused PCB waste sample material and residuals from any testing must be stored in compliance with § 761.65(b) and disposed of in compliance with § 761.60. Quantities imported by each importing facility are being limited to annual levels of 25 liters for liquids, and 200 kilograms for non-liquid PCBs, such as soil or sediment. Individual samples are being limited in size to 25 milliliters for liquids and 5 kilograms for non-liquids. In addition, laboratories must comply with existing conditions at § 761.65(i) for the handling of PCB samples, and in conformity to the definition of commercial storer, must be approved as a commercial storer if they store a total of more than 500 gallons of PCBs at any one time (for computation of non-liquid PCB volume, 500 gallons (U.S.) equals approximately 1.89 cubic meters).

By eliminating the notification provision for analytical samples, EPA is allowing U.S. laboratories, storers, and disposers to handle samples from foreign sources in the same manner that they are permitted to handle domestic samples. EPA believes that to impose a notification requirement, and the corresponding 45-day advance notice provision, would impose an unreasonable burden on U.S. laboratories, storers, and disposers which could significantly affect their ability to compete for foreign business. Because of the limited quantities of waste being imported under this provision, and the controlled environment where such samples will be handled, EPA finds that allowing such limited imports will not pose an unreasonable risk of injury to human health or the environment.

PCBs at concentrations of less than 50 ppm may continue to be imported without regard to the quantity limits and storage and disposal requirements imposed by § 761.93(c), since these provisions only apply to PCBs at concentrations of 50 ppm or greater. The import of PCBs for disposal at concentrations less than 50 ppm is allowed without restriction by § 761.93(a)(1)(i).

7. *Treatability studies.* A similar provision is being added at § 761.93(d) to allow TSCA-approved disposal facilities to import, without prior notification, limited quantities of PCB waste for treatability studies. Such studies are typically performed to determine the suitability and effectiveness of a disposal method on a specific sample of PCB waste. EPA is imposing limits on the annual quantity of waste imported (500 gallons), the maximum concentration of PCBs in samples (10,000 ppm), and the annual quantity of pure PCBs present in the material (1 kilogram). These limits conform to those proposed by EPA (59 FR 62788) for self-implementing Research and Development studies. Larger quantities may be imported for treatability studies under § 761.93(b). Appropriate marking, storage, disposal, manifesting, and recordkeeping provisions apply to PCB waste imported under § 761.93(d). Also, as with analytical samples, PCB waste shipped for treatability studies may be subject to notification requirements under other laws or international treaties. Treatability study wastes are also subject to TSCA section 13 import certification (40 CFR 707.20). Treatability waste containing unknown concentrations of PCBs must be assumed to contain, and treated as if they contain, PCBs at concentrations of 50 ppm or greater. EPA believes that it is appropriate to allow such treatability sample shipments to occur without prior notification, because the delays involved in notification would place U.S. disposers at a competitive disadvantage with foreign competitors, and would unfairly penalize foreign waste generators wishing to do business with U.S. disposers vis-a-vis domestic generators, who are only required to manifest samples.

8. *Other imports and transboundary shipments.* The general exceptions to the import prohibition, proposed at § 761.20(b)(2) are being included in this final rule at § 761.93(a)(1). Section 761.93(a)(1)(i) allows for the import of PCBs and PCB Items for disposal at concentrations of less than 50 ppm, as was allowed prior to this rule by § 761.20(b)(2). PCBs and PCB Items at concentrations less than 50 ppm are not regulated for disposal under 40 CFR part 761, subpart D, and are allowed to be imported and exported for disposal under TSCA section 6(e)(1).

Section 761.93(a)(1)(ii) allows for the shipment of PCBs for disposal from United States territories and possessions outside the customs territory of the United States. As explained in detail in the preamble to the proposed rule (59 FR 62788 at 62816), these shipments are technically considered ''imports'' under TSCA. This import activity may be conducted without going through the notice process at § 761.93(b)(1). EPA does not find a notice necessary to make a finding of no unreasonable risk, since the PCBs are already in the United States, and are, and have always been, subject to all use, distribution in commerce, and disposal requirements of 40 CFR part 761, but must be ''imported'' into the customs territory of the United States for ultimate disposal.

EPA is not finalizing the proposed § 761.20(b)(6) in today's final rule. This section proposed to codify EPA's current policy toward certain transboundary shipments of PCBs which are not treated as import or export for purposes of 40 CFR part 761. EPA will address this issue, along with other issues raised by the December 6, 1994, proposed rule, including export of PCBs at concentrations of 50 ppm or greater, in a separate Federal Register notice at a later date.

EPA is adopting the proposed § 761.20(c)(3)(i), now at § 761.97(a)(1), which allows the export of PCBs for disposal at concentrations of less than 50 ppm. Such export had up until today's rule been permitted under § 761.20(b)(2). Although EPA intends to address the general issue of export at a later date in the final PCB Disposal Amendments, it is necessary to finalize this one export provision in today's rule to preserve the status quo on exports. Otherwise, with the elimination of the language at old § 761.20(b)(2), delaying promulgation of the proposed 761.20(c)(3)(i) would make the export for disposal of PCBs at concentrations less than 50 ppm illegal in the interim between the effective date of this rule and the effective date of the final PCB Disposal Amendments. EPA is placing the reference to the subpart F export provisions in § 761.20(c)(3), which addresses export for disposal. EPA believes this location is more appropriate than § 761.20(b), which addresses manufacturing and importing prohibitions. EPA intends to include all subsequent export for disposal provisions under § 761.97.

III. Official Rulemaking Record

In accordance with the requirements of section 19(a)(3) of TSCA, EPA established the record of this rulemaking with the proposed rule. This

record includes basic information considered by the Agency in developing the proposal, and now includes information added since the publication of the proposed rule, including comments on the proposed rule, a transcript of the public hearing on the rule, and reply comments on the hearing. The following comments were received on the proposed PCB Exemptions Rule (Docket number OPPTS–66019) and are also included: all comments and information received from S.D. Myers, Inc.; Foley, Hoag & Eliot; and Hogan & Hartson for Chem Securities and Bovar. All of these materials (Docket number OPPTS–66009B) are available for inspection and copying in the TSCA Nonconfidential Information Center, Monday through Friday (excluding holidays) from 12 noon to 4 p.m., in Room G-102 (401 M St., SW., Washington, DC). However, any information claimed as CBI that is a part of the record for this rulemaking is not available for public review. A public version of the record, from which information claimed as CBI has been excluded, is available for inspection.

The following Federal Register Notices are included in the docket:

1. USEPA, 44 FR 31514, May 31, 1979, ''Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions: Final Rule.''

2. USEPA, 45 FR 29115, May 1, 1980, ''Polychlorinated Biphenyls (PCBs); Expiration of the Open Border Policy for PCB Disposal: Notice.''

3. USEPA, 54 FR 52176, December 21, 1989, ''Polychlorinated Biphenyls; Notification and Manifesting for PCB Waste Activities: Final Rule.'' OPTS-62059

4. USEPA, 55 FR 26204, June 27, 1990, ''Polychlorinated Biphenyls; Notification and Manifesting for PCB Waste Activities: Correction to Final Rule.'' OPTS-62059

5. USEPA, 57 FR 20602, May 13, 1992, ''Hazardous Waste Management System; Notification Concerning the Basel Convention's Potential Implications for Hazardous Waste Exports and Imports: Notice.''

6. USEPA, 59 FR 62788, December 6, 1994, ''Disposal of Polychlorinated Biphenyls: Proposed Rule.'' OPPTS-66009A

7. USEPA, 59 FR 62875, December 6, 1994, ''Polychlorinated Biphenyls; Manufacturing, Processing, and Distribution in Commerce; Proposed Decision on Exemption Petitions: Proposed Rule.'' OPPTS-66019

IV. Regulatory Impact

In general, this PCB import rule will bring U.S. regulations regarding PCB shipments to the United States in closer conformance with the principles of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

The research of the economic impacts of this action focused on whether import levels will generate an economic impact of $100 million per year or more for U.S. companies. Contacts were made to: (1) PCB waste management companies, (2) the Environmental Technology Council, a trade association representing waste management companies, and (3) various government organizations in the United States, Canada, and Mexico.

EPA has found that the expected regulatory impacts will be positive and consist predominantly of increased revenues for U.S. PCB waste management companies. No significant negative impacts were identified for any sector of the U.S. economy.

1. *Forecasts of import levels*. Industry personnel surveyed by an EPA contractor during the development of the Economic Assessment for the Final PCB Import Rule indicated that the majority of PCB waste imports will originate in Canada, with additional wastes originating in Mexico. One recent estimate set the quantity of Canadian PCBs in use at 50,000 metric tons and PCB wastes in storage (including electrical equipment and contaminated soils) at 140,000 metric tons (Ref. 3). These figures, which total over 400 million pounds of potential PCB waste imports, do not include light ballast wastes. Assuming that PCB waste disposal and management will generate revenues of $1 per pound, this figure represents an overall market of over $400 million. Canada has an operating PCB disposal facility at Swan Hills, Alberta. Canada also has some smaller, mobile disposal facilities available which can handle PCB waste. Therefore, a share of the Canadian wastes will be disposed of in Canada even if the U.S. border is opened to these wastes.

Limited data are available on Mexico's PCB waste quantities. A 1995 study by ERM-Mexico, ''Polychlorinated Biphenyls in Mexico'' (Ref. 1), indicates that Mexico has 10,000 metric tons of liquid PCB waste and perhaps over 10,000 PCB transformers and capacitors. Combined, these wastes might approach 100 million pounds. Chemical Waste Management operates a chemical landfill in Mexico that accepts low-concentration PCB wastes, but no incinerators are operating in Mexico. As a result, some Mexican companies are currently shipping PCB wastes to Europe for disposal.

Other than Canada and Mexico, additional major sources of PCB wastes are uncertain. PCB disposal industry personnel have indicated to EPA that they do not believe that large-scale PCB shipments from Japan or Europe would occur, based on their opinion that transportation costs would be excessive and that there are likely to be more conveniently located disposal sites elsewhere (Ref. 10). For example, in Europe, PCB disposal facilities reportedly exist in Great Britain, the Netherlands, France, and Finland.

2. *Conclusions on import levels*. While data on which to base a forecast are limited, it was judged that revenues from PCB imports will not exceed $100 million per year. The total potential import market from Canada and Mexico is estimated to be in the vicinity of 500 million pounds of waste, representing a total market of $500 million. Only if all wastes from Canada and Mexico were imported within 5 years could U.S. revenues increase by over $100 million per year. As noted, however, a share of the Canadian waste will be disposed of in Canada. Further, while the rate at which importing will occur is unknown, the lack of regulations mandating swift disposal in the exporting countries suggests that imports will occur over a longer time period than 5 years.

Given the above observations, it was judged more likely that revenues from disposal of imported PCB wastes will fall in the range of $50 million to $100 million per year. Although revenues might increase further if additional PCB wastes arrive from other countries, the volume of such imports is not expected to be large.

3. *Forecasts of price changes for disposal of PCB wastes*. EPA's analysis in support of this rule also examined the likelihood that importing of PCB wastes would increase prices for disposal services, thereby generating economic impacts for domestic PCB waste generators. The current level of capacity utilization among PCB disposal companies is the main factor influencing the likelihood of price increases.

The Environmental Technology Council (ETC), Washington, DC., was contacted by EPA during the preparation of the Economic Assessment, and reports to EPA a substantial unused capacity at domestic PCB waste disposal facilities, based on ETC's own research. Two new facilities have begun operations in the last few years and another is preparing for commercial operations. ETC estimates

these facilities represent an increase in U.S. capacity for PCB waste incineration of nearly 50 percent in the last 3 years. EPA's survey of the disposal industry in support of this rule also indicates a large capacity surplus. The existing unused capacity appears sufficient such that imports could be handled without displacing domestic wastes or causing U.S. prices to increase significantly. No other notable domestic economic impacts are forecast.

4. *Other economic impacts*. The final PCB import rule will have several positive economic impacts. PCB waste management companies indicated that the rule will boost their industry and create jobs in the United States. The final PCB rule will not materially affect productivity, competition, or Federal, State, or local governments.

V. References

1. ERM-Mexico, Polychlorinated Biphenyls (PCBs) in Mexico, Report for the Commission for Environmental Cooperation (Draft), August 1995, 48pp.

2. Ross Associates, Status of PCB Management in the United States, Report for Commission for Environmental Cooperation, August 24, 1995.

3. Procter Redfern, Status of PCB Management in Canada, Report for Commission for Environmental Cooperation (Draft Final Report), September 1995, 26pp.

4. Letter from Lynn R. Goldman, M.D. to the Honorable David M. McIntosh, Status of Import for Disposal Petitions filed by S.D. Myers, Inc., September 26, 1993, 2pp.

5. USEPA, Region 4, Public Health and Environmental Exposure Assessment (Draft), Unison PCB Separation Facility Henderson County, Kentucky, August 1986.

6. USEPA, OAQPS, Deposition of Air Pollutants to the Great Waters, First Report to Congress, May 1994.

7. USEPA, OAQPS, Identification of Sources Contributing to the Contamination of the Great Waters by Toxic Compounds, March 17, 1993, 145pp.

8. USEPA, OAQPS, Exposure and Effects of Airborne Contamination for the Great Waters Program Report, December 22, 1992, 201pp.

9. USEPA, OAQPS, Relative Atmospheric Loadings of Toxic Contaminants and Nitrogen to the Great Waters, March 15, 1993, 142pp.

10. USEPA, OPPT, RIA, Niskam Agarwal, Economic Assessment for the Final PCB Import Rule, February 23, 1996, 17 pp.

11. USEPA, OPPT, Dr. William H. Sanders, Letter to Dr. D.Sharma, USDOT, December 18, 1995, 2pp.

12. U.S. Department of Transportation, Letter from Dr. D.K. Sharma to William H. Sanders, USEPA, February 20, 1996, 2pp.

13. USEPA, OPPT, Response to Comments on Proposal to Import PCBs for Disposal (Docket 66009B), March 1, 1996.

VI. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this regulatory action is not ''significant'' and therefore not subject to review by the Office of Management and Budget (OMB).

B. Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Agency has considered whether this regulatory action will have an adverse economic impact on small entities. An analysis of the potential impact on small entities is present in the regulatory flexibility analysis, which is included as part of the Economic Assessment that was prepared for this rulemaking. Based on that analysis, EPA has determined that this regulatory action does not impose any adverse economic impacts on small entities. Information relating to this determination has been included in the docket for this rulemaking.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq* and has assigned OMB control number 2070–0149 (EPA ICR No. 1770.01).

Receipt by the U.S. of internationally-generated PCB wastes under this rule will increase the volume of PCBs that is distributed in commerce, stored, and disposed of by the U.S. disposal industry. Advance knowledge of those activities through the PCB waste import notice will allow EPA to act on these requests in a manner that will ensure the national storage capacity for PCB waste is not exceeded and that facilities receiving such wastes are capable of handling this material (e.g., the facility has an EPA approval, adequate storage capacity, and accepts liability for the waste). Prior notice will also give EPA the opportunity to ensure that such imports are in compliance with international law and obligations of the United States.

Data that are submitted to the Agency will be used by EPA to ensure an unreasonable risk of injury to health and the environment will not ensue from the respondents' PCB activities. The data will also be made available to EPA regional inspectors, or their agents, to supplement their compliance efforts in implementing the requirements/conditions of the PCB regulations. The prior notice of import requirements in this rule will allow the Agency to address the special liability concerns inherent in the transboundary shipment of PCB waste.

The public reporting and recordkeeping burden for this collection of information is estimated to average 134 hours per respondent annually, at an annual cost of $5,468. EPA estimates that 10 respondents will each file 12 notices annually, at an average burden of 11 hours, $470, per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions, develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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. EPA is also amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations, which appears at 40 CFR part 9. This amendment updates the table to accurately display OMB approval of the information requirements contained in this final rule. This display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320.

The ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is ''good cause'' under section

553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

D. Environmental Justice

According to Executive Order 12898 (59 FR 7629, February 16, 1994), each Federal Agency is required to ''analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities. . . .'' Accordingly, EPA examined the impact of the PCB import rule on the distribution of PCB management activities relative to the socioeconomic characteristics of the surrounding communities.

EPA finds that the PCB import rule does not directly affect the citing of PCB management facilities; imported PCBs will be managed at existing TSCA-approved facilities. Based on the PCB import rule's lack of influence on siting of new facilities, EPA concludes that the PCB import rule does not create environmental injustice.

E. Unfunded Mandates Reform Act and Executive Order 12875

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), EPA has determined that this regulatory action does not contain any ''unfunded mandates,'' as described by the Act, for State, local, or tribal governments, or the private sector. In addition, EPA has determined that this action does not result in the expenditure of $100 million or more by any State, local, or tribal governments, or by anyone in the private sector. The costs associated with this action are described in the Executive Order 12866 section above.

Lists of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Lists of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements.

Dated: March 8, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR chapter I is amended as follows:

PART 9 [AMENDED]

1. In part 9:

a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

b. Section 9.1 is amended by adding the new entries to the table to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions	
* * * * *	
761.93(a)(1)(iii)	2070–0149
761.93(b)	2070–0149
* * * * *	

PART 761 [AMENDED]

2. In part 761:

a. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614 and 2616.

b. In § 761.3 by adding alphabetically definitions for ''Basel Convention,'' ''Importer,'' and ''Treatability study'' to read as follows:

* * * * *

Basel Convention means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal as entered into force on May 5, 1992.

* * * * *

Importer means any person defined as an ''importer'' at § 720.3(l) of this chapter who imports PCBs or PCB Items and is under the jurisdiction of the United States.

* * * * *

Treatability Study means a study in which PCB waste is subjected to a treatment process to determine:

(1) Whether the waste is amenable to the treatment process;

(2) What pretreatment (if any) is required;

(3) The optimal process conditions needed to achieve the desired treatment;

(4) The efficiency of a treatment process for the specific type of waste (i.e., soil, sludge, liquid, etc.); or,

(5) The characteristics and volumes of residuals from a particular treatment process. A ''treatability study'' is not a mechanism to commercially treat or dispose of PCB waste. Treatment is a form of disposal under this part.

* * * * *

c. In § 761.20 by revising the first two sentences of the introductory text, paragraphs (b) and (c)(3) to read as follows:

§ 761.20 Prohibitions.

Except as authorized in § 761.30, the activities listed in paragraphs (a) and (d) of this section are prohibited pursuant to section 6(e)(2) of TSCA. The requirements set forth in paragraph (c) of this section and subpart F of this part concerning export and import of PCBs and PCB Items for disposal are established pursuant to section 6(e)(1) of TSCA. * * *

* * * * *

(b) No person may manufacture PCBs for use within the United States or manufacture PCBs for export from the United States without an exemption, except that: an exemption is not required for PCBs manufactured in an excluded manufacturing process as defined in § 761.3, provided all applicable conditions of § 761.1(f) are met.

* * * * *

(c) * * *

(3) PCBs and PCB Items may be exported for disposal in accordance with the requirements of subpart F of this part. * * * * *

d. In § 761.60 by revising paragraph (h) to read as follows:

§ 761.60 Disposal requirements.

* * * * *

(h) Requirements for export and import of PCBs and PCB Items for disposal are found in Subpart F of this part.

* * * * *

e. By adding a new Subpart F to read as follows:

Subpart F—Transboudary Shipments of PCBs for Disposal

Sec.	
761.91	Applicability.
761.93	Import for Disposal.
761.97	Export for Disposal.

Subpart F—Transboundary Shipments of PCBs for Disposal

§ 761.91 Applicability.

This subpart establishes requirements under section 6 of TSCA applicable to the transboundary shipments of PCBs and PCB Items into and out of the United States for disposal. Nothing in this subpart is intended to obviate or otherwise alter obligations applicable to imported or exported PCBs and PCB Items under foreign laws, international agreements or arrangements, other United States statutes and regulations, other sections of TSCA (e.g., sections 13 and 14), or laws of the various States of the United States. No provision of this section shall be construed to affect or limit the applicability of any requirement applicable to transporters of PCB waste under regulations issued by the U.S. Department of Transportation (DOT) and set forth at 49 CFR parts 171-180.

§ 761.93 Import for disposal.

(a) *General provisions*. (1) No person may import PCBs or PCB Items for disposal without an exemption, except that:

(i) PCBs and PCB Items at concentrations less than 50 ppm may be imported for disposal.

(ii) PCBs and PCB Items at concentrations of 50 ppm or greater may be imported from United States territories or possessions outside the customs territory of the United States into the customs territory of the United States for disposal.

(iii) PCBs and PCB Items at concentrations of 50 ppm or greater, other than those described in paragraph (a)(1)(ii), may be imported for disposal pursuant to paragraph (b) of this section.

(iv) PCBs and PCB Items at concentrations of 50 ppm or greater may be imported for analysis and disposal pursuant to paragraph (c) of this section.

(v) PCBs and PCB Items at concentrations of 50 ppm or greater may be imported for evaluation of disposal technologies for PCB waste pursuant to paragraph (d) of this section.

(2) For purposes of paragraph (a)(1) of this section, PCBs and PCB Items of unknown concentrations shall be treated as if they contain 50 ppm or greater.

(3) All imports of PCBs and PCB Items at any concentration under paragraph (a)(1) of this section must be in compliance with all international agreements or arrangements that the United States has entered into applicable to PCB waste imports. The United States retains the authority to disallow any PCB waste import not in compliance with these agreements or arrangements, or other international obligations of the United States.

(b) *PCBs and PCB Items*. PCBs and PCB Items at concentrations of 50 ppm or greater may be imported for disposal under paragraph (a)(1)(iii) of this section only by a person who is an approved commercial storer or disposer under subpart D of this part, and only if a PCB waste import notice is submitted to EPA pursuant to this paragraph.

(1) *PCB waste import notice*. (i) PCB waste import notices under this paragraph must be submitted to EPA in writing. The complete PCB waste import notice must be received by EPA at the mailing address or delivery address set forth in this paragraph at least 45 days prior to the date on which the initial shipment enters the United States. Each notice shall be clearly marked ''PCB Waste Import Notice'' and shall be sent by certified mail to: Attn: PCB Waste Import Notice, Office of Enforcement and Compliance Assurance, Office of Compliance (2222A), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Alternately, notices may be delivered by courier to the same office at the Ariel Rios Building, room 5124, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

(ii) Each PCB waste import notice may cover an individual shipment or a series of shipments extending over a period up to 12 months beginning with the date on which the initial shipment enters the United States. A new notice must be received by EPA every 12 months if import for disposal will continue. A new notice must also be received by EPA at any time that import will deviate from the terms described in the prior notice, at least 45 days before the activity constituting the deviation begins. Such notices should indicate that the notice is a revision, and indicate what information has changed.

(iii) Each PCB waste import notice shall contain the following information:

(A) Company name, name of a contact person, address, telephone number, facsimile (FAX) number, and EPA identification number of the importer of PCB waste.

(B) Company name, name of contact person, address (including country), telephone number, and facsimile (FAX) number of the foreign generator, countries of transit (if any), port of entry in the United States, and method of transportation.

(C) Types of PCBs and PCB Items to be imported (e.g., transformers, capacitors, oil, soil), PCB concentrations of each type of PCB or PCB Items, number and frequency of shipments, maximum shipment size, and maximum total quantity to be imported during the designated import period.

(D) Projected dates of shipments, and period of time intended for import activities addressed by the notice (not to exceed 12 months).

(E) Name, contact name, address, telephone number, facsimile (FAX) number, and EPA Identification Number of each TSCA-approved commercial storage and disposal facility where the PCB waste will be stored and disposed of.

(F) Written certification from each TSCA-approved commercial storage or disposal facility identified in paragraph (b)(1)(iii)(E) of this section, including the importer, indicating that each facility has agreed to accept the shipments of PCBs or PCB Items; has approval to store or dispose of PCB waste under subpart D of this part; has sufficient storage capacity available for imported PCB waste; and until March 18, 1999, will not exceed the 70% capacity limit imposed on imported PCB waste under paragraph (b)(2)(i) of this paragraph.

(G) Written certification from the importer, stating: ''I certify that I am a TSCA-approved commercial storer (disposer) of PCB waste, and that I accept complete financial liability for the transportation, storage, and disposal of all PCBs and PCB Items imported into the United States under this notice.''

(H) Written certification pursuant to § 761.185(e), signed by the importer identified in paragraph (b)(1)(iii)(A) of this section, indicating that the information in the notice is complete and accurate.

(iv) Some of the information required to be submitted in a PCB waste import notice may also be required to be

submitted to EPA pursuant to certain international agreements. With the exception of information required by paragraphs (b)(1)(iii)(F), (G), and (H) of this section, importers may elect to include information in the PCB waste import notice using the same form submitted under the international agreement provided the form contains the information required by paragraphs (b)(1)(iii)(A)-(E) of this section. Under all circumstances, the specific certifications required by paragraphs (b)(1)(iii)(F), (G), and (H) of this section must be included in each PCB waste import notice.

(v) Notwithstanding the submission of a PCB waste import notice pursuant to this subpart, EPA reserves the right to refuse entry into the United States of individual shipments of PCBs or PCB Items that do not comply with applicable Federal laws and regulations. EPA also reserves the right to bring an enforcement action against an importer whose past import of PCBs or PCB Items does not comply with applicable Federal laws or regulations.

(vi) Submission of a PCB waste import notice under paragraph (b)(1)(i) of this section does not replace or satisfy other import notice or consent requirements of applicable international agreements or arrangements, of the Resource Conservation and Recovery Act (RCRA), of other Federal statutes, or of TSCA section 13 (see 40 CFR 707.20).

(vii) Confidential business information. (A) EPA believes that the information requested in PCB waste import notices generally will not be entitled to be treated as confidential business information (CBI) pursuant to section 14 of TSCA. However, a person submitting a PCB waste import notice may claim as CBI information the person believes to be entitled to confidential treatment under TSCA section 14 and part 2 of this chapter. If no claim is made at the time the notice is submitted, the information in the notice shall be available to the public without further notice to the submitter. If CBI claims are made, such claims shall be made by marking the specific information in the notice that is claimed CBI. In addition each claim should be accompanied, at the time the claim is made, by a written justification substantiating each item of the claim pursuant to 40 CFR 2.204(e). In accordance with the procedures set forth in TSCA and part 2 of this chapter, EPA will routinely request such substantiation from the importer if it does not accompany the claim of confidentiality.

(B) Any claim of confidentiality shall accompany the PCB waste import notice at the time it is submitted to EPA. The importer shall submit two copies of each PCB waste import notice if a claim of confidentiality is made.

(*1*) One copy of the notice shall contain all information required in paragraph (b)(1)(iii) of this section. In this copy of the notice, the submitter must clearly highlight or mark the specific items claimed as confidential on each page, and identify each item with the label ''TSCA Confidential Business Information.'' This notice shall be double wrapped, and the inside envelope marked ''PCB Waste Import Notice—CBI Claimed.'' The outside envelope shall be addressed to: TSCA Document Processing Center (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Substantiation of CBI claims should be sealed inside the inner envelope and submitted with this copy.

(*2*) The other copy shall contain all information required in paragraph (b)(1)(iii) of this section, except that all information claimed as confidential in the first copy must be deleted. This copy must be sent to the address indicated in (b)(1)(i) of this section.

(*3*) If the importer claims any information in the PCB waste import notice as CBI, the PCB waste import notice is not considered complete for purposes of this paragraph until both copies and the written substantiation are received by EPA.

(2) *Storage and disposal.* Imports of PCBs and PCB Items under paragraph (a)(1)(iii) of this section are subject to the following conditions, in addition to all other applicable provisions of this part.

(i) No facility that stores or disposes of imported PCB waste shall store at any time a combined quantity of imported PCB waste from all sources in excess of 70% of the facility's approved maximum PCB storage capacity, pursuant to § 761.65(d)(4)(iii). This limit on the acceptance of imported PCB waste shall expire on March 18, 1999.

(ii) All PCBs and PCB Items imported for disposal under paragraph (a)(1)(iii) of this section are PCB wastes subject to 40 CFR part 761, subpart D and:

(A) Shall be stored and disposed of in facilities which have approval under subpart D of this part to store or dispose of the type of PCB waste being imported.

(B) Shall be marked in accordance with subpart C of this part, and packaged and stored in accordance with subpart D of this part.

(C) For purposes of compliance with the 1 year storage for disposal limit under § 761.65(a), the date of removal from service for disposal for imported PCB waste shall be whichever of the following dates occurs first:

(*1*) The date the PCB waste enters the contiguous 48 States.

(*2*) The date the PCB waste enters any State, if the PCB waste will be disposed of in that State.

(*3*) The date the PCB waste enters a State outside the contiguous 48 States, if the PCB waste is stored in that State for a period of more than 10 consecutive days.

(3) *Recordkeeping and manifesting.* (i) Importers, storers, and disposers of imported PCBs and PCB Items under paragraph (a)(1)(iii) of this section shall meet the requirements of subpart J of this part, with the following modifications:

(A) An importer who is not the initial commercial storer or disposer of the imported PCB waste is considered to be the generator for purposes of maintaining annual records under § 761.180(a); the annual document log maintained under § 761.180(a)(2) must clearly distinguish between imported and domestically generated waste.

(B) Disposers and commercial storers of PCB waste must clearly distinguish between imported and domestically generated waste in the annual document log maintained under § 761.180(b)(2), and in the annual report submitted to EPA under § 761.180(b)(3).

(ii) Importers, storers, and disposers of PCBs and PCB Items under paragraph (a)(1)(iii) of this section shall meet the requirements of subpart K of this part, with the following modifications:

(A) Imported PCB waste shall be manifested, even in cases where the importer does not relinquish control of the shipment.

(B) Imported PCB waste shall be manifested separately from domestic PCB waste.

(C) In place of the generator's name, address and EPA identification number on the manifest, the name and address of the foreign generator and the importer's name, address and EPA identification number shall be used.

(D) In place of the generator's signature on the manifest certification statement, the importer shall sign and date the certification and obtain the signature of the initial transporter.

(E) The importer shall comply with all other requirements of subpart K of this part which apply to the generator.

(F) The date of removal from service for disposal shall be determined according to paragraph (b)(2)(ii)(C) of this section.

(c) *PCB analytical samples.* PCBs and PCB Items at concentrations of 50 ppm or greater may be imported into the

United States by a laboratory, commercial storer or disposer of PCB waste under paragraph (a)(1)(iv) of this section, without prior notification, for purposes of chemical analysis to determine the physical and chemical properties of the PCBs and PCB Items, provided:

(1) Quantities of PCBs and PCB Items imported by an individual facility shall not exceed 200 kilograms annually for non-liquids, and 25 liters annually for liquids; individual samples cannot exceed 5 kilograms for non-liquids or 25 milliliters for liquids.

(2) Unused and residual PCB waste remaining after analytical use is completed shall be marked, stored, manifested, and disposed of in accordance with subparts C, D, and K of this part.

(3) PCB waste is handled by laboratories in compliance with § 761.65(i).

(4) A TSCA PCB commercial storage approval is required for each laboratory, unless a total volume of no more than 500 gallons (1.89 cubic meters) of PCB waste is in storage at any one time.

(d) *Treatability studies.* PCBs and PCB Items at concentrations of 50 ppm or greater may be imported into the United States under paragraph (a)(1)(v) of this section, without prior notification, for purposes of evaluating the effectiveness of a disposal technology, provided:

(1) The importer receiving the PCB waste is an approved disposer of PCB waste under 40 CFR part 761, subpart D.

(2) The quantity of PCB waste imported annually to a disposal facility does not exceed a total volume of 500 gallons.

(3) The imported PCB waste does not exceed a concentration of 10,000 ppm PCBs, and no more than 1 kilogram total of pure PCBs is imported annually.

(4) PCB waste imported under this paragraph must be marked, stored, and manifested in accordance with subparts C and K of this part, and must comply with paragraphs (b)(2)(ii) and (b)(3) of this section.

(5) PCB waste imported under this paragraph, including residues from any treatability study, must be disposed of in accordance with the terms and conditions of the TSCA disposal approval for the facility performing the treatability study.

§ 761.97 Export for disposal.

(a) General provisions. No person may export PCBs or PCB Items for disposal without an exemption, except that:

(1) PCBs and PCB Items at concentrations less than 50 ppm may be exported for disposal.

(2) [Reserved]

(b) [Reserved]

[FR Doc. 96–6448 Filed 3–15–96; 8:45 am]

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Part V

Department of Housing and Urban Development

24 CFR Part 5, et al.

Disclosure and Verification of Social Security Numbers and Employer Identification Numbers, and Procedures for Obtaining Income Information; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 5, 200, 247, 572, 750, 760, 882, 886, 887, 913, 950, 960, 982, and 983

[Docket No. FR–3992–F–01]

RIN 2501–AC13

Disclosure and Verification of Social Security Numbers and Employer Identification Numbers, and Procedures for Obtaining Income Information; Streamlining Final Rule

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends HUD's regulations for the disclosure and verification of social security numbers and employer identification numbers, and procedures for obtaining income information. In an effort to comply with the President's regulatory reform initiatives, this rule will streamline these regulations as they exist in several parts by eliminating provisions that are redundant and are otherwise unnecessary. In addition, this final rule consolidates these regulations into 24 CFR part 5 and updates the rule with new statutory references.

EFFECTIVE DATE: April 17, 1996.

FOR FURTHER INFORMATION CONTACT: Camille Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone number (202) 708–2084 (this is not a toll-free number). For hearing- or speech-impaired persons, this number may be accessed via TDD by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton issued a memorandum to all Federal departments and agencies regarding regulatory reinvention. In response to this memorandum, HUD conducted a page-by-page review of its regulations to determine which can be eliminated, consolidated, or otherwise improved. HUD has determined that the regulations for the disclosure and verification of social security numbers and employer identification numbers and the procedures for obtaining income information can be improved and streamlined by eliminating unnecessary provisions.

Several provisions in the regulations apply to more than one program, and therefore HUD repeated these provisions in different subparts. This repetition is unnecessary, and updating these scattered provisions is cumbersome and often creates confusion. Therefore, this final rule will consolidate these duplicative provisions, maintaining appropriate cross-references for the reader's convenience. In accomplishing this consolidation, this final rule also updates cross-references to applicable program regulations, some of which have changed as a result of other rules that have reinvented HUD's regulations.

Several provisions also repeated statutory language from section 165 of the Housing and Community Development Act of 1987 (42 U.S.C. 3543) and section 904 of the Stewart B, McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544). It is unnecessary to maintain statutory requirements in the Code of Federal Regulations (CFR), since those requirements are otherwise fully accessible and binding. Furthermore, if regulations contain statutory language, HUD must amend the regulations whenever Congress amends the statute. Therefore, this final rule will remove repetitious statutory language and replace it with a citation to the specific statutory section for easy reference.

Finally, this rule includes updated references to income information obtained pursuant to statutory authority through computer matches with other Federal agencies. These references merely reflect existing authority and responsibilities that were not otherwise acknowledged in the regulations.

Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment. This rule merely removes unnecessary regulatory provisions and reflects existing authority and responsibilities; the rule does not establish or affect substantive policy. Therefore, prior public comment is unnecessary.

Other Matters

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely streamlines regulations by removing unnecessary provisions. The rule will have no adverse or disproportionate economic impact on small businesses.

Environmental Impact

This rulemaking does not have an environmental impact. This rulemaking simply amends existing regulations by consolidating and streamlining 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 regulations implementing the statutory requirements (see Docket Nos. FR–2501; FR–2588; FR–2854; and FR–2974). 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, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

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 will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule will not have the potential for significant impact on family formation, maintenance, or general well-being, and thus is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule.

List of Subjects

24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—Indians, Grant programs—low and moderate income housing, Indians, Individuals with disabilities, Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 247

Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Rent subsidies.

24 CFR Part 572

Condominiums, Cooperatives, Fair housing, Government property, Grant programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 750

Grant programs—housing and community development, Indians, Intergovernmental relations, Loan programs—housing and community development, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security.

24 CFR Part 760

Grant programs—housing and community development, Income verification procedures, Indians, Intergovernmental relations, Loan programs—housing and community development, Penalties, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Wages.

24 CFR Part 882

Grant programs—housing and community development, Homeless, Lead poisoning, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 886

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 887

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 913

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 950

Aged, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 960

Aged, Grant programs—housing and community development, Individuals with disabilities, Public housing.

24 CFR Part 982

Grant programs—housing and community development, Housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 983

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, under the authority of 42 U.S.C. 3535(d), title 24 of the Code of Federal Regulations is amended by amending parts 5, 200, 247, 572, 882, 886, 887, 913, 950, 960, 982, and 983, and by removing parts 750 and 760, as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

1. The authority citation for part 5 is revised to read as follows:

Authority: 12 U.S.C. 101r–1; 42 U.S.C. 3535(d), 3543, 3544, and 11901 *et seq.*

2. A new subpart B is added to read as follows:

Subpart B—Disclosure and Verification of Social Security Numbers and Employer Identification Numbers; Procedures for Obtaining Income Information

Sec.
5.210 Purpose, applicability, and Federal preemption.
5.212 Compliance with the Privacy Act and other requirements.
5.214 Definitions.

Disclosure and Verification of Social Security Numbers and Employer Identification Numbers for Applicants and Participants in Certain HUD Programs

5.216 Disclosure and verification of Social Security and Employer Identification Numbers.
5.218 Penalties for failing to disclose and verify Social Security and Employer Identification Numbers.

Procedures for Obtaining Income Information About Applicants and Participants

5.230 Consent by assistance applicants and participants.
5.232 Penalties for failing to sign consent forms.
5.234 Requests for information from SWICAs and Federal agencies; restrictions on use.
5.236 Procedures for termination, denial, suspension, or reduction of assistance based on information obtained from a SWICA or Federal agency.
5.238 Criminal and civil penalties.

Subpart B—Disclosure and Verification of Social Security Numbers and Employer Identification Numbers; Procedures for Obtaining Income Information

§ 5.210 Purpose, applicability, and Federal preemption.

(a) *Purpose.* This subpart B requires applicants for and participants in covered HUD programs to disclose, and submit documentation to verify, their Social Security Numbers (SSNs). This subpart B also enables HUD and HAs to obtain income information about applicants and participants in the covered programs through computer matches with State Wage Information Collection Agencies (SWICAs) and Federal agencies, in order to verify an applicant's or participant's eligibility for or level of assistance. The purpose of this subpart B is to enable HUD to decrease the incidence of fraud, waste, and abuse in the covered programs.

(b) *Applicability.* (1) This subpart B applies to mortgage and loan insurance and coinsurance and housing assistance programs contained in chapter II, subchapter B, and chapters VIII and IX of this title.

(2) The information covered by consent forms described in this subpart involves income information from SWICAs, and wages, net earnings from

self-employment, payments of retirement income, and unearned income as referenced at 26 U.S.C. 6103. In addition, consent forms may authorize the collection of other information from applicants and participants to determine eligibility or level of benefits, as provided in parts 813 and 913 of this title.

(c) *Federal preemption.* This subpart B preempts any State law, including restrictions and penalties, that governs the collection and use of income information to the extent State law is inconsistent with this subpart.

§ 5.212 Compliance with the Privacy Act and other requirements.

(a) *Compliance with the Privacy Act.* The collection, maintenance, use, and dissemination of SSNs, EINs, any information derived from SSNs and Employer Identification Numbers (EINs), and income information under this subpart shall be conducted, to the extent applicable, in compliance with the Privacy Act (5 U.S.C. 552a) and all other provisions of Federal, State, and local law.

(b) *Privacy Act notice.* All assistance applicants shall be provided with a Privacy Act notice at the time of application. All participants shall be provided with a Privacy Act notice at each annual income recertification.

§ 5.214 Definitions.

In addition to the definitions in § 5.100, the following definitions apply to this subpart B:

Assistance applicant. Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term means the following:

(1) For any program under 24 CFR parts 215, 221, 236, 290, 880, 882, 886, 887, 891: A family or individual that seeks rental assistance under the program.

(2) For any program under 24 CFR parts 904, 950, and 960: A prospective tenant or homebuyer seeking the benefit of the program.

(3) For any program under 24 CFR part 235: A homeowner or cooperative member seeking homeownership assistance (including where the individual seeks to assume an existing mortgage).

Computer match means the automated comparison of data bases containing records about individuals.

Computer matching agreement means the agreement that describes the responsibilities and obligations of the parties participating in a computer match.

Consent form means any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and payments of retirement income), as referenced at 26 U.S.C. 6103(l)(7)(A); and return information for unearned income from the Internal Revenue Service, as referenced at 26 U.S.C. 6103(l)(7)(B). The consent forms expire after a certain time and may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits as provided in §§ 813.109, 913.109, and 950.315 of this title.

Employer Identification Number (EIN) means the nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation pursuant to sections 6011(b), or corresponding provisions of prior law, or 6109 of the Internal Revenue Code.

Entity applicant. (1) Except as excluded pursuant to 42 U.S.C. 3543(b), 3544(a)(2), and paragraph (2) of this definition, this term means a partnership, corporation, or any other association or entity, other than an individual owner applicant, that seeks to participate as a private owner in any of the following:

(i) The project-based assistance programs in 24 CFR parts 880, 882, 886, or 891;

(ii) The programs in 24 CFR parts 215, 221, or 236; or

(iii) The other mortgage and loan insurance programs in 24 CFR parts 201 through 267, except that the term ''entity applicant'' does not include a mortgagee or lender.

(2) The term does not include a public entity, such as a PHA, IHA, or State Housing Finance Agency.

Federal agency means a department of the executive branch of the Federal Government.

HA is the collective term for PHAs and IHAs.

Income information means information relating to an individual's income, including:

(1) All employment income information known to current or previous employers or other income sources that HUD or the processing entity determines is necessary for purposes of determining an assistance applicant's or participant's eligibility for, or level of assistance in, a covered program;

(2) All information about wages, as defined in the State's unemployment compensation law, including any Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, Employer Identification Number of an employer reporting wages under a State unemployment compensation law;

(3) With respect to unemployment compensation:

(i) Whether an individual is receiving, has received, or has applied for unemployment compensation;

(ii) The amount of unemployment compensation the individual is receiving or is entitled to receive; and

(iii) The period with respect to which the individual actually received such compensation;

(4) Unearned IRS income and self-employment, wages and retirement income as described in the Internal Revenue Code, 26 U.S.C. 6103(l)(7); and

(5) Wage, social security (Title II), and supplemental security income (Title XVI) data obtaied from the Social Security Administration.

Individual owner applicant. Except as excluded pursuant to 42 U.S.C. 3543(b), 3544(a)(2), or paragraph (2) of this definition, this term means:

(1) An individual who seeks to participate as a private owner in any of:

(i) The project-based assistance programs in 24 CFR parts 880, 882, 886, 887, or 891; or

(ii) The programs in 24 CFR parts 215, 221, 235 (without homeownership assistance), or 236, including where the individual seeks to assume an existing mortgage; or

(2) An individual who:

(i) Either: (A) Applies for a mortgage or loan insured or coinsured under any of the programs referred to in paragraph (1)(iii) of the definition of ''entity applicant'' in this section; or

(B) Seeks to assume an existing mortgage or loan; and

(ii) Intends to hold the mortgaged property in his or her individual right.

IRS means the Internal Revenue Service.

Owner means the person or entity (or employee of an owner) that leases an assisted dwelling unit to an eligible family and includes, when applicable, a mortgagee.

Participant. Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term has the following meaning:

(1) For 24 CFR parts 880, 882, 886, 887, and 891: A family receiving rental assistance under the program;

(2) For 24 CFR parts 904, 950, 960: A tenant or homebuyer under the program;

(3) For 24 CFR parts 215, 221, 236, and 290: A tenant or qualified tenant under any of the programs; and

(4) For 24 CFR part 235: A homeowner or a cooperative member receiving homeownership assistance.

Processing entity means the person or entity that, under any of the programs covered under this subpart B, is responsible for making eligibility and related determinations and any income reexamination.

Social Security Number (SSN) means the nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

SSA means the Social Security Administration.

State Wage Information Collection Agency (SWICA) means the State agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Disclosure and Verification of Social Security Numbers and Employer Identification Numbers for Applicants and Participants in Certain HUD Programs

§ 5.216 Disclosure and verification of Social Security and Employer Identification Numbers.

(a) *Disclosure: assistance applicants.* Each assistance applicant must submit the following information to the processing entity when the assistant applicant's eligibility under the program involved is being determined:

(1)(i) The complete and accurate SSN assigned to the assistant applicant and to each member of the assistant applicant's household who is at least six years of age; and

(ii) The documentation referred to in paragraph (f)(1) of this section to verify each such SSN; or

(2) If the assistance applicant or any member of the assistance applicant's household who is at least six years of age has not been assigned an SSN, a certification executed by the individual involved that meets the requirements of paragraph (j) of this section.

(b) *Disclosure: individual owner applicants.* Each individual owner applicant must submit the following information to the processing entity when the individual owner applicant's eligibility under the program involved is being determined:

(1)(i) The complete and accurate SSNs assigned to the individual owner applicant and to each member of the individual owner applicant's household who will be obligated to pay the debt evidenced by the mortgage or loan documents; and

(ii) The documentation referred to in paragraph (f)(1) of this section to verify the SSNs; or

(2) If any person referred to in paragraph (b)(1)(i) of this section has not been assigned an SSN, a certification executed by the individual involved that meets the requirements of paragraph (j) of this section.

(c) *Disclosure: certain officials of entity applicants.* As explained more fully in HUD administrative instructions, each officer, director, principal stockholder, or other official of an entity applicant must submit the following information to the processing entity when the entity applicant's eligibility under the program involved is being determined:

(1) The complete and accurate SSN assigned to each such individual; and

(2) The documentation referred to in paragraph (f)(1) of this section to verify each SSN.

(d) *Disclosure: participants.* (1) *Initial disclosure.* Each participant whose initial determination of eligibility under the program involved was begun before November 6, 1989, must submit the following information to the processing entity at the next regularly scheduled income reexamination for the program involved:

(i)(A) The complete and accurate SSN assigned to the participant and to each member of the participant's family who is at least six years of age; and

(B) The documentation referred to in paragraph (f)(1) of this section to verify each such SSN; or

(ii) If the participant or any member of the participant's household who is at least six years of age has not been assigned an SSN, a certification executed by the individual(s) involved that meets the requirements of paragraph (j) of this section.

(2) *Subsequent disclosure.* Once a participant has disclosed and verified every SSN, or submitted any certification that an SSN has not been assigned, as provided by paragraph (a) of this section (for an assistance applicant) or paragraph (d)(1) (for a preexisting participant) of this section, the following rules apply:

(i) If the participant's household adds a new member who is at least six years of age, the participant must submit to the processing entity, at the next interim or regularly scheduled income reexamination that includes the new members:

(A) The complete and accurate SSNs assigned to each new member and the documentation referred to in paragraph (f)(1) of this section to verify the SSNs for each new member; or

(B) If the new member has not been assigned an SSN, a certification executed by the individual involved that meets the requirements of paragraph (j) of this section.

(ii) If the participant or any member of the participant's household who is at least six years of age obtains a previously undisclosed SSN, or has been assigned a new SSN, the participant must submit the following to the processing entity at the next regularly scheduled income reexamination:

(A) The complete and accurate SSN assigned to the participant or household member involved; and

(B) The documentation referred to in paragraph (f)(1) of this section to verify the SSN of each such individual.

(iii) Additional SSN disclosure and verification requirements, including the nature of the disclosure and the verification required and the time and manner for making the disclosure and verification, may be specified in administrative instructions by:

(A) HUD; and

(B) In the case of the public housing program or the programs under parts 882 and 887 of this title, the HA.

(e) *Disclosure: entity applicants.* Each entity applicant must submit the following information to the processing entity when the entity applicant's eligibility under the program involved is being determined:

(1) Any complete and accurate EIN assigned to the entity applicant; and

(2) The documentation referred to in paragraph (f)(2) of this section to verify the EIN.

(f) *Required documentation.* (1) *Social Security Numbers.* The documentation necessary to verify the SSN of an individual who is required to disclose his or her SSN under paragraphs (a) through (d) of this section is a valid SSN card issued by the SSA, or such other evidence of the SSN as HUD and, where applicable, the HA may prescribe in administrative instructions.

(2) *Employer Identification Numbers.* The documentation necessary to verify any EIN of an entity applicant that is required to disclose its EIN under paragraph (e) of this section is the official, written communication from the IRS assigning the EIN to the entity applicant, or such other evidence of the EIN as HUD may prescribe in administrative instructions.

(g) *Special documentation rules for assistance applicants and participants.*

(1) *Certification of inability to meet documentation requirements.* If an individual who is required to disclose his or her SSN under paragraph (a) (assistance applicants) of this section or paragraph (d) (participants) of this section is able to disclose the SSN, but cannot meet the documentation requirements of paragraph (f)(1) of this section, the assistance applicant or participant must submit to the processing entity the individual's SSN and a certification executed by the individual that the SSN submitted has been assigned to the individual, but that acceptable documentation to verify the SSN cannot be provided.

(2) *Acceptance or certification by processing entity.* Except as provided by paragraph (h) of this section, the processing entity must accept the certification referred to in paragraph (g)(1) of this section and continue to process the assistant applicant's or participant's eligibility to participate in the program involved.

(3) *Effect on assistance applicants.* If the processing entity determines that the assistance applicant is otherwise eligible to participate in the program, the assistance applicant may not become a participant in the program, unless it submits to the processing entity the documentation required under paragraph (f)(1) of this section within the time period specified in paragraph (g)(5) of this section. During such period, the assistance applicant will retain the position that it occupied in the program at the time the determination of eligibility was made, including its place on any waiting list maintained for the program, if applicable.

(4) *Effect on participants.* If the processing entity determines that the participant otherwise continues to be eligible to participate in the program, participation will continue, provided that the participant submits to the processing entity the documentation required under paragraph (f)(1) of this section within the time period specified in paragraph (g)(5) of this section.

(5) *Time for submitting documentation.* The time period referred to in paragraphs (g)(4) and (5) of this section is 60 calendar days from the date on which the certification referred to in paragraph (g)(1) of this section is executed, except that the processing entity may, in its discretion, extend this period for up to an additional 60 days if the individual is at least 62 years of age and is unable to submit the required documentation within the initial 60-day period.

(h) *Rejection of documentation or certification.* The processing entity may reject documentation referred to in paragraph (f) of this section, or a certification provided under paragraphs (a)(2), (b)(2), (d), or (g)(1) of this section, only for such reasons as HUD and the HA may prescribe in applicable administrative instructions.

(i) *Information on SSNs and EINs.* (1) Information regarding SSNs and SSN cards may be obtained by contacting the local SSA Office or consulting the SSA regulations at 20 CFR chapter III (see, particularly, part 422).

(2) Information regarding EINs may be obtained by contacting the local office of the IRS or consulting the appropriate regulations for the IRS.

(j) *Form and manner of certifications.* The certifications referred to in paragraphs (a)(2), (b)(2), (d), and (g)(1) of this section must be in the form and manner that HUD and the HA prescribe in applicable administrative instructions. If an individual who is required to execute a certification is less than 18 years of age, the certification must be executed by his or her parent or guardian or, in accordance with administrative instructions, by the individual or another person.

(Approved by the Office of Management and Budget under control number 2502–0204.)

§ 5.218 Penalties for failing to disclose and verify Social Security and Employer Identification Numbers.

(a) *Denial of eligibility: assistance applicants and individual owner applicants.* The processing entity must deny the eligibility of an assistance applicant or individual owner applicant in accordance with the provisions governing the program involved, if the assistance or individual owner applicant does not meet the applicable SSN disclosure, documentation and verification, and certification requirements specified in § 5.216.

(b) *Denial of eligibility: entity applicants.* The processing entity must deny the eligibility of an entity applicant in accordance with the provisions governing the program involved; if:

(1) The entity applicant does not meet the applicable EIN disclosure and verification requirements specified in § 5.216; or

(2) Any of the officials of the entity applicant referred to in § 5.216(c) does not meet the applicable SSN disclosure, and documentation and verification requirements specified in § 5.216.

(c) *Termination of assistance or tenancy: participants.* The processing entity must terminate the assistance or tenancy, or both, of a participant, in accordance with the provisions governing the program involved, if the participant does not meet the applicable SSN disclosure, documentation and verification, and certification requirements specified in § 5.216.

(d) *Cross reference.* Individuals should consult the regulations and administrative instructions for the programs covered under this subpart B for further information on the use of SSNs and EINs in determinations regarding eligibility.

Procedures for Obtaining Income Information About Applicants and Participants

§ 5.230 Consent by assistance applicants and participants.

(a) *Required consent by assistance applicants and participants.* Each member of the family of an assistance applicant or participant who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

(b) *Consent authorization.* (1) *To whom and when.* The assistance applicant shall submit the signed consent forms to the processing entity when eligibility under a covered program is being determined. A participant shall sign and submit consent forms at the next regularly scheduled income reexamination. Assistance applicants and participants shall be responsible for the signing and submitting of consent forms by each applicable family member.

(2) *Subsequent consent forms—special cases.* Participants are required to sign and submit consent forms at the next interim or regularly scheduled income reexamination under the following circumstances:

(i) When any person 18 years or older becomes a member of the family;

(ii) When a member of the family turns 18 years of age; and

(iii) As required by HUD or the HA in administrative instructions.

(c) *Consent form—contents.* The consent form required by this section shall contain, at a minimum, the following:

(1) A provision authorizing HUD and HAs to obtain from SWICAs any information or materials necessary to complete or verify the application for participation and to maintain continued assistance under a covered program; and

(2) A provision authorizing HUD, HAs, or the owner responsible for determining eligibility for or the level of assistance to verify with previous or current employers income information pertinent to the assistance applicant's or participant's eligibility for or level of assistance under a covered program;

(3) A provision authorizing HUD to request income return information from

the IRS and the SSA for the sole purpose of verifying income information pertinent to the assistance applicant's or participant's eligibility or level of benefits; and

(4) A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

§ 5.232 Penalties for failing to sign consent forms.

(a) *Denial or termination of benefits.* In accordance with the provisions governing the program involved, if the assistance applicant or participant, or any member of the assistance applicant's or participant's family, does not sign and submit the consent form as required in § 5.230, then:

(1) The processing entity shall deny assistance to and admission of an assistance applicant;

(2) Assistance to, and the tenancy of, a participant may be terminated.

(b) *Cross references.* Individuals should consult the regulations and administrative instructions for the programs covered under this subpart B for further information on the use of income information in determinations regarding eligibility.

§ 5.234 Requests for information from SWICAs and Federal agencies; restrictions on use.

(a) *Information available from SWICAs and Federal agencies—to whom and what.* Income information will generally be obtained through computer matching agreements between HUD and a SWICA or Federal agency, or between a HA and a SWICA, as described in paragraph (c) of this section. Certification that the applicable assistance applicants and participants have signed appropriate consent forms and have received the necessary Privacy Act notice is required, as follows:

(1) When HUD requests the computer match, the processing entity shall certify to HUD; and

(2) When the HA requests the computer match, the HA shall certify to the SWICA.

(b) *Restrictions on use of information.* The restrictions of 42 U.S.C. 3544(c)(2)(A) apply to the use by HUD or a HA of income information obtained from a SWICA. The restrictions of 42 U.S.C. 3544(c)(2)(A) and of 26 U.S.C. 6103(l)(7) apply to the use by HUD or a HA of income information obtained from the IRS or SSA.

(c) *Computer matching agreements.* Computer matching agreements shall specify the purpose and the legal authority for the match, and shall include a description of the records to be matched, a statement regarding disposition of information generated through the match, a description of the administrative and technical safeguards to be used in protecting the information obtained through the match, a description of the use of records, the restrictions on duplication and redisclosure, a certification, and the amount that will be charged for processing a request.

(Approved by the Office of Management and Budget under control number 2508–0008.)

§ 5.236 Procedures for termination, denial, suspension, or reduction of assistance based on information obtained from a SWICA or Federal agency.

(a) *Termination, denial, suspension, or reduction of assistance.* The provisions of 42 U.S.C. 3544(c)(2)(B) and (C) shall govern the termination, denial, suspension, or reduction of benefits for an assistance applicant or participant based on income information obtained from a SWICA or a Federal agency. Procedures necessary to comply with these provisions are provided in paragraph (b) of this section.

(b) *Procedures for independent verification.* (1) Any determination or redetermination of family income made on the basis of information verified in accordance with paragraph (b) of this section shall be carried out in accordance with the requirements and procedures applicable to the individual covered program. Independent verification of information obtained from a SWICA or a Federal agency may be:

(i) By HUD; and

(ii) By a HA, when the benefit to be provided to the assistance applicant or participant is under a program in parts 880, 882, 886, 887, 891, 904, 950, or 960 of this title, including when the HA is the contract administrator for the owner.

(2) Upon receiving income information from a SWICA or a Federal agency, HUD or, when applicable, the HA shall compare the information with the information about a family's income that was:

(i) Provided by the assistance applicant or participant to the HA; or

(ii) Obtained by the owner (or mortgagee, as applicable) from the assistance applicant or participant or from his or her employer.

(3) When the income information reveals an employer or other income source that was not disclosed by the assistance applicant or participant, or when the income information differs substantially from the information received from the assistance applicant or participant or from his or her employer:

(i) HUD or, as applicable or directed by HUD, the HA shall request the undisclosed employer or other income source to furnish any information necessary to establish an assistance applicant's or participant's eligibility for or level of assistance in a covered program. This information shall be furnished in writing, as directed to:

(A) HUD, with respect to programs under parts 215, 221, 235, 236, or 290 of this title;

(B) The HA, with respect to programs under parts 880, 882, 886, 887, 891, 904, 950, or 960 of this title for which the HA is responsible for determining eligibility or level of benefits; or

(C) The owner (or mortgagee, as applicable), with respect to programs under parts 215, 221, 235, 236, or 290 of this title, or when the owner is responsible under parts 880, 882, 886, 887, 891, 904, 950, or 960 of this title for determining eligibility or the level of assistance; or

(ii) HUD or the HA may verify the income information directly with an assistance applicant or participant. Such verification procedures shall not include any disclosure of income information prohibited under paragraph (b)(6) of this section.

(4) HUD and the HA shall not be required to pursue these verification procedures when the sums of money at issue are too small to raise an inference of fraud or justify the expense of independent verification and the procedures related to termination, denial, suspension, or reduction of assistance.

(5) Based on the income information received from a SWICA or Federal agency, HUD or the HA, as appropriate, may inform an owner (or mortgagee) that an assistance applicant's or participant's eligibility for or level of assistance is uncertain and needs to be verified. The owner (or mortgagee) shall then confirm the assistance applicant's or participant's income information by checking the accuracy of the information with the employer or other income source, or directly with the family.

(6) Nondisclosure of Income information. Neither HUD nor the HA may disclose income information obtained from a SWICA directly to an owner (unless a HA is the owner). Disclosure of income information obtained from the SSA or IRS is restricted under 26 U.S.C. § 6103(l)(7) and 42 U.S.C. 3544.

(c) *Opportunity to contest.* HUD, the HA, or the owner (or mortgagee, as applicable) shall promptly notify any

assistance applicant or participant in writing of any adverse findings made on the basis of the information verified in accordance with paragraph (b) of this section. The assistance applicant or participant may contest the findings in the same manner as applies to other information and findings relating to eligibility factors under the applicable program. Termination, denial, suspension, or reduction of assistance shall be carried out in accordance with requirements and procedures applicable to the individual covered program, and shall not occur until the expiration of any notice period provided by the statute or regulations governing the program.

§ 5.238 Criminal and civil penalties.

Persons who violate the provisions of 42 U.S.C. 3544 or 26 U.S.C. 6103(l)(7) with respect to the use and disclosure of income information may be subject to civil or criminal penalties under 42 U.S.C. 3544(c)(3), 26 U.S.C. 7213(a), or 18 U.S.C. 1905.

PART 200 —INTRODUCTION

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

Authority: 12 U.S.C. 1701–1715z–18; 42 U.S.C. 1436a and 3535(d).

4. Part 200 is amended by revising subparts T, U, and V to read as follows:

PART 200—INTRODUCTION

* * * * *

Subpart T—Social Security Numbers and Employer Identification Numbers; Assistance Applicants and Participants

§ 200.1001 Cross-reference.

The provisions in subpart B of part 5 of this title apply to Social Security Numbers and Employer Identification Numbers for assistance applicants and participants.

Subpart U—Social Security Numbers and Employer Identification Numbers; Applicants in Unassisted Programs

§ 200.1101 Cross-reference.

The provisions in subpart B of part 5 of this title apply to Social Security Numbers and Employer Identification Numbers for applicants in unassisted programs.

Subpart V—Income Information; Assistance Applicants and Participants

§ 200.1201 Cross-reference.

The provisions in subpart B of part 5 of this title apply to income information for assistance applicants and participants.

PART 247—EVICTIONS FROM CERTAIN SUBSIDIZED AND HUD-OWNED PROJECTS

5. The authority citation for part 247 continues to read as follows:

Authority: 12 U.S.C. 1701q, 1701s, 1715b, 1715l, 1715z–1; 42 U.S.C. 1437a, 1437c, 1437f, 3535(d).

6. Section 247.3 is amended by revising paragraph (c)(3), to read as follows:

§ 247.3 Entitlement of tenants to occupancy.

* * * * *

(c) * * *

(3) If the tenant:

(i) Fails to supply on time all required information on the income and composition, or eligibility factors, of the tenant household, as provided in part 200, subpart G, of this chapter and part 5, subpart B, of this title; or

(ii) Knowingly provides incomplete or inaccurate information as required under these provisions; and

* * * * *

PART 572—HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES PROGRAM (HOPE 3)

7. The authority citation for part 572 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12891.

Subpart B—Homeownership Program Requirements—Implementation Grants

§ 572.110 [Amended]

8. In § 572.110, paragraphs (d) (1) and (2) are amended by removing the references to ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places, ''part 5, subpart B, of this title'', respectively.

PART 750—[REMOVED]

8a. Part 750 is removed.

PART 760—[REMOVED]

8b. Part 760 is removed.

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

9. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, and 3535(d).

Subpart A—Applicability, Scope and Basic Policies

§ 882.118 [Amended]

10. In § 882.118, paragraph (a)(1) is amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places, ''part 5, subpart B, of this title'', respectively.

Subpart B—Project Development and Operation

§ 882.212 [Amended]

11. Section 882.212 is amended:

a. In paragraph (a) by removing the parenthetical reference ''(see 24 CFR parts 750, 760, and 813)'', and by adding in its place the parenthetical reference ''(see parts 5, subpart B, and 813 of this title)'';

b. In paragraph (b) by removing the references ''24 CFR 750.10(d)(2)(i)'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title''; and

c. In paragraph (c) by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

Subpart E—Special Procedures for Moderate Rehabilitation—Program Development and Operation

§ 882.515 [Amended]

12. Section 882.515 is amended:

a. In paragraph (a) by removing the reference ''24 CFR part 760'', and by adding in its place the reference ''part 5, subpart B, of this title'';

b. In paragraph (b) by removing the references ''24 CFR 750.10(d)(2)(i)'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively; and

c. In paragraph (c) by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM— SPECIAL ALLOCATIONS

13. The authority citation for part 886 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

§ 886.105 [Amended]

14. Section 886.105 is amended in the undesignated paragraph following

paragraph (f) by removing the reference ''24 CFR part 750'', and by adding in its place the reference ''part 5, subpart B, of this title''.

§ 886.119 [Amended]

15. In § 886.119, paragraphs (a) (3) and (7) are amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

§ 886.124 [Amended]

16. Section 886.124 is amended:

a. In paragraph (a) by removing the reference ''24 CFR part 760'', and by adding in its place the reference ''part 5, subpart B, of this title'';

b. In paragraph (b) by removing the references ''24 CFR 750.10(d)(2)(i)'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively; and

c. In paragraph (c) by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

Subpart C—Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects

§ 886.305 [Amended]

17. Section 886.305 is amended by removing the reference ''24 CFR part 750'', and by adding in its place the reference ''part 5, subpart B, of this title''.

§ 886.318 [Amended]

18. In § 886.318, paragraphs (a) (3) and (6) are amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

§ 886.324 [Amended]

19. Section 886.324 is amended:

a. In paragraphs (a) and (c) by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively; and

b. In paragraph (b) by removing the references ''24 CFR 750.10(d)(2)(i)'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

PART 887—HOUSING VOUCHERS

20. The authority citation for part 887 continues to read as follows:

Authority: 42 U.S.C. 1437f(o) and 3535(d).

Subpart H—Payment Standard and Housing Assistance Payment

§ 887.355 [Amended]

21. Section 887.355(a) is amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

PART 913—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING PROGRAM

22. The authority citation for part 913 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437d, 1437n and 3535(d).

§ 913.109 [Amended]

23. In § 913.109, paragraphs (a) and (b) are amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

PART 950—INDIAN HOUSING PROGRAMS

24. The authority citation for part 950 is revised to read as follows:

Authority: 25 U.S.C. 450e(b); 42 U.S.C. 1437aa–1437ee, and 3535(d).

Subpart D—Operation

§ 950.301 [Amended]

25. In § 950.301, paragraphs (a)(3)(v) and (vi) are amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

§ 950.315 [Amended]

26. In § 950.315, paragraph (b) is amended by removing the references ''24 CFR part 760'' and ''24 CFR part 750'', and by adding the reference ''part 5, subpart B, of this title'', respectively.

Subpart E—Mutual Help Homeownership Opportunity Program

§ 950.416 [Amended]

27. In § 950.416, paragraph (d) is amended by removing the reference ''24 CFR part 750'', and by adding in its place the reference ''part 5, subpart B, of this title''.

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

28. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437n, and 3535(d).

Subpart B—Admission, Rent and Reexamination

§ 960.209 [Amended]

29. Section 960.209 is amended:

a. In paragraph (a) by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in its place the reference ''part 5, subpart B, of this title''; and

b. In paragraph (b) by removing the references ''24 CFR 750.10(d)(2)(i)'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

PART 982—SECTION 8 TENANT-BASED ASSISTANCE: UNIFIED RULE FOR TENANT-BASED ASSISTANCE UNDER THE SECTION 8 RENTAL CERTIFICATE PROGRAM AND THE SECTION 8 RENTAL VOUCHER PROGRAM

30. The authority citation for part 982 is revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, and 3535(d).

Subpart L—Family Obligations; Denial and Termination of Assistance

§ 982.551 [Amended]

31. Section 982.551(b)(3) is amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

PART 983—SECTION 8 PROJECT-BASED CERTIFICATE PROGRAM

32. The authority citation for part 983 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

Subpart E—Management

§ 983.205 [Amended]

33. Section 983.205(b)(3) is amended by removing the references ''24 CFR part 750'' and ''24 CFR part 760'', and by adding in their places the reference ''part 5, subpart B, of this title'', respectively.

Dated: March 6, 1996.

Henry G. Cisneros,

Secretary.

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Part VI

The President

Presidential Determination No. 96–17—Drawdown of Commodities and Services from the Departments of Defense, the Treasury, Transportation, and Justice and Drawdown of Defense Articles, Defense Services, and Training from the Department of Defense for Israel

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Presidential Documents

Title 3—

The President

Presidential Determination No. 96–17 of March 7, 1996

Drawdown of Commodities and Services from the Departments of Defense, the Treasury, Transportation, and Justice and Drawdown of Defense Articles, Defense Services, and Training from the Department of Defense for Israel

Memorandum for the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, [and] the Secretary of Transportation

Pursuant to the authority vested in me by section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2348a(c)(2) (the ''Act''), I hereby determine that:

(1) as a result of an unforeseen emergency, the provision of assistance under Chapter 6 of Part II of the Act in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States; and

(2) such unforeseen emergency requires the immediate provision of assistance under Chapter 6 of Part II of the Act.

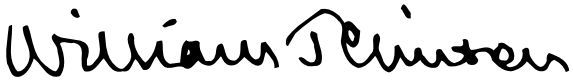
Pursuant to the authority vested in me by section 506(a)(1) of the Act, 22 U.S.C. 2318(a)(1) (the ''Act''), I hereby determine that:

(1) an unforeseen emergency exists that requires immediate military assistance to a foreign country or international organization; and

(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except section 506 of the Act.

I therefore direct the drawdown of commodities and services from the inventory and resources of the Departments of the Treasury, Transportation, Defense, and Justice of an aggregate value not to exceed $12 million and authorize the furnishing of up to $10 million in defense articles, defense services, and military education and training from the Department of Defense for detecting and disarming explosive devices.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the Federal Register.



THE WHITE HOUSE,
Washington, March 7, 1996.

Justification for Drawdown Under Sections 552(c)(2) and 506(a)(1) of the Foreign Assistance Act To Support the Provision of Emergency Anti-Terrorism Assistance to the Government of Israel

The State of Israel has been struck by four massive suicide bombing attacks during the past week. These attacks have resulted in heavy loss of life and property and threaten further progress in the Middle East peace process. Such an outcome would severely damage a major historic initiative that is a top U.S. foreign policy priority.

Israel has requested assistance to obtain explosive detection and disarming equipment for use at Gaza and other border crossings and to protect transport and infrastructure. We have determined that the most effective way to respond to this request is to provide to Israel equipment and supplies to help counter this terrorist threat, along with associated transport. The equipment and supplies are mostly made by U.S. suppliers. Training and services on the use of the equipment as well as assistance in assembling it will also be provided as needed. This assistance will be used by Israeli security forces to detect and disarm explosive devices.

For this purpose the President intends to exercise the special drawdown authorities in section 552(c)(2) and section 506(a)(1 of the Foreign Assistance Act of 1961, as amended. Such assistance will help the Israeli government combat an immediate and deadly terrorist threat aimed at undermining the security of Israel and subverting the Middle East peace process.

For these reasons, the use of the emergency authorities discussed above to provide the goods and services described above is important to the national interests of the United States.

[FR Doc. 96–6632
Filed 3–15–96; 8:45 am]
Billing code 4710–10–M

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0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
*46–51	(869–028–00009–6)	13.00	Jan. 1, 1996
52	(869–026–00010–7)	30.00	Jan. 1, 1995
53–209	(869–026–00011–5)	25.00	Jan. 1, 1995
210–299	(869–026–00012–3)	34.00	Jan. 1, 1995
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–026–00014–0)	21.00	Jan. 1, 1995
700–899	(869–026–00015–8)	23.00	Jan. 1, 1995
900–999	(869–026–00016–6)	32.00	Jan. 1, 1995
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–026–00020–4)	32.00	Jan. 1, 1995
1500–1899	(869–026–00021–2)	35.00	Jan. 1, 1995
1900–1939	(869–026–00022–1)	16.00	Jan. 1, 1995
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
1950–1999	(869–026–00024–7)	40.00	Jan. 1, 1995
*2000–End	(869–028–00023–1)	15.00	Jan. 1, 1996
8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–026–00027–1)	30.00	Jan. 1, 1995
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
300–499	(869–026–00038–7)	23.00	Jan. 1, 1995
500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–026–00047–6)	15.00	Jan. 1, 1995
300–799	(869–026–00048–4)	26.00	Jan. 1, 1995
*800–End	(869–028–00047–9)	18.00	Jan. 1, 1996
16 Parts:			
*0–149	(869–028–00048–7)	6.50	Jan. 1, 1996
150–999	(869–026–00051–4)	19.00	Jan. 1, 1995
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
1–199	(869–026–00054–9)	20.00	Apr. 1, 1995
200–239	(869–026–00055–7)	24.00	Apr. 1, 1995
240–End	(869–026–00056–5)	30.00	Apr. 1, 1995
18 Parts:			
1–149	(869–026–00057–3)	16.00	Apr. 1, 1995
150–279	(869–026–00058–1)	13.00	Apr. 1, 1995
280–399	(869–026–00059–0)	13.00	Apr. 1, 1995
400–End	(869–026–00060–3)	11.00	Apr. 1, 1995
19 Parts:			
1–140	(869–026–00061–1)	25.00	Apr. 1, 1995
141–199	(869–026–00062–0)	21.00	Apr. 1, 1995
200–End	(869–026–00063–8)	12.00	Apr. 1, 1995
20 Parts:			
1–399	(869–026–00064–6)	20.00	Apr. 1, 1995
400–499	(869–026–00065–4)	34.00	Apr. 1, 1995
500–End	(869–026–00066–2)	34.00	Apr. 1, 1995
21 Parts:			
1–99	(869–026–00067–1)	16.00	Apr. 1, 1995
100–169	(869–026–00068–9)	21.00	Apr. 1, 1995
170–199	(869–026–00069–7)	22.00	Apr. 1, 1995
200–299	(869–026–00070–1)	7.00	Apr. 1, 1995
300–499	(869–026–00071–9)	39.00	Apr. 1, 1995
500–599	(869–026–00072–7)	22.00	Apr. 1, 1995
600–799	(869–026–00073–5)	9.50	Apr. 1, 1995
800–1299	(869–026–00074–3)	23.00	Apr. 1, 1995
1300–End	(869–026–00075–1)	13.00	Apr. 1, 1995
22 Parts:			
1–299	(869–026–00076–0)	33.00	Apr. 1, 1995
300–End	(869–026–00077–8)	24.00	Apr. 1, 1995
23	(869–026–00078–6)	22.00	Apr. 1, 1995
24 Parts:			
0–199	(869–026–00079–4)	40.00	Apr. 1, 1995
200–219	(869–026–00080–8)	19.00	Apr. 1, 1995
220–499	(869–026–00081–6)	23.00	Apr. 1, 1995
500–699	(869–026–00082–4)	20.00	Apr. 1, 1995
700–899	(869–026–00083–2)	24.00	Apr. 1, 1995
900–1699	(869–026–00084–1)	24.00	Apr. 1, 1995
1700–End	(869–026–00085–9)	17.00	Apr. 1, 1995
25	(869–026–00086–7)	32.00	Apr. 1, 1995
26 Parts:			
§§ 1.0-1–1.60	(869–026–00087–5)	21.00	Apr. 1, 1995
§§ 1.61–1.169	(869–026–00088–3)	34.00	Apr. 1, 1995
§§ 1.170–1.300	(869–026–00089–1)	24.00	Apr. 1, 1995
§§ 1.301–1.400	(869–026–00090–5)	17.00	Apr. 1, 1995
§§ 1.401–1.440	(869–026–00091–3)	30.00	Apr. 1, 1995
§§ 1.441-1.500	(869-026-00092-1)	22.00	Apr. 1, 1995
§§ 1.501–1.640	(869–026–00093–0)	21.00	Apr. 1, 1995
§§ 1.641–1.850	(869–026–00094–8)	25.00	Apr. 1, 1995
§§ 1.851–1.907	(869–026–00095–6)	26.00	Apr. 1, 1995
§§ 1.908–1.1000	(869–026–00096–4)	27.00	Apr. 1, 1995
§§ 1.1001–1.1400	(869–026–00097–2)	25.00	Apr. 1, 1995
§§ 1.1401–End	(869–026–00098–1)	33.00	Apr. 1, 1995
2–29	(869–026–00099–9)	25.00	Apr. 1, 1995
30–39	(869–026–00100–6)	18.00	Apr. 1, 1995
40–49	(869–026–00101–4)	14.00	Apr. 1, 1995

Title	Stock Number	Price	Revision Date
50–299	(869–026–00102–2)	14.00	Apr. 1, 1995
300–499	(869–026–00103–1)	24.00	Apr. 1, 1995
500–599	(869–026–00104–9)	6.00	[4] Apr. 1, 1990
600–End	(869–026–00105–7)	8.00	Apr. 1, 1995
27 Parts:			
1–199	(869–026–00106–5)	37.00	Apr. 1, 1995
200–End	(869–026–00107–3)	13.00	[7] Apr. 1, 1994
28 Parts:			
1-42	(869–026–00108–1)	27.00	July 1, 1995
43-end	(869-026-00109-0)	22.00	July 1, 1995
29 Parts:			
0–99	(869–026–00110–3)	21.00	July 1, 1995
100–499	(869–026–00111–1)	9.50	July 1, 1995
500–899	(869–026–00112–0)	36.00	July 1, 1995
900–1899	(869–026–00113–8)	17.00	July 1, 1995
1900–1910 (§§ 1901.1 to 1910.999)	(869–026–00114–6)	33.00	July 1, 1995
1910 (§§ 1910.1000 to end)	(869–026–00115–4)	22.00	July 1, 1995
1911–1925	(869–026–00116–2)	27.00	July 1, 1995
1926	(869–026–00117–1)	35.00	July 1, 1995
1927–End	(869–026–00118–9)	36.00	July 1, 1995
30 Parts:			
1–199	(869–026–00119–7)	25.00	July 1, 1995
200–699	(869–026–00120–1)	20.00	July 1, 1995
700–End	(869–026–00121–9)	30.00	July 1, 1995
31 Parts:			
0–199	(869–026–00122–7)	15.00	July 1, 1995
200–End	(869–026–00123–5)	25.00	July 1, 1995
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–026–00124–3)	32.00	July 1, 1995
191–399	(869–026–00125–1)	38.00	July 1, 1995
400–629	(869–026–00126–0)	26.00	July 1, 1995
630–699	(869–026–00127–8)	14.00	[5] July 1, 1991
700–799	(869–026–00128–6)	21.00	July 1, 1995
800–End	(869–026–00129–4)	22.00	July 1, 1995
33 Parts:			
1–124	(869–026–00130–8)	20.00	July 1, 1995
125–199	(869–026–00131–6)	27.00	July 1, 1995
200–End	(869–026–00132–4)	24.00	July 1, 1995
34 Parts:			
1–299	(869–026–00133–2)	25.00	July 1, 1995
300–399	(869–026–00134–1)	21.00	July 1, 1995
400–End	(869–026–00135–9)	37.00	July 5, 1995
35	(869–026–00136–7)	12.00	July 1, 1995
36 Parts			
1–199	(869–026–00137–5)	15.00	July 1, 1995
200–End	(869–026–00138–3)	37.00	July 1, 1995
37	(869–026–00139–1)	20.00	July 1, 1995
38 Parts:			
0–17	(869–026–00140–5)	30.00	July 1, 1995
18–End	(869–026–00141–3)	30.00	July 1, 1995
39	(869–026–00142–1)	17.00	July 1, 1995
40 Parts:			
1–51	(869–026–00143–0)	40.00	July 1, 1995
52	(869–026–00144–8)	39.00	July 1, 1995
53–59	(869–026–00145–6)	11.00	July 1, 1995
60	(869-026-00146-4)	36.00	July 1, 1995
61–71	(869–026–00147–2)	36.00	July 1, 1995
72–85	(869–026–00148–1)	41.00	July 1, 1995
86	(869–026–00149–9)	40.00	July 1, 1995
87–149	(869–026–00150–2)	41.00	July 1, 1995
150–189	(869–026–00151–1)	25.00	July 1, 1995
190–259	(869–026–00152–9)	17.00	July 1, 1995
260–299	(869–026–00153–7)	40.00	July 1, 1995
300–399	(869–026–00154–5)	21.00	July 1, 1995
400–424	(869–026–00155–3)	26.00	July 1, 1995
425–699	(869–026–00156–1)	30.00	July 1, 1995
700–789	(869–026–00157–0)	25.00	July 1, 1995
790–End	(869–026–00158–8)	15.00	July 1, 1995
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–026–00159–6)	9.50	July 1, 1995
101	(869–026–00160–0)	29.00	July 1, 1995
102–200	(869–026–00161–8)	15.00	July 1, 1995
201–End	(869–026–00162–6)	13.00	July 1, 1995
42 Parts:			
1–399	(869–026–00163–4)	26.00	Oct. 1, 1995
400–429	(869–026–00164–2)	26.00	Oct. 1, 1995
430–End	(869–026–00165–1)	39.00	Oct. 1, 1995
43 Parts:			
1–999	(869–026–00166–9)	23.00	Oct. 1, 1995
1000–3999	(869–026–00167–7)	31.00	Oct. 1, 1995
4000–End	(869–026–00168–5)	15.00	Oct. 1, 1995
44	(869–026–00169–3)	24.00	Oct. 1, 1995
45 Parts:			
1–199	(869–022–00170–7)	22.00	Oct. 1, 1995
200–499	(869–026–00171–5)	14.00	Oct. 1, 1995
500–1199	(869–026–00172–3)	23.00	Oct. 1, 1995
1200–End	(869–026–00173–1)	26.00	Oct. 1, 1995
46 Parts:			
1–40	(869–026–00174–0)	21.00	Oct. 1, 1995
41–69	(869–026–00175–8)	17.00	Oct. 1, 1995
70–89	(869–026–00176–6)	8.50	Oct. 1, 1995
90–139	(869–026–00177–4)	15.00	Oct. 1, 1995
140–155	(869–026–00178–2)	12.00	Oct. 1, 1995
156–165	(869–026–00179–1)	17.00	Oct. 1, 1995
166–199	(869–026–00180–4)	17.00	Oct. 1, 1995
200–499	(869–026–00181–2)	19.00	Oct. 1, 1995
500–End	(869–026–00182–1)	13.00	Oct. 1, 1995
47 Parts:			
0–19	(869–026–00183–9)	25.00	Oct. 1, 1995
20–39	(869–026–00184–7)	21.00	Oct. 1, 1995
40–69	(869–026–00185–5)	14.00	Oct. 1, 1995
70–79	(869–026–00186–3)	24.00	Oct. 1, 1995
80–End	(869–026–00187–1)	30.00	Oct. 1, 1995
48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–026–00190–1)	17.00	Oct. 1, 1995
2 (Parts 252–299)	(869–026–00191–0)	13.00	Oct. 1, 1995
*3–6	(869–026–00192–8)	23.00	Oct. 1, 1995
7–14	(869–026–00193–6)	28.00	Oct. 1, 1995
15–28	(869–026–00194–4)	31.00	Oct. 1, 1995
29–End	(869–026–00195–2)	19.00	Oct. 1, 1995
49 Parts:			
1–99	(869–026–00196–1)	25.00	Oct. 1, 1995
100–177	(869–022–00194–9)	30.00	Oct. 1, 1994
178–199	(869–026–00198–7)	22.00	Oct. 1, 1995
200–399	(869–026–00199–5)	30.00	Oct. 1, 1995
400–999	(869–022–00197–3)	35.00	Oct. 1, 1994
1000–1199	(869–026–00201–1)	18.00	Oct. 1, 1995
1200–End	(869–026–00202–9)	15.00	Oct. 1, 1995
50 Parts:			
1–199	(869–026–00203–7)	26.00	Oct. 1, 1995
200–599	(869–026–00204–5)	22.00	Oct. 1, 1995
600–End	(869–026–00205–3)	27.00	Oct. 1, 1995

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–026–00053–1)	36.00	Jan. 1, 1995
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Individual copies		1.00	1996
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Complete set (one-time mailing)		244.00	1994
Complete set (one-time mailing)		223.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.