4–16–96
Vol. 61 No. 74
Pages 16615–16702

Federal Register

Tuesday
April 16, 1996

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the Federal Register as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the Federal Register shall be judicially noticed.

The Federal Register is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su__docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest, (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids gpo.gov; by faxing to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for Federal holidays.

The annual subscription price for the Federal Register paper edition is $494, or $544 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the Federal Register.

How To Cite This Publication: Use the volume number and the page number. Example: 61 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–512–1800
Assistance with public subscriptions	512–1806
General online information	202–512–1530

Single copies/back copies:

Paper or fiche	512–1800
Assistance with public single copies	512–1803

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Assistance with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

WASHINGTON, DC

WHEN:	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

Contents

Federal Register

Vol. 61, No. 74

Tuesday, April 16, 1996

Separate Parts In This Issue

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
Vol. 61, No. 74
Tuesday, April 16, 1996

Presidential Documents

Title 3—

The President

Proclamation 6884 of April 11, 1996

Pan American Day and Pan American Week, 1996

By the President of the United States of America

A Proclamation

Today, the nations of the Western Hemisphere share a greater commitment to peace and democracy than they have at any other time in history. This consensus has at its core the ideas that liberalized markets work, that democracy is the foremost means of protecting individual human rights, that free trade is the best mechanism to promote growth, and that all of these principles combine to offer hope for improving people's lives. The interdependence of our many countries ensures our united efforts toward these common goals.

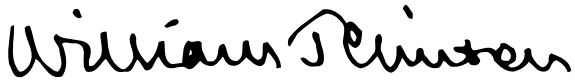
We have seen remarkable success from hemispheric cooperation in recent years—from migration issues, to counter-narcotics measures, to promoting trade. This cooperative spirit energized the Summit of the Americas in 1994, where representatives from 34 democratically-elected governments committed themselves to democratic principles, effective governance, sustainable economic growth, and a cleaner global environment. This historic gathering recognized that peace and economic prosperity in any one country are contingent on the health of its neighbors.

We can also take pride in our hemisphere's abilities to address the challenges of our rapidly changing world. The Mexican financial crisis that shook markets last year was contained and reversed because of U.S.-led international support and the region's governments' redoubled commitment to economic reform. Similarly, the progress toward resolving the border dispute between Peru and Ecuador demonstrated the dedication of the Guarantors of the Rio Protocol and others to keeping our hemisphere on a steady course. Nevertheless, recent violations of international law and human rights are sad reminders that one country continues to refuse to join our family of democratic nations.

As we approach the next century, let us celebrate our achievements and maintain high expectations for the continued progress of our hemispheric partnerships. In doing so, we can ensure that the Americas will continue to prosper, integrate, and solve problems in a cooperative, mutually beneficial manner.

NOW, THEREFORE I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 14, 1996, as Pan American Day and April 14 through April 20, 1996, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and officials of all other areas under the flag of the United States to honor these observances with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 96–9473
Filed 4–15–96; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 61, No. 74
Tuesday, April 16, 1996

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 95–072–2]

Tuberculosis in Cattle and Bison; State Designation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by reducing the designation of Wisconsin from an accredited-free State to an accredited-free (suspended) State. We have determined that Wisconsin no longer meets the criteria for designation as an accredited-free State but meets the criteria for designation as an accredited-free (suspended) State. This change was necessary to prevent the spread of tuberculosis in cattle and bison.

EFFECTIVE DATE: May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–7727, or e-mail: messey@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the Federal Register on December 8, 1995 (60 FR 62988–62989, Docket No. 95–072–1), we amended the tuberculosis regulations in 9 CFR part 77 by removing Wisconsin from the list of accredited-free States in § 77.1 and adding it to the list of accredited-free (suspended) States in that section.

Comments on the interim rule were required to be received on or before February 6, 1996. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Furthermore, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 60 FR 62988–62989 on December 8, 1995.

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.22, 2.80 and 371.2(d).

Done in Washington, DC, this 10th day of April 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–9345 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–34–P

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 95–052W]

RIN 0583–AC02

Use of Sorbitol in Cooked Roast Beef Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Withdrawal of direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is withdrawing the direct final rule that would have added cooked roast beef products to the list of products in which sorbitol is permitted. The sorbitol would have been added to a solution of ingredients that are pumped into the beef prior to cooking.

FSIS is withdrawing the direct final rule because it received an adverse written comment in response to the direct final rule. FSIS will instead publish at a later date a proposed rule. The proposal will establish a comment period.

EFFECTIVE DATE: April 16, 1996.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 254–2565.

SUPPLEMENTARY INFORMATION: In a direct final rule published in the Federal Register on February 27, 1996 (61 FR 7207), FSIS notified the public of its intent to add cooked roast beef products to the list of products in which sorbitol is permitted. FSIS would have allowed the use of sorbitol both as a sweetener and to reduce charring in cooked roast beef products up to a level of 2 percent of the product formulation.

FSIS solicited comments concerning the direct final rule for a 30-day period ending March 28, 1996. FSIS stated that the effective date of the proposed amendment would be 60 days after publication of the direct final rule in the Federal Register, unless the Agency received written adverse comments or a notice of intent to submit adverse comments by the close of the comment period. FSIS also stated that if it received written adverse comments or a notice of intent to submit adverse comments, it would publish a document in the Federal Register withdrawing the direct final rule before the scheduled effective date and would publish a proposed rule for public comment.

FSIS received one written adverse comment from a consumer. Therefore, FSIS is withdrawing the direct final rule, and at a later date, will publish a proposed rule in the Federal Register.

Done at Washington, DC, on: April 9, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–9267 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–ANE–04; Amendment 39–9567, AD 96–08–01]

Airworthiness Directives; Hamilton Standard Model 14RF–9 Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Hamilton Standard Model 14RF–9 propellers. This action supersedes priority letter AD 95–24–09 that currently requires a one-time ultrasonic shear wave inspection of the propeller blade shank for cracks or surface indications. This action continues to require an ultrasonic shear wave inspection, but adds a one-time visual and fluorescent penetrant inspection and repair of the propeller blade shank for mechanical damage. This amendment is prompted by propeller blade shank visual inspection results on blades that were removed from service as a result of the one-time ultrasonic shear wave inspections. The inspection results showed that minor damage could exist that is not detected by the ultrasonic shear wave inspection. This amendment is also prompted by the development of a method to remove the fiberglass on the blade shank permitting shank inspection and repair procedures. The actions specified by this AD are intended to prevent propeller blade separation due to propeller blade shank cracking, which could result in loss of control of the aircraft.

DATES: Effective May 1, 1996.

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

Comments for inclusion in the Rules Docket must be received on or before June 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. 96–ANE–04, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from Hamilton Standard, One Hamilton Road, Windsor Locks, CT 06096–1010; telephone (203) 654–6876. This information may be examined 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.

FOR FURTHER INFORMATION CONTACT: Frank Walsh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7158, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:

On November 16, 1995, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 95–24–09, applicable to Hamilton Standard Model 14RF–9 propellers, which requires a one-time ultrasonic shear wave inspection of the propeller blade shank for cracks or surface indications within the next 150 cycles in service, or 20 days after the effective date of that AD, whichever occurs first. Propeller blades with ultrasonic shear wave readings that exceed the acceptable limits described in the applicable SB or ASB must be replaced with serviceable propeller blades prior to further flight. That action was prompted by a report of an inflight loss of a Hamilton Standard Model 14RF–9 propeller blade installed on an Embraer EMB–120 aircraft. The loss of the propeller blade resulted in the subsequent loss of the propeller and portions of the gearbox. The propeller blade separated due to a crack approximately 9 inches from the butt end of the blade. The FAA determined that the crack initiated on the outer surface of the blade shank in an area of mechanical damage induced as a result of a localized interference condition between the blade spar and the foam mold which occurred during blade manufacture. That condition, if not corrected, could result in propeller blade separation due to propeller blade shank cracking, which could result in loss of control of the aircraft.

Since the issuance of that priority letter AD, the manufacturer has developed improved inspection and repair procedures. The new inspection procedure can find damage in areas of the propeller blade shank that might have been damaged by interference with the propeller blade foam mold during manufacture. The damage will be visible when the overlying fiberglass and adhesive layers are removed. Propeller blades with damage that is beyond repair limits can not be returned to service. For propeller blades with repairable damage, the damage is blended. The surface is then shotpeened and the fiberglass airfoil is restored.

The FAA has reviewed and approved the technical contents of Hamilton Standard Service Bulletin (SB) No. 14RF–9–61–86, Revision 4, and Alert Service Bulletin (ASB) No. 14RF–9–61–A90, both dated November 9, 1995, that describe procedures for an ultrasonic shear wave inspection of propeller blade shanks for cracks or surface indications. In addition, the FAA has reviewed and approved the technical contents of Hamilton Standard ASB No. 14RF–9–61–A92, Revision 2, dated March 6, 1996, that describes procedures for an inspection and repair for mechanical damage.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of this same type design, this AD supersedes priority letter AD 95–24–09. All propeller blades with serial numbers (S/N's) less than 885751 that are currently installed on aircraft must have been inspected in accordance with priority letter AD 95–24–09 as of the effective date of this AD. Propeller blades that have not been inspected in accordance with priority letter AD 95–24–09 must be ultrasonically shear wave inspected for cracks or surface indications, or inspected for mechanical shank damage, in accordance with applicable SB's or ASB's prior to further flight. Propeller blades with ultrasonic shear wave readings that exceed the acceptable limits described in the applicable SB's or ASB's must be replaced with serviceable propeller blades prior to further flight. In addition, this AD adds a new requirement of a one-time inspection and repair of mechanical damage of all applicable propeller blades by August 31, 1996, in accordance with Hamilton Standard ASB No. 14RF–9–61–A92, Revision 2, dated March 6, 1996. Propeller blades with mechanical damage that exceed repair limits specified in Hamilton Standard ASB No. 14RF–9–61–A92, Revision 2, dated March 6, 1996, must be replaced with serviceable propeller blades prior to further flight. The calendar end-date was determined based upon fracture mechanics and engineering analysis that supports the specified calendar end-date. The actions are required to be accomplished in accordance with the service documents 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 96–ANE–04.'' 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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

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

96–08–01 Hamilton Standard: Amendment 39–9567. Docket No. 96–ANE–04. Supersedes AD 95–24–09.

Applicability: Hamilton Standard Model 14RF–9 propellers, installed on but not limited to Embraer EMB–120 series aircraft.

Note: This airworthiness directive (AD) applies to each propeller 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 propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the 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 propeller from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller blade separation due to propeller blade shank cracking, which could result in loss of control of the aircraft, accomplish the following:

(a) Propeller blades that have been ultrasonically shear wave inspected in accordance with the requirements of priority letter AD 95–24–09 need not undergo another ultrasonic shear wave inspection in accordance with paragraph (b) of this AD. All affected propeller blades with S/N's less than 885751, however, must be inspected for mechanical damage in accordance with paragraph (c) of this AD by August 31, 1996. Propeller blades with S/N's less than 885751 that have not been ultrasonically shear wave inspected in accordance with priority letter AD 95–24–09 must undergo ultrasonic shear wave inspection in accordance with paragraph (b) of this AD prior to further flight, and must be inspected for mechanical damage in accordance with paragraph (c) of this AD by August 31, 1996; or must be inspected for mechanical damage in accordance with paragraph (c) of this AD prior to further flight.

(b) Prior to further flight, perform an ultrasonic shear wave inspection for cracks or surface indications in accordance with the applicable Hamilton Standard Service Bulletin (SB) or Alert Service Bulletin (ASB) described in paragraphs (b)(1) and (b)(2) of this AD unless accomplished previously in accordance with AD 95–24–09. Prior to further flight, remove from service propeller blades with ultrasonic shear wave readings that exceed the acceptable limits described in the applicable SB or ASB, and replace with serviceable propeller blades:

(1) Inspect, and if necessary, remove and replace with a serviceable propeller blade, in accordance with the Accomplishment Instructions of Hamilton Standard SB No. 14RF–9–61–86, Revision 4, dated November 9, 1995, propeller blade shanks with propeller blade spars, Part Number (P/N) 792231–1. These propeller blades may be identified by, but not limited to, Serial Numbers (S/N's) 853445 and higher except for the S/N's listed in Table 1 of this SB. Propeller blades inspected in accordance with the original, Revision 1, Revision 2, or Revision 3 of Hamilton Standard SB No. 14RF–9–61–86, and which passed inspection, need not be ultrasonically shear wave inspected again.

(2) Remove propeller blade for off-wing inspection, inspect, and if necessary, replace with a serviceable propeller blade, in accordance with the Accomplishment Instructions of Hamilton Standard ASB No. 14RF–9–61–A90, dated November 9, 1995, propeller blade shanks with propeller blade spars, P/N 782683–1. These propeller blades may be identified by, but not limited to, S/N's less than 853445, and propeller blades with S/N's greater than 853445 that are listed in Table 1 of this ASB.

(c) Perform a one-time visual and fluorescent penetrant inspection of the propeller blade shank for mechanical damage by August 31, 1996, in accordance with the Accomplishment Instructions of Hamilton Standard ASB No. 14RF–9–61–A92, Revision 2, dated March 6, 1996, on all propeller blade shanks with S/N's before 885751. Propeller blades inspected in accordance with the original or Revision 1 of Hamilton Standard ASB No. 14RF–9–61–A92, and which passed inspection or were repaired, need not be inspected again.

(1) Prior to further flight, remove from service propeller blades with mechanical

damage that exceed repair limits specified in that ASB, and replace with serviceable parts.

(2) Prior to further flight, repair propeller blades with repairable damage in accordance with the procedures described in that ASB.

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

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

(f) The actions required by this AD shall be performed in accordance with the following Hamilton Standard service documents:

Document No.	Page	Revision	Date
SB No. 14RF–9–61–86. Total pages: 34.	1–34	4	November 9, 1995.
ASB No. 14RF–9–61–A90. Total pages: 39.	1–39	Original	November 9, 1995.
ASB No. 14RF–9–61–A92. Total Pages: 44.	1–44	2	March 6, 1996.

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 Hamilton Standard, One Hamilton Road, Windsor Locks, CT 06096–1010; telephone (203) 654–6876. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment supersedes priority letter AD 95–24–09, issued November 16, 1995.

(h) This amendment becomes effective on May 1, 1996.

Issued in Burlington, Massachusetts, on April 1, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–8950 Filed 4–15–96; 8:45 am]

BILLING CODE 4910–13–U

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 47]

RIN 3090–AF79

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Policy, Planning and Evaluation, GSA.

ACTION: Final rule; correction.

SUMMARY: This document corrects an entry listed in the prescribed maximum per diem rates for a location within the continental United States (CONUS) contained in a final rule appearing in the Federal Register of Tuesday, March 12, 1996 (61 FR 10252). The rule increased/decreased the maximum lodging and meals and incidental expenses amounts in certain existing per diem localities, added new per diem localities, and defined a time frame for submission to the General Services Administration (GSA) of rate adjustment requests for travel within CONUS.

EFFECTIVE DATE: April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Jane Groat, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–1538.

Accordingly, beginning on page 10260 the following correction is made to FR Doc. 96–5773 in the issue of March 12, 1996:

PART 301–7—PER DIEM ALLOWANCES [AMENDED]

On page 10260, in the fourth column, the meals and incidental expenses (M&IE) rate for the per diem locality of Lake Ozark (Miller County), Missouri, seasonal period of October 1, April 30, should read ''30''.

Dated: April 4, 1996.

Vella J. Cloyd,

Acting Director, Travel and Transportation Management Policy Division.

[FR Doc. 96–9225 Filed 4–15–96; 8:45 am]

BILLING CODE 6820–24–M

Proposed Rules

Federal Register
Vol. 61, No. 74
Tuesday, April 16, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ASO–3]

Proposed Establishment of Class E Airspace; Chiefland, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Chiefland, FL. White Farms Airport at Chiefland, FL has a VOR/DME–A Standard Instrument Approach Procedures (SIAP). Controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at White Farms Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with publication of this SIAP.

DATES: Comments must be received on or before May 27, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–3, 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 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 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–3.'' 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 Notice of Proposed Rulemaking (NPRM) 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.

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 Chiefland, FL. White Farms Airport at Chiefland, FL has a VOR/DME–A SIAP. Controlled airspace extending upward from 700 feet AGL is needed to accommodate this SIAP and for IFR operations at White Farms Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with publication of this SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface 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 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 above the surface of the earth.

* * * * *

ASO FLE5 Chiefland, FL [New]

Chiefland White Farms Airport, FL
(Lat. 29°48′43″N, long. 82°22′30″W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of White Farms Airport, excluding that airspace within the Cross City, FL, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on March 29, 1996.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–9370 Filed 4–15–96; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 95–AGL–16]

Proposed Realignment of Jet Route J–522

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would alter Jet Route J–522 by extending the route from Green Bay, WI, to Brainerd, MN. This proposed action is necessary to provide a means for aircraft to transition from an en route environment to the standard terminal arrival route (STAR) serving the Minneapolis-St. Paul International Airport.

DATES: Comments must be received on or before May 30, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AGL–500, Docket No. 95–AGL–16, Federal Aviation Administration, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Rules Division (ATA–400), Office of Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–3075.

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. 95–AGL–16.'' 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 light of comments received. All comments submitted will be available for examination in the Rules Docket 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 Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Airspace Management, Attention: Airspace and Rules Division, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3075. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677 for a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter Jet Route J–522 by extending the route from Green Bay, WI, to Brainerd, MN. A new STAR was developed to serve the Minneapolis-St. Paul International Airport. Extending J–522 would provide a published route for aircraft to transition from an en route environment to a terminal arrival route. Jet routes are published in paragraph 2004 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 jet route 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 part 71 is revised 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 2004—Jet Routes

* * * * *

J–522 [Revised]

From Brainerd, MN; Green Bay, WI; Traverse City, MI; Au Sable, MI; Toronto,

ON, Canada; INT Toronto 099° and Hancock, NY, 302° radials; Hancock; to Kingston, NY. The airspace within Canada is excluded.

* * * * *

Issued in Washington, DC, on April 9, 1996.

Harold W. Becker,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–9371 Filed 4–15–96; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 25

[PS–4–96]

RIN 1545–AU12

Sale of Residence From Qualified Personal Residence Trust

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains a proposed regulation permitting the reformation of a personal residence trust or a qualified personal residence trust in order to comply with the applicable requirements for such trusts. The proposed regulation also clarifies that the governing instruments of such trusts must prohibit the sale of a residence held in the trust to the grantor of the trust, the grantor's spouse, or an entity controlled by the grantor or the grantor's spouse. The proposed regulation will affect trusts created after the proposed effective date.

DATES: Written comments and outlines of oral comments to be presented at the public hearing scheduled for July 24, 1996, must be received by July 15, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (PS–4–96), room 5228, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (PS–4–96), Courier's Desk Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. The public hearing will be held in the IRS auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Dale Carlton, (202) 622–3090; concerning submissions and the hearing, Evangelista Lee, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by June 17, 1996.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The collection of information is in § 25.2702–5. This information is required by the IRS to ensure compliance with the regulatory requirements. The likely respondents are individuals or households. Responses to the collection of information are required to obtain favorable gift tax treatment.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Estimated total annual reporting/recordkeeping burden: 625 hours. The estimated annual burden per respondent varies from 3 hours to 3.25 hours depending on individual circumstances with an estimated average of 3.1 hours.

Estimated number of respondents: 200.

Estimated annual frequency of responses: 2.

Background

This document proposes to amend the Gift Tax Regulations (26 CFR part 25) under section 2702 relating to ''personal residence trusts'' and ''qualified personal residence trusts.''

Section 2702(a) provides special valuation rules for determining the value of a gift when a transfer is made in trust to or for the benefit of a member of the donor's family and the donor retains an interest in the trust. Under section 2702(a)(2)(A), the value of any retained interest that is not a ''qualified interest'' is treated as zero. Therefore, the value of the gift is equal to the full value of the property at the time of the transfer. In contrast, the value of a retained interest that is a qualified interest is determined under the valuation tables prescribed pursuant to section 7520. Section 2702(b) provides that a qualified interest means an annuity interest, a unitrust interest, or a remainder interest after either an annuity or unitrust interest.

Congress recognized that many people desire to maintain the family ownership of their home and pass ownership on to future generations, while retaining its use for a period of time. The annuity and unitrust requirements are not, however, conducive to the transfer of a residence. Accordingly, section 2702(a)(3)(A)(ii) provides an exception to the annuity and unitrust requirements. Under this limited exception, the grantor's retained interest need not be in one of these forms, but rather can take the form of a right to the use and occupancy of the residence. Because this is an exception to the general rule of section 2702, a grantor may take into account not only the value of the retained interest, but also any contingent reversionary interest, in determining the amount of the gift to the remainderman.

The requirements of section 2702(a)(3)(A)(ii) are satisfied by a personal residence trust and a qualified personal residence trust as set forth in the regulations. The governing instruments of these trusts must prohibit the trust from holding, for the original duration of the term interest, assets other than one residence to be used or held for the use as a personal residence of the term holder. In addition, a qualified personal residence trust can hold limited amounts of cash for certain specified purposes such as the payment of operating expenses and expenses for the improvement or replacement of the residence, and the trustee is permitted to sell the residence during the original duration of the term interest, if certain requirements are satisfied.

If the trust does not qualify as a personal residence trust or a qualified personal residence trust, the grantor's retained interest is valued at zero under section 2702. This is the result even where the lack of compliance with the requirements in the regulations is the result of error or poor advice. As most errors are discovered at the time the gift tax return is prepared, the proposed regulation permits reformation of the

trust to be commenced up to 90 days after the gift tax return is due. A properly reformed trust will be treated as satisfying the regulatory requirements.

Questions have arisen as to whether it is permissible for the grantor to place a personal residence in trust, obtain all the tax benefits of a qualified personal residence trust and then purchase the residence from the trust. For example, in a transaction described by one commentator as the ''bait and switch,'' the grantor places the residence in trust with the intention of purchasing the residence from the trust just prior to the expiration of the grantor's retained term so that cash or other assets pass to the remaindermen in place of the residence.

The Treasury Department and the IRS have previously stated the view that Congress intended the personal residence trust exception to enable transferors to pass the family home to younger members of the family. Preamble to TD 8395, 1992–1 C.B. 316, at 319. Using the ''bait and switch'' technique, however, the personal residence trust exception could be used to facilitate the transfer of the grantor's other assets to future generations. The residence would merely serve as a temporary ''stand-in'' to avoid the annuity and unitrust requirements of section 2702. The proposed regulations clarify that the sale of the residence to the grantor by the trustee of the personal residence trust or qualified personal residence trust is not consistent with Congress' intent in enacting section 2702.

Explanation of Provisions

The proposed regulation provides that a trust that does not comply with one or more of the regulatory requirements for qualification as a personal residence trust or a qualified personal residence trust, will be treated as satisfying those requirements if the trust is reformed by judicial reformation (or nonjudicial reformation if effective under state law) to comply with the requirements. The reformation must be commenced within 90 days of the due date (including extensions) for filing the gift tax return reporting the transfer of the residence, and must be completed within a reasonable time after commencement. If the reformation is not completed by the due date (including extensions) for filing the gift tax return, the grantor or grantor's spouse must attach a statement to the gift tax return stating that the reformation has been commenced, or will be commenced within the 90-day period.

The proposed regulation also requires that, in order to qualify as a personal residence trust or a qualified personal residence trust, the trust's governing instrument must prohibit the trust from selling or transferring the residence, directly or indirectly, to the grantor, the grantor's spouse, or an entity controlled by the grantor or the grantor's spouse. A sale or transfer to another grantor trust of the grantor or the grantor's spouse is considered a sale or transfer to the grantor or the grantor's spouse. For these purposes, the term grantor trust is a trust treated as owned by the grantor or the grantor's spouse within the meaning of sections 671–677. The term control is defined in § 25.2701–2(b)(5)(ii) and (iii).

Proposed Effective Date

The amendments to §§ 25.2702–5(b) and (c) are proposed to be effective for trusts created after May 16, 1996. Thus, a trust created after this date will not satisfy the requirements of a personal residence trust or a qualified personal residence trust if the trust document does not comply with the regulations, as amended. Such a trust would be eligible for reformation under the proposed regulation.

Notwithstanding the proposed effective date, if the IRS examines a pre-effective date trust and finds it inconsistent with the purposes of section 2702 or the regulations thereunder, the IRS, by using established legal doctrines such as the substance over form doctrine, may treat the trust as not qualifying under section 2702. Thus, for example, if the grantor actually purchases the residence from the trust pursuant to a right or option to purchase that is stated in the trust instrument or a collateral document, the IRS may not treat the trust as a qualified personal residence trust.

Special Analyses

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

Comments and Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying. A public hearing has been scheduled for July 24, 1996, at 10 a.m. in the auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by July 15, 1996 and an outline of the topics to be discussed and the time to be devoted to each topic. A period of 10 minutes will be allotted each person for making comments.

An agenda showing the scheduling of speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of this regulation is Dale Carlton, Office of the Assistant Chief Counsel (Passthroughs and Special Industries). However, personnel from other offices of the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 25

Gift taxes, Reporting and recordkeeping requirements.

Proposed Amendment to the Regulations

Accordingly, 26 CFR part 25 is proposed to be amended as follows:

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Paragraph 1. The authority citation for part 25 continues to read in part as follows:

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

Par. 2. Section 25.2702–5 is amended as follows:

1. Paragraph (a) is redesignated as paragraph (a)(1) and paragraph (a)(2) is added.

2. In paragraph (b)(1), four new sentences are added after the third sentence.

3. Paragraph (c)(5)(ii)(C) is revised.

4. Paragraph (c)(9) is added.

The additions and revisions read as follows:

§ 25.2702–5 Personal residence trusts.

(a)(1) *In general.* * * *

(2) *Modification of trust.* A trust that does not comply with one or more of the regulatory requirements under paragraph (b) or (c) of this section will, nonetheless, be treated as satisfying these requirements if the trust is modified, by judicial reformation (or nonjudicial reformation if effective under state law), to comply with the requirements. The reformation must be commenced within 90 days after the due date (including extensions) for the filing of the gift tax return reporting the transfer of the residence under section 6075 and must be completed within a reasonable time after commencement. If the reformation is not completed by the due date (including extensions) for filing the gift tax return, the grantor or grantor's spouse must attach a statement to the gift tax return stating that the reformation has been commenced or will be commenced within the 90-day period.

(b) * * * (1) * * * In addition, the trust does not meet the requirements of this section unless the governing instrument prohibits the trust from selling or transferring the residence, directly or indirectly, to the grantor, the grantor's spouse, or an entity controlled by the grantor or the grantor's spouse, at any time after the original term interest during which the trust is a grantor trust. For purposes of the preceding sentence, a sale or transfer to another grantor trust of the grantor or the grantor's spouse is considered a sale or transfer to the grantor or the grantor's spouse. For purposes of this section, a *grantor trust* is a trust treated as owned by the grantor or the grantor's spouse within the meaning of sections 671–677. The term *control* is defined in § 25.2701–2(b)(5) (ii) and (iii). * * *

* * * * *

(c) * * *

(5) * * *

(ii) * * *

(C) *Sale proceeds.* The governing instrument may permit the sale of the residence (except as set forth in paragraph (c)(9) of this section) and may permit the trust to hold proceeds from the sale of the residence, in a separate account.

* * * * *

(9) *Sale of residence to grantor, grantor's spouse, or entity controlled by grantor or grantor's spouse.* The governing instrument must prohibit the trust from selling or transferring the residence, directly or indirectly, to the grantor, the grantor's spouse, or an entity controlled by the grantor or the grantor's spouse during the original term interest of the trust, or at any time after the original term interest that the trust is a grantor trust. For purposes of the preceding sentence, a sale or transfer to another grantor trust of the grantor or the grantor's spouse is considered a sale or transfer to the grantor or the grantor's spouse. For purposes of this section, a *grantor trust* is a trust treated as owned by the grantor or the grantor's spouse within the meaning of sections 671–677. The term *control* is defined in § 25.2701–2(b)(5) (ii) and (iii).

* * * * *

Par. 3. Section 25.2702–7 is amended as follows:

1. The first sentence of this section is revised; and

2. A new sentence is added at the end of the section, to read as follows:

§ 25.2702–7 Effective dates.

Except as provided in this section, §§ 25.2702–1 through 25.2702–6 are effective as of January 28, 1992. * * * The fourth through seventh sentences of § 25.2702–5(b)(1) and § 25.2702–5(c)(9) are effective with respect to trusts created after May 16, 1996.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 96–8240 Filed 4–15–96; 8:45 am]

BILLING CODE 4830–01–U

Notices

Federal Register
Vol. 61, No. 74
Tuesday, April 16, 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

Animal and Plant Health Inspection Service

[Docket No. 96–020–1]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of a currently approved information collection in support of the Application for Inspection and Certification of Animal Byproducts.

DATES: Comments on this notice must be received by June 17, 1996 to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 96–020–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket 96–020–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments and notices are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION: For information on the Application for Inspection and Certification of Animal Byproducts, contact Dr. John Gray, Senior Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1231, (301) 734–7837; or e-mail: jgray@aphis.usda.gov. For copies of the proposed collection of information, contact Ms. Cheryl Jenkins, APHIS' Information Collection Coordinator, at (301) 734–5360.

SUPPLEMENTARY INFORMATION:

Title: Application for Inspection and Certification of Animal Byproducts.

OMB Number: 0579–0008.

Expiration Date of Approval: June 30, 1996.

Type of Request: Extension of a currently approved information collection.

Abstract: U.S. exporters who wish to export certain animal byproducts to other countries must, in some instances, furnish the importing country with certificates that have been issued or endorsed by U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services (VS). These certificates attest to the class and quality of these products, and also attest that the products have been processed according to the conditions and requirements of the importing country. VS Form 16–24 is one such certificate.

The information requested on VS Form 16–24 is provided by the applicant and notifies us that the applicant desires to have us monitor the processing of the product. After monitoring the processing technique, we certify (on VS Form 16–24) that the product was processed according to the conditions and requirements of the importing country. Without this certification, the importing country would not accept the product, and the applicant would be unable to conduct business with that country.

The use of VS Form 16–24 has no impact on animal disease prevention or eradication activities in the United States. The form was developed strictly in response to the importation requirements of other countries.

The use of VS Form 16–24 provides ample space for the applicant to list, in detail, the processing technique that we need to verify to make the product eligible to enter the importing country. The form also serves as the written agreement under which the applicant (the U.S. exporter) pays for the services we render in connection with documenting the certification statements required by the importing country.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(1) Evaluate whether the proposed information collection 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 our estimate of the burden of the proposed 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 respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: Public reporting burden for this collection of information is estimated to average .5 hours per response.

Respondents: U.S. exports of animal byproducts.

Estimated Number of Respondents: 20.

Estimated Numbers of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 10 hours.

All responses to this notice will be summarized and included in the request for OMB approval of the information collection.

Done in Washington, DC, this 10th day of April 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–9346 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

California Coast Province Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Province Advisory Committee (PAC) will meet on May 2 and 3, 1996, at the Aurora RV Park Conference Room, 2985 Lakeshore Blvd., Nice, California. The meeting will begin at 8 a.m. and continue until 5 p.m. both days. Agenda items to be covered on May 2 include: (1) Open public forum; (2) Federal budget process overview presentation and PAC input; (3) Report and recommendation from PAC Coordinating Subcommittee on outyear planning for federal lands watershed restoration project proposals; (4) Report from PAC member on Sierra Club trip to Washington, DC; (5) Agency updates on implementing the Northwest Forest Plan; and (6) Draft letter concerning rechartering PACs. May 3, will be an optional field trip to the Van Arsdale Dam fish ladder, Middle Creek filtering project, and Lake Pillsbury. All California Coast province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Daniel Chisholm, USDA, Forest Supervisor, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (916) 934–3316 or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (916) 934–3316.

Dated: April 5, 1996.

Daniel K. Chisholm,

Forest Supervisor.

[FR Doc. 96–9320 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–FK–M

Extension of Currently Approved Information Collection for Geophysical Prospecting Permit

AGENCY: Forest Service, USDA.

ACTION: Notice of intent; request for comments.

SUMMARY: In accordance with the Paperwork Reduction of 1995, this notice announces the Forest Service's intention to extend, under OMB Number 0596–0089, collection of information necessary to authorize geophysical investigations on lands managed by the agency. Using the Application for Prospecting Permit Form R1–FS–2800–4 (formerly R1–FS–2860–1), applicants describe the type and size of the proposed geophysical operation, the location, the equipment that would be used, and addresses and phone numbers for the applicant and responsible local representative. Applicants could include mineral lessees, oil and gas operators, and geophysical contracting companies. The information is used in an environmental analysis prior to making a decision on the request for permit.

DATES: Comments must be received in writing on or before June 17, 1996.

ADDRESSES: All comments should be addressed to: Director, Lands & Minerals Staff, Attn: Leslie Vaculik, Forest Service, USDA, P.O. Box 7669, Missoula, MT 59807.

FOR FURTHER INFORMATION CONTACT: Leslie Vaculik at (406) 329–3592.

SUPPLEMENTARY INFORMATION:

Description of Form

Title: Application for Prospecting Permit Form R1–FS–2800–1 (formerly R1–FS–2860–1).

OMB Number: 0596–0089.

Expiration Date of Approval: 6/30/96.

Type of Request: Extension of currently approved collection.

Estimate of Burden: Public reporting burden for this collection of information is estimated to be 15 minutes per response.

Type of Respondents: Oil & gas companies, mineral lessees, geophysical companies, education or research organizations.

Estimated Number of Respondents: 20 per year.

Estimated Number of Responses per respondent: 1.

Estimated Total Annual Burden on respondents: 5 hours.

Comments Are Invited On

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 5, 1996.

Sterling J. Wilcox,

Acting Associate Deputy Chief, National Forest Systems.

[FR Doc. 96–9354 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–11–M

Delegation of Authority to Regional Lands Directors

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The Forest Service gives notice of a delegation of authority to Directors of Lands (or equivalent officials) in Regional Offices to execute documents prepared pursuant to the Resolution of Western Land Dispute Act of July 2, 1993. This delegation was issued on March 26, 1996, by Interim Directive Number 5570–96–1 to Chapter 5570 of the Forest Service Manual. A copy of the Interim Directive is set out at the end of this notice.

EFFECTIVE DATE: Interim Directive Number 5570–96–1 was effective on March 26, 1996.

FURTHER CONTACT: Marsha Butterfield, Lands Staff, Forest Service, USDA, (202) 205–1248.

Dated: April 9, 1996.

Joan M. Comanor,

Acting Chief.

FOREST SERVICE MANUAL

Washington, D.C.

Interim Directive: 5570–96–1.
Effective Date: March 26, 1996.
Expiration Date: September 26, 1997.
Chapter: 5570—Sales, Grants, and Special Acts.

This interim directive (ID) to FSM 5570.13, Special Acts, adds paragraph 4, Forest Lieu Selection, concerning the Resolution of Western Land Dispute Act of July 2, 1993, which resolved the title status of certain lands relinquished to the United States under the Act of June 4, 1897. The ID also adds the responsibility in FSM 5570.41 of the Director of Lands, Regional Office (or equivalent official) for executing documents under this act; this responsibility may not be delegated.

/s/Gerald Coghlan,

For Janice McDougle, Associate Deputy Chief.

5570.13—Special Acts.

4. *Forest Lieu Selection.* The Resolution of Western Land Dispute Act of July 2, 1993 (Pub. L. 103–48) resolved the title status of certain lands relinquished to the Untied States under the Act of June 4, 1897 (16 U.S.C. 473–475). (See FSM 5570.41 for direction on the responsibility for executing documents pursuant to this act.

5570.4—Responsibility.

5570.41—Director of Lands, Regional Office. The Director of Lands, Regional Office, or equivalent official, is responsible for executing all documents for the disposition of lands and interests in lands pursuant to the Resolution of Western Land Dispute Act of July 2, 1993 (Pub. L. 103–48; FSM 5570.13). This responsibility may not be delegated.

[FR Doc. 96–9355 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New York State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee to the Commission will convene at 2:00 p.m. and adjourn at 5:00 p.m. on Wednesday, May 8, 1996, at the President's Conference Room, 18th Floor, Graduate School and University Center of the City University of New York, 33 West 42nd Street, New York, New York 10036. The purpose of the meeting is to plan activities for fiscal year 1996.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Dr. Setsuko Nishi, 718–951–5314, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 8, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–9297 Filed 4–15–96; 8:45 am]

BILLING CODE 6335–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Revision of the National Senior Service Corps' Project Profile and Volunteer Activity (PPVA) Information Collection Instruments

AGENCY: Corporation for National and Community Service.

ACTION: Notice of 30-day OMB review of final revised PPVA information collection instruments.

SUMMARY: In December 1995, the National Senior Service Corps (NSSC) announced a 60-day review and comment period during which project sponsors and the public were encouraged to submit comments on revised draft PPVA information collection instruments used to annually collect project and aggregate volunteer demographic and activity information from project sponsors funded under the Retired and Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), and Senior Companion Program (SCP).

Comments were invited on (1) whether the proposed instruments collected information appropriate and sufficient to meet operational management, planning and reporting needs of the Senior Corps programs; (2) ways to enhance the quality, utility and clarity of the information to be collected; (3) accuracy of agency estimates of reporting burden; and (4) ways to further reduce burden while meeting program needs.

Following that review and comment period, NSSC made final revisions to respond to project concerns and is now submitting the instruments to OMB for approval. Revisions made to address project concerns included changing the reporting period, providing projects more time to submit reports, delaying the submission date of the next report, incorporating station-type revisions recommended by projects, and regrouping and revising sponsor type categories. For RSVP, some service category/BHN codes were revised to reflect the major service hours groupings. None of the changes will impact on reporting burden.

DATES: The National Senior Service Corps and the Office of Management and Budget will consider written comments on the proposed instruments and recordkeeping requirements received on or before May 16, 1996.

ADDRESSES TO SEND COMMENTS TO BOTH:

Janice Forney Fisher, NSSC, Rm 9403A, Corp. for National Service, 1201 New York Avenue NW., Washington, D.C. 20525

Deborah Bonds, Office of Info. & Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

ESTIMATED ANNUAL REPORTING OR DISCLOSURE BURDEN: 8,228 hours

Program	Number of respondents	Annual responses per respondent	Average burden per respondent (hours)	Total annual burden on all respondents
RSVP	758	1	8.1	6,140
FGP	277	1	5.1	1,413
SCP	185	1	3.7	685

*This document will be made available in alternate format upon request. TDD (202) 606–5000 ext. 164.

FOR FURTHER INFORMATION CONTACT: Janice Forney Fisher (202) 606–5000 ext. 275.

REGULATORY AUTHORITY: National Service Trust Act of 1993.

Dated: April 10, 1996.

Thomas E. Endres,

Deputy Director, National Senior Service Corps.

[FR Doc. 96–9341 Filed 4–15–96; 8:45 am]

BILLING CODE 6050–28–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 May 16, 1996.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New

Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Gloria Parker,

Director, Information Resources Group.

Office of Vocational and Adult Education

Type of Review: Reinstatement.
Title: Application for Vocational and Adult Education Direct Grants.
Frequency: Annually.
Affected Public: Business or other for-profit, Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Burden:
Responses: 569.
Burden Hours: 51,210.
Abstract: This form will be used by applicants to apply for funding under the Carl D. Perkins Vocational and Applied Technology Education Act, Adult Education Act, and National Literacy Act programs administered by the Office of Vocational and Adult Education. The Department uses the information to make grants and cooperative agreements.

Office of Educational Research and Improvement

Type of Review: Reinstatement.
Title: Application for Basic Grants under the Library Services for Indian Tribes and Hawaiian Natives Program.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:
Responses: 230.
Burden Hours: 460.
Abstract: This form allows Indian Tribes and Hawaiian Natives to apply for Basic grants under Section 403 of the Library Services for Indian Tribes and Hawaiian Natives Program, Title IV of the Library Services and Construction Act, as amended.

Type of Review: Extension.
Title: Postsecondary Education Quick Information System (PEQIS).
Frequency: Nonrecurring.
Affected Public: Not-for-profit institutions.
Reporting and Recordkeeping Hour Burden:
Responses: 1,418.
Burden Hours: 2,374.
Abstract: The Postsecondary Education Quick Information System (PEQIS) is designed to conduct brief surveys of postsecondary institutions or state higher education agencies. PEQIS provides information that is needed quickly and that cannot be collected through traditional NCES surveys. PEQIS will conduct 4–5 surveys each year.

Type of Review: Revision.
Title: Federal-State Cooperative System for the Collection of Data from Public Libraries and Their Outlets, State Library Agencies and Public Library Administrative Entities.
Frequency: Annually.
Affected Public: State, Local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:
Responses: 57.
Burden Hours: 1,710.
Abstract: The National Education Statistics Act of 1994 mandates the collection of data on the condition and progress of education in the U.S. NCES is to fulfill this duty by ''acquiring, compiling, and dissemination statistics on the condition of education . . . including data on libraries.'' The Public Library Survey is a national census of public libraries which provide a national census of libraries for each state and each individual library.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Campus Based Reallocation Form.
Frequency: Annually.
Affected Public: Business or other for-profit; Not-for-profit institutions.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 3,000.
Burden Hours: 847.
Abstract: This form will allow institutions of postsecondary education to report anticipated 1995–96 unspent funds for the campus-based programs so these unspent funds can be distributed as supplemental 1995–96 awards and to report the 1995–96 FWS Community Service Act.

Office of the Under Secretary

Type of Review: New.
Title: Evaluation of Upward Bound.
Frequency: One Time.
Affected Public: Individuals or households; Not-for-profit institutions.
Reporting and Recordkeeping Hour Burden:
Responses: 4,523.
Burden Hours: 1,535.
Abstract: The evaluation of Upward Bound will include student follow-up data collected through a computer assisted telephone interview and the collection of student transcript data.

Office of Educational Research and Improvement

Type of Review: Reinstatement.
Title: Application for Special Projects Grants Under the Library Services for Indian Tribes and Hawaiian Natives Program.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:
Responses: 75.
Burden Hours: 600.
Abstract: This form allows Indian Tribes to apply for Special Projects grants under Section 404 of the Library Services for Indian Tribes and Hawaiian Natives Program, Title IV of the Library Services and Construction Act, as amended.

[FR Doc. 96–9327 Filed 4–15–96; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM95–3–000 and RM95–4–000]

Filing and Reporting Requirements for Interstate Natural Gas Companies Rate Schedules and Tariffs; Revisions to Uniform System of Accounts Forms, Statements, and Reporting Requirements for Natural Gas Companies; Notice Regarding Discount Transportation Rate Reports

April 10, 1996.

On September 28, 1995, the Commission issued a final rule in this proceeding requiring pipelines to file electronically the discount transportation rate reports previously filed only on paper (60 FR 52960, October 11, 1995). On February 29, 1996, in Docket No. RM95–4–000, the Commission issued the ''Instruction Manual for Electronic Filing of the Discount Transportation Rate Report'' (Instruction Manual) (61 FR 8870, March 6, 1996). The first document rate reports to be filed electronically will be the reports due for the month of March 1996. Those reports are due within 15 days of the close of the March billing period.

Take notice that all discount rate reports filed pursuant to § 284.7(c)(6) of the Commission's regulations must be submitted both on paper and electronically. The diskette containing the electronic copy must be prepared in accordance with the Instruction Manual and must be filed with the copies of the paper version of the report.

Lois D. Cashell,

Secretary.

[FR Doc. 96–9306 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–201–000]

Algonquin Gas Transmission Company; Notice of Site Visit for the Proposed Middletown Lateral Project

April 10, 1996.

On April 24 and 25, 1996, the Office of Pipeline Regulation staff will conduct a site visit with representatives of Algonquin Gas Transmission Company of the locations related to the facilities proposed in the Middletown Lateral Project in Hartford and Middlesex Counties, Connecticut. The previously scheduled dates of April 9 and 10 were changed because of bad weather conditions in the project area. All interested parties may attend. Those planning to attend must provide their own transportation.

Information about the proposed project is available from Mr. John Wisniewski, Project Manager, at (202) 208–1073.

Lois D. Cashell,

Secretary.

[FR Doc. 96–9308 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–301–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

April 10, 1996.

Take notice that on April 8, 1996, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia, 25325–1273, filed in Docket No. CP96–301–000 a request pursuant to Section 157.205, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, and 157.216) for approval to abandon certain obsolete facilities in Tioga County, New York, under Columbia's blanket certificate authority issued in Docket No. CP83–76–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to abandon transmission Line Y consisting of approximately 0.06 mile of two-inch pipeline and to abandon a portion of transmission Line AD–31 consisting of approximately 0.14 mile of four-and six-inch pipeline, and all appurtenances associated with these pipelines located in Tioga County, New York. Columbia states that these facilities are operated under certificate authorization granted to Columbia's predecessor company, Home Gas Company, in Docket No. G–345. Columbia further states that the jurisdictional facilities for which it seeks abandonment authorization serve no useful purpose and are no longer required. It is indicated that there is no gas consumer on these facilities and that Columbia has no purchase gas agreements which utilize the subject facilities.

Any person or the Commission's Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene 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 activities 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 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. 96–9309 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–290–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

April 10, 1996.

Take notice that on April 1, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP96–290–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to operate a delivery point, located in Ochiltree County, Texas, to accommodate interruptible natural gas deliveries to West Texas Gas, Inc. (WTG) under Northern's blanket certificate issued in Docket No. CP82–401–000 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.

Northern states that service will be provided to shippers for WTG pursuant to currently effective throughput service agreement(s). According to Northern, WTG has requested the proposed delivery point to serve an industrial customer in Ochiltree County, Texas. The proposed volumes to be delivered for WTG at the proposed delivery point are 60 MMBtu on a peak day and 15,000 MMBtu on an annual basis. Northern estimates the construction cost to be $2,000 which WTG will reimburse to Northern.

Northern states that the total volumes to be delivered to shippers for WTG after the request do not exceed the total volumes authorized prior to the request. Northern states that the proposed activity is not prohibited by its existing tariff and that there is sufficient capacity to accommodate these changes without detriment or disadvantage to its other 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. 96–9310 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT96–46–002]

Honeoye Storage Corporation; Notice of Tariff Filing

April 10, 1996.

Take notice that on April 2, 1996, Honeoye Storage Corporation (Honeoye) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1. Honeoye states that the filing does not involve any change in rates or services.

Honeoye also states that the filing was made to comply with the FERC Order No. 583 issued September 28, 1995.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of 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. 96–9311 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–123–002]

Florida Gas Transmission Company, Notice of Compliance Filing

April 10, 1996.

Take notice that on April 4, 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:

Substitute Fourth Revised Sheet No. 132
2nd Substitute First Revised Sheet No. 134

FGT states that on January 26, 1996, it filed in Docket No. RP96–123–000 changes to its Tariff generally intended to modify or clarify certain provisions in conformance with previous tariff changes filed and accepted by the Federal Energy Regulatory Commission. Several parties filed protests to FGT's January 26, Filing.

In order to clarify the changes proposed in the January 26 Filing and address concerns expressed in the protests, FGT filed on February 21, 1996, an answer (Answer) and a motion to defer the effective date of the proposed tariff sheets from March 1, 1996 to April 1, 1996. Concurrently, FGT submitted tariff sheets in Docket No. RP96–123–001 (February 21 Filing) to amend the January 26 Filing as described in the Answer.

On March 27, 1996, the Commission issued an order (March 27 Order) accepting, subject to certain revisions, the proposed tariff sheets to become effective April 1, 1996, except for those sheets withdrawn or superseded by the February 21 Filing. The March 27 Order requires FGT to refile tariff sheets, within 15 days of the order, to: 1) clarify that the calculation of the amount due FGT for delivery imbalances shall be net of any no-notice quantities, and 2) clarify the time period by which FGT shall render invoices to its shippers. The instant filing is submitted in compliance with the March 27 Order.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., 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 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. 96–9312 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–205–000]

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

April 10, 1996.

Take notice that on April 4, 1996, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, proposed to be effective April 1, 1996:

Title Sheet
Second Revised Sheet No. 1
Second Revised Sheet No. 39
Third Revised Sheet No. 62
Third Revised Sheet No. 141

Viking states that the purpose of this filing is to conform its tariff to the requirements of Order Nos. 581 and 582. In accordance with Order No. 581, Viking has removed the Index of Shippers from its Tariff since Viking is in compliance with the EBB posting requirement. In accordance with Order No. 582, Viking has modified the title page of its Tariff to add ''the name, title, and address, telephone number and facsimile number of the person to whom communications regarding the tariff should be sent'' as required by 18 CFR 154.102(d). Viking has also added to its Terms and Conditions a new section containing a ''statement of the order in which the company discounts its rates and charges'' as required by 18 CFR 154.109(c).

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–9313 Filed 4–15–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5453–5]

Final Report of the Federal Facilities Environmental Restoration Dialogue Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of ''Final Report of the Federal Facilities Environmental Restoration Dialogue Committee''.

SUMMARY: The Agency is informing the public of the availability of ''Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC),'' dated April 1996. The Final Report presents consensus principles and recommendations for improving Federal facilities cleanup. The report was produced by the FFERDC, a Federal advisory committee chartered by the U.S. Environmental Protection Agency. The FFERDC includes members from: the U.S. Departments of Agriculture, Defense, Energy, and Interior; the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Agency for Toxic Substances and Disease Registry; state, tribal, and local governments; and national, regional, and locally based environmental, community, environmental justice, and labor organizations.

Based on agency estimates, the United States government is responsible for addressing contamination at over 61,000 sites with the cost of cleanup between $230 billion and $390 billion over the next 75 years. The Final Report provides consensus approaches for involving stakeholders in cleanup and funding decisions at such Federal facilities. Building on the FFERDC's ''Interim Report'' (1993) and ''Principles'' (1995), the Final Report includes chapters on the principles for environmental cleanup of Federal facilities, community involvement, advisory boards, funding and priority setting, and capacity building.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424–9346 (in the Washington, DC, metropolitan area, (703) 412–9810). The Telecommunications Device for the Deaf (TDD) Hotline number is (800) 553–7672 (in the Washington, DC, metropolitan area, (703) 412–3323). Or contact Sven-Erik Kaiser, Federal Facilities Restoration and Reuse Office (5101), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 260–5138.

Dated: March 28, 1996.

Elliott P. Laws,

Assistant Administrator for the Office of Solid Waste and Emergency Response.

[FR Doc. 96–8334 Filed 4–15–96; 8:45 am]

BILLING CODE 6560–50–P

[OPP–38512; FRL–5363–8]

Existing Stocks of Pesticide Products; Amendment to Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Amendment to Statement of Policy.

SUMMARY: In June 1991, EPA published a notice to be used as a guide for Agency decision-making regarding the sale, distribution, and use of existing stocks of pesticide products whose registrations under the Federal, Insecticide, Fungicide, and Rodenticide Act (FIFRA) are amended, canceled, or suspended. This Notice announces an amendment to the 1991 Notice that the Agency will provide notice and an opportunity to comment when it intends to modify the existing stocks provision for a canceled pesticide for which the Agency has a risk concern. Except for circumstances where the Agency determines that an emergency exists, it will provide notice and an opportunity for comment prior to making a final determination on modifications to existing stocks provisions. The Agency will publish its final decision, findings, and rationale when it modifies existing stocks provisions for chemicals of concern.

DATES: This policy takes effect April 16, 1996. Comments must be received by May 16, 1996.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments in triplicate to: By mail: Program Resources Section, Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–38512.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IV. of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Richard Dumas, Special Review Branch, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Special Review Branch, 3rd floor, Rm. 3-M, 2800 Crystal Drive, Arlington, VA, (703) 308-8015, e-mail: dumas.richard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

This policy statement will help achieve the Agency's goal of increasing the degree of public involvement in risk management decisions under FIFRA, which was initially articulated in the Federal Register notice entitled ''Public Involvement in Significant Risk Reduction Decisions on Registered Pesticides'' describing EPA's policy on public involvement in significant risk reduction decisions (59 FR 40905, August 10, 1994). Consistent with that policy, EPA believes that in certain circumstances, it is desirable to obtain the views of the public before modifying an existing stocks provision.

On August 15, 1995, the United Farmworkers of America filed suit in the U.S. District Court for the District of Columbia, challenging EPA's modification of the Mevinphos Cancellation Order, which extended the period during which the sales, distribution, and use of existing stocks would be permitted to November 30, 1995. As part of its settlement agreement, EPA agreed to amend its

existing stocks policy to permit a greater degree of public involvement in its existing stocks dispositions.

II. Background

A. Existing Stocks Policy

Since 1991, EPA has generally made its decisions concerning the disposition of existing stocks of canceled pesticides in accordance with the policy entitled ''Existing Stocks of Pesticide Products; Statement of Policy'' which was published in the Federal Register of June 26, 1991 (56 FR 29362). That Notice established the policies that would generally guide EPA in making individual decisions concerning whether, and under what conditions, EPA would permit the continued sale, distribution, and use of existing stocks of pesticide products whose registrations under FIFRA were amended, canceled, or suspended.

As the 1991 Notice discussed, in making existing stocks dispositions, EPA distinguishes between pesticides associated with significant risk, and those that are not associated with a significant risk. In general, if there are significant risk concerns associated with a canceled pesticide, the Agency will not allow continued sale, distribution, or use of the product, unless the benefits associated with such sale, distribution, or use will exceed the risk. Where there are no significant risk concerns associated with the cancellation of a pesticide, the Agency will generally allow unlimited use of existing stocks, and unlimited sale by persons other than the registrant. In such cases, a registrant will generally be allowed to continue to sell existing stocks for one year after the date cancellation is requested.

B. Public Involvement in Significant Risk Reduction Decisions

On August 10, 1994 (59 FR 40905), EPA issued a notice in the Federal Register describing its general approach for public involvement prior to reaching final significant risk reduction decisions on registered pesticides. In that Notice, the Agency reaffirmed its commitment to involve the public in the decision making process, gave examples of mechanisms that the Agency had used for soliciting public comment, and requested public comment on ways to improve its efforts to get better public involvement. In that Notice, EPA noted that:

> The Agency understands the importance of public input in reaching regulatory decisions, especially input from grower and user groups closely associated with a particular pesticide of concern, who may provide useful risk and benefit information. . . .Other critical information that could be obtained through public input and that the Agency views as essential to making effective decisions includes human or environmental incident data held by end-user groups or other environmental organizations.

III. Amendment to Policy

This Notice announces that EPA will generally provide public notice of, and an opportunity to comment on, proposals to modify the sale, distribution and use of the existing stocks of certain pesticides whose registrations have been canceled. The policy applies to reductions as well as extensions of the period in which existing stocks could be sold, distributed, or used. Typically, EPA will provide a 30–day comment period. Should the Agency modify the existing stocks provisions, EPA will publish its decision and its rationale for the amendment.

This policy would only apply to certain categories of modifications, for which EPA determined that public involvement would outweigh the increased administrative burden associated with the notice and comment process. In general, EPA expects that most frequently it will make such a determination in cases involving the existing stocks of pesticides associated with a significant risk. In such circumstances, the public's interest in being informed of, and in participating in, decisions that could result in increased human and environmental exposure will generally outweigh the increased administrative burden. Additionally, in such circumstances, the public input from grower and user groups, and other interested parties closely associated with a particular pesticide of concern may provide EPA with useful risk and benefit information, such as human or environmental incident data.

For certain categories of modifications, EPA has determined that notice and comment would generally be warranted. As a general matter, EPA intends to provide an opportunity for notice and comment on proposals to modify the existing stocks dispositions for pesticides whose registrations were involuntarily canceled pursuant to FIFRA section 6(b), and for pesticides whose registrations were voluntarily canceled as a result of the issuance of a Notice of Intent to Cancel or Notice of Intent to Suspend. In addition, pesticides whose registrations were voluntarily canceled following publication of: (a) A preliminary notification of intent to initiate a Special Review to registrants and applicants for registration, pursuant to 40 CFR 154.21; (b) a public announcement of final decision whether or not to initiate a Special Review, pursuant 40 CFR 154.25; (c) a Notice of Preliminary Determination, pursuant to 40 CFR 154.31; or (d) a Notice of Final Determination pursuant to 40 CFR 154.33.

EPA also intends to apply this policy in other circumstances where, in the Agency's exercise of reasoned discretion, the toxicity and nature, degree, or amount of exposure to a pesticide during the period of the proposed modification, or other information, warrant public notice and comment prior to the modification of an existing stocks provision. Examples of circumstances that could warrant such notice include where the Agency has information that would tend to demonstrate a significant risk associated with the product. Such information could include circumstances in which EPA has knowledge that a state has suspended or canceled a product based on risk concerns, or in which EPA has reviewed reports submitted under FIFRA section 6(a)(2), that indicate potential risks.

The absence of information characterizing a significant risk could also potentially warrant notice and comment. For example, where little data have been submitted on a pesticide product's environmental fate, and yet its composition is such that EPA would expect to see some degree of persistence and mobility, an opportunity for public notice and comment would generally be warranted. In this type of situation, an opportunity for public comment could provide input from grower and user groups closely associated with the pesticide that might provide useful risk and benefit information such as human or environmental incident data.

Existing stocks can arise from a number of actions, such as when, during the reregistration process, a registrant chooses to delete a use rather than to submit the data necessary to support it, or when, after EPA mandates a label change, a registrant has some amount of the product with the old label ready and waiting to be released for shipment. These situations are more common than the cancellations of end-use products or entire active ingredients, resulting from an EPA risk-management decision. In applying this policy, EPA would not distinguish between existing stocks dispositions made for a use deletion and a cancellation of an entire end-use product. If a modification request has been made for a pesticide that falls within one of the above categories, EPA intends in most cases to offer an

opportunity for public comment before making a final decision.

EPA will also apply this policy regardless of the statutory mechanism EPA uses to extend the existing stocks period; thus, if EPA granted a section 18 emergency exemption, or allowed a state to issue a registration pursuant to section 24(c), to permit additional use of the existing stocks of a pesticide that falls within one of the above criteria, EPA would apply this policy. For example, if a state issued a section 24(c) registration for a voluntarily cancelled pesticide, that would effectively extend use beyond the existing stocks disposition, and the pesticide product fell within one of the categories discussed above, EPA intends to publish a notice of receipt in the Federal Register to solicit public comment, during EPA's 90-day review of the section 24(c) registration.

EPA will not publish a notice before modifying the existing stocks provision for a pesticide that falls within one of the categories described above if EPA finds that an emergency exists. For purposes of this policy, an emergency is defined to exist only when EPA determines that the four following conditions occur: (1) Either the use of the pesticide is necessary to prevent an unacceptable risk to human health or the environment, or the continued use of the pesticide would present an unacceptable risk to human health or the environment; (2) there is not another feasible solution to prevent such a risk; (3) the time available to avert the risk is insufficient to permit the 30-day public comment period, and (4) the public interest requires modifying the provision in the manner described in EPA's proposal.

An example of an emergency situation would be where EPA determined that it was necessary to reduce the existing stocks period to prevent an unreasonable risk, and that the risk would occur during the period necessary for notice and comment. In such a case, EPA would publish a notice after the emergency modification, explaining its action and the rationale for it.

The statement of policy articulated here supplements, but does not replace EPA's 1991 existing stocks policy. Any decision to modify an existing stocks disposition would still be consistent with the general policies outlined in the 1991 notice. In some of the cases outlined in the policy, EPA regulations already require publication of a notice and solicitation of public comments, and the application of the policy announced today would result in minimal change to EPA practice. For example, if EPA were to receive a section 18 request that would effectively modify an existing stocks provision, EPA's regulations require EPA to publish a notice of the receipt of an application for the exemption and to solicit public comment in many cases to which this notice would apply. But in such circumstances, EPA would typically extend the comment period from the 15 days required by 40 CFR 166.24(c) to the 30 days specified in this policy. Nor would EPA waive the comment period except in the emergency circumstances outlined above.

IV. Comments

The Agency is requesting comments and suggestions on the circumstances in which an opportunity for notice and comment would be provided. The Agency is also seeking comment on whether 30 days is an appropriate amount of time. Comments must bear a notation indicating the document control number [OPP–38512].

A record has been established for this action under docket number ''OPP–38512'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the action as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

List of Subjects

Environmental protection.

Dated: April 10, 1996.

Daniel Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96–9353 Filed 4–11–96; 2:57 pm]

BILLING CODE 6560–50–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting; Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, April 9, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) reports of the Office of Inspector General, and (2) matters relating to the Corporation's supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), Director Eugene A. Ludwig (Comptroller of the Currency), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8) and (c)(9)(A)(ii) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8) and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Dated: April 9, 1996.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 96–9508 Filed 4–12–96; 3:52 am]

BILLING CODE 6714–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice.

SUMMARY: This notice announces that three information collection requests contained in FMCS agency forms are coming up for renewal and FMCS is requesting extension of these currently approved collections. These forms are: FMCS Arbitrator's Report and Fee Statement (FMCS Form R–19), the FMCS Arbitrator's Personal Data Questionnaire (FMCS Form R–22), and the FMCS Request for Arbitration Services (FMCS Form R–43). Before submitting the renewal packages to the Office of Management and Budget (OMB), FMCS is soliciting comments on specific aspects of the collections as described below.

DATES: Comments must be submitted on or before June 15, 1996.

ADDRESSES: Submit written comments identified by the appropriate agency form number by mail to Office of the General Counsel, FMCS, 2100 K Street, NW., Washington, DC 20427, Room 603, ATTN: Tammi Strozier, Public Response Section. Copies of the complete agency forms may be obtained from the Office of the General Counsel at the above address or by contacting the person whose name appears under the section headed, **FOR FURTHER INFORMATION CONTACT.**

Comments and data may also be submitted by fax at (202) 606–4253 or electronically by sending electronic mail (e-mail) to fmcs02@erols.com. All comments and data in electronic form must be identified by the appropriate agency form number. No confidential business information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as ''CBI''. Information so marked will not be disclosed but a copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Room 600 at the Washington, DC address above from 8:30 a.m. to 4:30 a.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Eileen B. Hoffman, General Counsel, FMCS, 2100 K Street NW., Washington, DC 20427. Telephone: (202) 606–5444; Fax: (202) 606–4253; e-mail: fmsc02@erols.com

SUPPLEMENTARY INFORMATION: Copies of each of the agency forms are available from the Office of General Counsel, Public Access Section by calling, faxing, or writing, Ms. Tammi Strozier at the above address. Please ask for the form by title and agency form number.

1. Information Collection Requests

FMCS is seeking comments on the following information collection requests contained in an FMCS agency form.

Title: Arbitrator's Personal Data Questionnaire. FMCS Form is R–22 OMB No. 3076–0001. Expiration date 7/31/96.

Affecting entities: Parties affected by this information collection are the individuals who apply for admission to the FMCS Roster of Arbitrators.

Abstract: Title II of the Labor-Management Relations Act of 1947 (Public Law 90–101) as amended in 1959 (Public Law 86–257) and 1974 (Public Law 93–360), states that the labor policy of the United States, as follows:

> The settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to encourage employers and the representatives of their employees to reach and maintain rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

Under its regulations at 29 C.F.R. Part 1404, FMCS has established policies, function, and procedures for its arbitration functions, including for dealing with all arbitrators listed on the FMCS Roster of Arbitrators, all applicants for listing on the Roster, and all persons or parties seeking to obtain from FMCS either names or panels of names of arbitrators listed on the Roster in connection with disputes which are to be submitted to arbitration or fact-finding.

FMCS strives to maintain the highest quality of dispute resolvers on its roster. To ensure that purpose, it asks all candidates to complete an application form. This procedure allows FMCS to select highly qualified candidates for the arbitrator roster. The respondents are private citizens who make application for appointment to the FMCS roster. This obligation is pursuant to 29 U.S.C. 171(b), 29 C.F.R. Part 1404. This notice is a request to extend the existing form without any change in the substance or method of collection.

Burden Statement: The number of respondents is approximately 250 individuals per year, the approximate number of individuals who request membership on the FMCS Roster. The time required to complete this questionnaire is approximately one and one-half hour. Each respondent is required to respond only once per application, and once per year for updating their biographical sketch.

Title: Request for Arbitration Services. FMCS Form No. R–43, OMB No. 3076–0002; Expiration date: July 31, 1996.

Affected Entities: Employers and their representatives, employees, labor unions and their representatives who request arbitration services.

Abstract: Pursuant to 29 U.S.C. § 171(b) and 29 C.F.R. Part 1404, FMCS offers panels of arbitrators for selection by labor and management to resolve grievances and disagreements arising under their collective bargaining agreements and to deal with fact-finding and interest arbitration issues as well. The need for this form is to obtain information, such as name, address, type of assistance desired, so that the FMCS can respond to requests efficiently and effectively to provide various arbitration services (e.g. furnishing lists of seven arbitrators to parties). The purpose of this information collection is to facilitate the processing of the party's request for arbitration assistance. No third party notification or public disclosure burden is associated with this collection. This notice for comments is to extend the current form without any change in the substance or method of collection.

Burden Statement: The current total annual respondent burden estimate is that FMCS will receive requests from approximately 27,000 respondents per year. In most instances, the form is completed only once and takes about ten minutes to complete. Thus, the frequency of request for an arbitration panel is usually only once.

Title: Arbitrator's Report and Fee Statement. FMCS Form R–19; OMB No. 3076–0003. Expiration date: July 31, 1996.

Affected Entities: Individual arbitrators who render awards under appointment by the FMCS procedures.

Abstract: Pursuant to 29 U.S.C. § 171(b) and 29 C.F.R. Part 1404, FMCS assumes a responsibility to monitor the work of the arbitrators who serve on its roster. This is satisfied through the requirement of a completion of a report and fee statement which indicates when the arbitration award was rendered, the file number, the company and union, the issues, whether briefs were filed and transcripts taken, and the fees and days for services as an arbitrator. This information is then contained in the agency's annual report to indicate the types of arbitration issues, the average

or median arbitration fees and days spent on cases, and the timeliness of the awards rendered. This notice request is for extension of this form with no change in the substance or method of collection.

Burden Statement: FMCS receives approximately 5,000 responses per year. The form is only filled out once and the time required is approximately ten minutes. FMCS uses this form to review arbitrator conformance with its fee and expense reporting requirements. This data is compiled under the individual arbitrator's name and is used to provide requesting parties with a panel of arbitrators to meet their needs.

II. Request for Comments

FMCS solicits comments to:

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

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

III. The Public Docket

The official record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document. FMCS will transfer all electronically received comments into printed paper form as they are received. This record is available for inspection from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

List of Subjects

Arbitration, Information collection requests.

Dated: April 9, 1996.

Wilma Liebman,

Deputy Director.

[FR Doc. 96–9321 Filed 4–15–96; 8:45 am]

BILLING CODE 6372–01–M

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice.

SUMMARY: This notice announces that the major information collection form for FMCS mediation services, FMCS F–7 form, ''Notice to Mediation Agencies,'' OMB No. 3076–0004, which expires on November 11, 1996, is coming up for renewal. Before submitting this renewal package to the Office of Management and Budget (OMB), FMCS is soliciting comments on specific aspects of the collection as described below, mainly its request for a three-year extension of this currently approved form with the one revision—to produce a form without three attached copies—to save printing and postal costs.

COMMENTS: Comments must be submitted on or before July 1, 1996

ADDRESSES: Submit written comments identified by the FMCS F–7 by mail to: Office of General Counsel, FMCS, 2100 K Street NW., Washington, D.C. 20427, Room 603, ATTN: Tammi Strozier, Public Response Section. Copies of the complete F–7 form may be obtained from the Office of General Counsel at the above address or by contacting the person whose name appears under the section headed **FOR FURTHER INFORMATION CONTACT.**

Comments and data may also be submitted by fax at (202) 606–4253 or electronically by sending electronic mail (E-mail) to fmcs02@eros.com. All comments and data in electronic form must have the F–7 number on them. No confidential business information (CBI) should be submitted through E-mail.

All written comments will be available for inspection in Room 600 at the Washington, D.C. address above from 8:30 AM to 4:30 PM, Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Eileen B. Hoffman, General Counsel, FMCS, 2100 K Street NW., Washington, D.C. 20427. Telephone: (202) 606–5444, fax (202) 606–4253, E-mail: fmcs02@erols.com.

SUPPLEMENTARY INFORMATION: Copies of the F–7 form are available from the Office of General Counsel, Public Access Section, by calling, faxing, or writing to Ms. Tammi Strozier, Office Manager at the above address. Please ask for the form by its number and title.

1. Information Collection Request

FMCS is seeking comments on the following information collection request:

Title: Notice to Mediation Agencies. FMCS Form F–7. OMB No. 3076–0004, Expiration date: November 30, 1996.

Affected Entities: Parties affected by this information collection are private sector employers and labor unions involved in interstate commerce who file notices for mediation services to the FMCS and state, local, and territorial agencies, who receive copies of these notices filed.

Abstract: Under the National Labor Management Relations Act, 1947, 29 U.S.C. § 158 (d)(3), Congress listed specific notice provisions creating a duty to bargain collectively so that no party to a collective bargaining agreement could terminate or modify that contract, unless the party wishing to terminate or modify the contract sent a written notice to the other party, sixty days prior to the expiration date (Section 8(d)(1), and offered to meet and confer with the other party for the purpose of negotiating a new or modified contract (Section 8(d)(2). Furthermore, the Act requires that the party notify the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute and simultaneously notify any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred (Section 8(d)(3)). The 1974 amendments to the NLRA, which extended coverage to nonprofit health care institutions, also created a notification procedure in the health care industry requiring the parties to notify each other 90 days in advance of termination and 60 days to the mediation service. This amendment also required notification of initial bargaining situations (notification of the existence of a dispute) to the FMCS, within 30 days.

To facilitate handling of more than 85,000 such notices a year, FMCS has created a specific information collection form. The purpose of this information collection activity is for FMC's Notice Processing Unit (NPU) to comply with FMCS's statutory duty to receive these notices, to facilitate assignment of mediators to assist in labor disputes, and to assist the parties in knowing whether or not proper notice was given. The information from these notices is sent to the five regional offices and field offices to inform mediators so they may contact labor and management quickly, efficiently, and offer their dispute resolution services, where applicable.

Either party to the contract may make a request in writing for a copy of the notice filed with FMCS. These notices are critical to the function of FMCS and fulfill a statutory purpose as well.

The F–7 form was created to establish conformity throughout interstate commerce and to allow FMCS to gather desired information in a uniform manner. The collection of such

information, including the name of employer or employer association, address and phone number, official contact, bargaining unit and establishment size, location of affected establishment and negotiations, industry or type of business, principal product or service, union address, phone number, and official contact, contract expiration date or renewal date, whether the notice is file on behalf of the union or employer, and whether this is a health care industry notice for initial contracts or existing contracts, is critical for reporting and mediation purposes.

Burden Statement: The current annual respondent burden estimate is approximately 100,000 respondents. This one-page form takes about 10 minutes to compete, for a total of 50,000 annual hours. Each respondent is required to respond only once per event (i.e., 30 day notice for mediation). The frequency is once per collective bargaining contract.

In response to an employee's cost saving suggestion, FMCS investigated and determined that a substantial amount of printing, postal, storage, and distribution costs could be saved by creating a form without the three attached copies. The present form has three copies (the original to FMCS, the second copy to the appropriate state or territorial agency; the third copy to the opposite party involved in negotiations, and the fourth copy to be retained by the party filing the notice). In this era of computers and faxes, it is very likely that this 3-copy form is outdated and with optical scanners coming in the future, there may be an even easier format available. The current cost of the F–7, as printed by the U.S. Government Printing Office in quantities of 100,000 4-part units is .06 cents each. FMCS estimates a savings of approximately $11,600 from printing and shipping costs with this change today and further cost savings in the future. In addition, FMCS has learned that while most filers send the original copy to FMCS, they do not use the other copies but send photocopies or faxes to the relevant state agency and opposite party. For each notice required to be filed with FMCS, there may not be a state or territorial agency involved or the contract may cover more than one state location. In either case, the party filing can more easily create photocopies of the form. Since FMCS is required by statute only to maintain the notices filed with it, FMCS seeks to create savings by changing the number of copies of its form. FMCS, however, also seeks comments from state and territorial agencies as well as labor and management officials about this change.

II. Request for Comments

FMCS solicits comments to:

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

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

III. Public Docket

A record has been established for this action. A public version of this record, including printed, paper versions of electronic comments, is available for inspection from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 600 of the Office of General Counsel, Washington, D.C. 20427 as is maintained by the Public Access Section, Office Manager, Tammi Strozier. FMCS will transfer all electronically received comments into printed paper form as they are received.

List of Subjects

Mediation, Information collection requests, Notices.

Dated: April 9, 1996.

Wilma Liebman,

Deputy Director.

[FR Doc. 96–9322 Filed 4–15–96; 8:45 am]

BILLING CODE 6372–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Board of Governors of the Federal Reserve System (Board) hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for review of the information collection system described below. 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.

DATES: Comments must be submitted on or before May 16, 1996.

ADDRESSES: Comments, which should refer to the OMB control number, should be addressed to the OMB desk officer for the Board: Milo Sunderhauf, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503. Comments should also be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that have been submitted to OMB for review and approval may be requested from the agency clearance officer, whose name appears below.

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.

Proposal to request approval from OMB of the extension, without revision, of the following report:

Title: Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or

Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank
Form Number: FFIEC 002S
OMB Number: 7100-0273.
Frequency of Response: Quarterly.
Affected Public: U.S. branches and agencies of foreign banks.
Estimated Number of Respondents: 130
Estimated Time per Response: 6 hours.
Estimated Total Annual Burden: 3,120 burden hours.

General Description of Report: This information collection is mandatory [12 U.S.C. 3105(b)(2), 1817(a), and 3102(b)] and is given confidential treatment [5 U.S.C. 552(b)(8)].
Small businesses are not affected.

Abstract: On a quarterly basis, all U.S. branches and agencies of foreign banks (''U.S. branches'') are required to file detailed schedules of their assets and liabilities in the form of a condition report and a variety of supporting schedules (FFIEC 002). This report is a uniform report established by the FFIEC, which the Federal Reserve collects and processes on behalf of all three federal bank regulatory agencies, that is, the Board, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

A separate supplement (FFIEC 002S) collects information on assets and liabilities of any non-U.S. branch that is ''managed or controlled'' by a U.S. office of the foreign bank. ''Managed or controlled'' means that a majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that foreign branch resides at the U.S. branch or agency. A separate supplement must be completed for each applicable foreign branch. The supplements must be filed quarterly along with the U.S. branch's or agency's FFIEC 002.

Data collected on the FFIEC 002S are used

(1) to monitor deposit and credit transactions of U.S. residents;

(2) for monitoring the impact of policy changes;

(3) for analyzing structural issues concerning foreign bank activity in U.S. markets;

(4) for understanding flows of banking funds and indebtedness of developing countries in connection with data collected by the International Monetary Fund (IMF) and the Bank for International Settlements (BIS) that are used in economic analysis; and

(5) to provide information to assist in the supervision of U.S. offices of foreign banks, which often are managed jointly with these branches.

Current Actions:
On December 29, 1995, the Board, on behalf of the federal banking agencies, published a notice in the FR (60 FR 67357) inviting comment on the proposal to extend, without revision, this collection of information. No comments were received by the agencies in response to that notice. This notice provides the public with the opportunity to obtain, review, and comment on, the Board's supporting statement.

Board of Governors of the Federal Reserve System, April 10, 1996.
William W. Wiles,
Secretary of the Board.
[FR Doc. 96–9314 Filed 4–15–96; 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 May 10, 1996.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Bailey Financial Corporation, Clinton, South Carolina; to acquire 51 percent of the voting shares of Rock Hill Bank & Trust, Rock Hill, South Carolina, an organizing bank. Comments regarding this application must be received by April 30, 1996.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Mercantile Bancorp, Inc., Hammond, Indiana; to acquire 22.95 percent of the voting shares of First Lansing Bancorp, Inc., Lansing, Illinois, and thereby indirectly acquire First National Bank of Illinois, Lansing, Illinois.

Board of Governors of the Federal Reserve System, April 10, 1996.
Jennifer J. Johnson,
Deputy Secretary of the Board.
[FR Doc. 96–9315 Filed 4–15–96; 8:45 am]
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 30, 1996.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Peoples First Corporation, Paducah, Kentucky; to acquire Guaranty Federal Savings Bank, Clarksville, Tennessee, and thereby engage in owning, controlling, and operating a savings bank, pursuant to § 225.25(b)(9) of the Board's Regulation Y, and in the sale, as agent, of insurance directly related to extensions of credit, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Adams Land Improvement, Inc., Arapahoe, Nebraska; to acquire an additional 5.9 percent, for a total of 11.5 percent; Arapahoe Telephone Company, Arapahoe, Nebraska, to acquire an additional 15.9 percent, for a total of 21.5 percent; Hoffman, Inc., Arapahoe, Nebraska, to acquire an additional 10.8 percent, for a total of 16.4 percent; Charles Hunt, Oxford, Nebraska, to acquire an additional 1.0 percent, for a total of 2.1 percent; Gary Thompson, Arapahoe, Nebraska, to acquire an additional 2.3 percent, for a total of 5.1 percent; Henry Koch, McCook, Nebraska, to acquire a total of 5.2 percent; Eldon Moore, Bartley, Nebraska, to acquire a total of 2.1 percent; Jacqueline Morgan, Arapahoe, Nebraska, to acquire a total of 1.0 percent; Brad Randel, Indianola, Nebraska, to acquire a total of 1.0 percent; Dorothy Randel Trust, Indianola, Nebraska, to acquire a total of 1.0 percent; Cliff Randel, McCook, Nebraska, to acquire a total of 1.0 percent; Don Moore, McCook, Nebraska, to acquire a total of 3.1 percent; Stewart Minnick, Cambridge, Nebraska, to acquire a total of 3.1 percent; Tim Peterson, Cambridge, Nebraska, to acquire a total of .5 percent; Harvey Minnick, Cambridge, Nebraska; to acquire a total of 2.1 percent; The Curtis Telephone Co., Curtis, Nebraska, to acquire a total of 5.2 percent; Gerald C. Meyeale, Holbrook, Nebraska; to acquire a total of 3.1 percent; Ronald Gardner, Edison, Nebraska, to acquire a total of 2.1 percent; Lennie Deaver, Cambridge, Nebraska, to acquire a total of 1.6 percent; and William Sandy, Holdrege, Nebraska, to acquire a total of 3.1 percent, of the voting shares of Central Bancshares, Inc., Cambridge, Nebraska, and thereby indirectly acquire First Central Bank, Cambridge, Nebraska.

Board of Governors of the Federal Reserve System, April 10, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–9316 Filed 4–15–96; 8:45 am]

BILLING CODE 6210–01–F

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 30, 1996.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Andrew J. Rossi, Manteca, California; to retain a total of 25.08 percent of the voting shares of Delta National Bancorp, Manteca, California, and thereby indirectly retain shares of Delta National Bank, Manteca, California.

Board of Governors of the Federal Reserve System, April 10, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–9317 Filed 4–15–96; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, April 22, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 12, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–9487 Filed 4–12–96; 3:07 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

San Francisco Federal Building, City of San Francisco, California; Notice of Availability, Draft Environmental Impact Statement/Environmental Impact Report

ACTION: Pursuant to the Council on Environmental Quality Regulations (40 Code of Federal Regulations 1500–1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), the U.S. General Services Administration (GSA) hereby gives notice that a joint Draft Environmental Impact Statement/Environment Impact Report (EIS/EIR) for the construction of a new Federal Building within the City

of San Francisco, California has been prepared and filed with the Environmental Protection Agency (EPA). The proposed project would include the construction of a new federal building with approximately 675,000 gross square feet of building space and 161 onsite parking spaces. The building would be constructed by a lease purchase action on a site to be donated to GSA by the City of San Francisco. Two sites are being considered: a site of approximately 95,000 square feet which comprises half of the block bounded by Market Street to the northwest, Tenth Street to the northeast, Mission Street to the southeast, and Eleventh Street to the southwest; or a site of approximately 159,000 square feet located in the southeast portion of the block bounded by Market Street on the northwest, Seventh Street on the northeast, Mission Street on the southeast, and Eighth Street on the southwest.

LEAD AGENCIES: For the purposes of NEPA, the lead agency is GSA; for the purposes of the California Environmental Quality Act, the co-lead agencies are the City and County of San Francisco, Department of City Planning, and the San Francisco Redevelopment Agency.

Alternatives: The DRAFT EIS/EIR examines four alternatives including: (1) Construction of the Federal Building on a site located at Tenth and Market Streets, near the San Francisco Civic Center area; (2) construction of the federal building on a site located at Seventh and Mission Street, also near the San Francisco Civic Center area; (3) purchase of a building in the Central Business Area; (4) lease of a building in the Central Business Area; and (5) no action or continued use of the existing federally owned and leased space.

Public Involvement: The Draft EIS/EIR, prepared by GSA addressing this action, is on file and may be obtained from: Ms. Joan Byrens, U.S. General Services Administration, Portfolio Management Division (9PT), 450 Golden Gate Avenue, San Francisco, California 94102–3400, Telephone: (415) 522–3495. A limited number of copies of the Draft EIS/EIR is available to fill single copy requests. Loan copies of the Draft EIS/EIR are available for review at the City of San Francisco Main Library and at the GSA Portfolio Management Office at the Philip Burton Federal Building, 450 Golden Gate Avenue (Third Floor), San Francisco. GSA encourages all interested parties to comment on the document. Written comments on the Draft EIS/EIR can be submitted until June 5, 1996 to the address listed above.

Dated: April 5, 1996.

Kenn N. Kojima,

Regional Administrator.

[FR Doc. 96–9298 Filed 4–15–96; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Federal Set-Aside Program of the Maternal and Child Health Services Block Grant—42 CFR 51a.4 (OMB No. 0915–0050)—Extension, No Change—This request is for extension of approval of language in the regulations which specifies the kinds of information which must be provided in applications for funding under Section 502(a) of the Social Security Act. This request for OMB approval of the regulatory language carries only one burden hour; the burden associated with completing the application is included with the request for approval of the application forms.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Virginia Huth, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 11, 1996.

J. Henry Montes,

Associate Administrator for Policy Coordination.

[FR Doc. 96–9372 Filed 4–15–96; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–060–06–1990–00]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet in formal session Thursday, May 9 and Friday, May 10, 1996, from 8:00 a.m. to 5:00 p.m., and Saturday, May 11 from 8:00 a.m. to 12 noon. The sessions will be held in the Flight Deck conference room, which is in the Heritage Inn Suites, located at 1050 North Norma Street, Ridecrest, California.

Council members will participate in a field tour on Thursday morning, which will focus on various management issues related to the West Coordinated Management Plan. The tour will assemble at the Heritage Inn Suites parking lot at 7:15 a.m., and depart at 7:30 a.m. The public is welcome to participate in the field tour, but should dress appropriately and plan on providing their own transportation, food, and beverage. Anyone interested in participating in the field tour should contact BLM at (909) 697–5215 for more information.

The council meeting is scheduled to begin at 1:00 p.m. in the Flight Deck conference room at the Heritage Inn Suites. All Desert District advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507–0714. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION AND MEETING CONFIRMATION:

Contact the Bureau of Land Management, California Desert District, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507–0714; (909) 697–5215.

Dated: April 8, 1996.

Jo Simpson,

District Manager.

[FR Doc. 96–9137 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–40–M

[WO–300–1310–00]

Notice of Final Report Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the final report on the Reinventing Government II (REGO II) proposal to transfer oil and gas Inspection and Enforcement (I&E) and Environmental Compliance responsibilities that are administered by the Bureau of Land Management (BLM) to individual States and Indian Tribes. This report contains the final recommendations developed by the States and Tribes in response to the REGO II proposal. These recommendations are based on the issues and preliminary recommendations presented by State and Tribal representatives at the REGO II meeting held in Albuquerque in July 1995 and comments received on the draft REGO II report distributed on September 14, 1995.

ADDRESSES: A copy of the final report may be obtained by writing to: Mike Pool, Bureau of Land Management, Farmington District Office, 1235 La Plata Highway, Farmington, NM 87401.

FOR FURTHER INFORMATION CONTACT: Mike Pool, (505) 599–8910.

Dated: April 9, 1996.

Mike Pool,

District Manager.

[FR Doc. 96–9356 Filed 4–15–96; 8:45 am]

BILLING CODE 1310–00–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 6, 1996. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by May 1, 1996.

Beth Savage,

Acting Keeper of the National Register.

Arkansas

Arkansas County

St. Charles Battle Monument (Civil War Commemorative Sculpture MPS), Jct. of Arkansas St. and Broadway, St. Charles, 96000505

Benton County

Grand Army of the Republic (Civil War Commemorative Sculpture MPS), Southern end of Twin Springs Park, E of jct. of AR 43 and Twin Springs St., Siloam Springs, 96000506

Chicot County

Lake Village Confederate Monument (Civil War Commemorative Sculpture MPS), Lakeshore Dr. median, between Main and Jackson Sts., Lake Village, 96000509

Clark County

Arkadelphia Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, SE of jct. of 6th and Caddo Sts., Arkadelphia, 96000507

Independence County

Batesville Confederate Monument (Civil War Commemorative Sculpture MPS), NE corner of Courthouse Lawn, jct. of S. Broad St. and W. Main St., Batesville, 96000504

Lonoke County

Camp Nelson Confederate Cemetery (Civil War Commemorative Sculpture MPS), Rye St., approximately 1 mi. NW of jct. of AR 321 and AR 319, Cabot, 96000503

Lonoke Confederate Monument (Civil War Commemorative Sculpture MPS), Courthouse Lawn, near jct. of 3rd and Center Sts., Lonoke, 96000508

Phillips County

Helena Confederate Cemetery (Civil War Commemorative Sculpture MPS), SW corner of Maple Hill Cemetery, approximately .5 mi. N of jct. of Poplar and Adams Sts., Helena, 96000501

Pope County

Confederate Mothers Memorial Park (Civil War Commemorative Sculpture MPS), Jct. of AR 326 and S. Glenwood Ave., Russellville, 96000500

Pulaski County

Little Rock Confederate Memorial (Civil War Commemorative Sculpture MPS), Little Rock National Cemetery, jct. of 21st and Barber Sts., Little Rock, 96000499

Minnesota Monument (Civil War Commemorative Sculpture MPS), 2523 Confederate Blvd., Little Rock, 96000498

White County

Grand Army of the Republic Memorial (Civil War Commemorative Sculpture MPS), Evergreen Cemetery, approximately .25 mi. S of jct. of AR 367 and AR 371, Judsonia, 96000502

Hawaii

Honolulu County

'Ewa Sugar Plantation Villages, 17 mi. W of Honolulu, approximately 2.5 mi. NE of jct. of US H1 and Renton Rd., Ewa, 96000510

Illinois

Cook County

7th District Police Station, 943–949 W. Maxwell St., Chicago, 96000515

Iroquois County

St. Mary's Church, 308 St. Charles Ave., Beaverville, 96000514

La Salle County

Streator Public Library (Illinois Carnegie Libraries MPS), 130 S. Park St., Streator, 96000512

Madison County

Emmert-Zippel House, 3279 Maryville Rd., 2 mi. N of IL 162, Granite City, 96000511

Ogle County

McGrath, John, House, 403 W. Mason St., Polo, 96000513

Iowa

Hamilton County

Schultz Brothers Drug Store, 116 Main St., Williams, 96000518

Linn County

Moslem Temple, 1335 9th St., NW, Cedar Rapids, 96000516

Washington County

Pilotburg Church, 1874 155th St., Wellman, 96000517

Maryland

Worcester County

Clarke, Littleton T., House, 407 2nd St., Pocomoke City, 96000519

Massachusetts

Middlesex County

Beck—Warren House (Cambridge MPS) 1 Prescott St., Cambridge, 96000520

New York

Chautauqua County

Point Chautauqua Historic District, Roughly bounded by NY 430 and Chautauqua Lake between Lake and Leet Aves., Maryville vicinity, 96000521

North Dakota

Emmons County

Willows Hotel, 112 S. Broadway, Linton, 96000522

Texas

Falls County

Westphalia Rural Historic District, Roughly bounded by Co. Rt. 383, Pond Cr., Co. Rts. 377, 368, 372, 373, and the Falls Co. western boundary line, Westphalia, 96000524

Lubbock County

Texas Technological College Historic District, Roughly bounded by 6th St., University Ave., 19th St., and Flint St., Lubbock, 96000523

West Virginia

Greenbrier County

Renick Farm, US 219, near jct. of WV 9 and US 219, Renick, 96000525.

[FR Doc. 96–9349 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–P

Niobrara National Scenic River; Draft Environmental Impact Statement and General Management Plan

AGENCY: National Park Service.

ACTION: Availability of draft environmental impact statement and general management plan, for the Niobrara National Scenic River, located in Brown, Cherry, Keya Paha, and Rock counties, Nebraska.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the draft environmental impact statement (DEIS) and general management plan, for the Niobrara National Scenic River. The DEIS responds to Public Law 102–50, which amended the Wild and Scenic Rivers Act to add 70 miles of the Niobrara River to the national wild and scenic rivers system. The NPS prepared the DEIS. Cooperating agencies included Brown, Cherry, Keya Paha, and Rock counties, Middle Niobrara Natural Resources District, Nebraska Game and Parks Commission, Nebraska State Historical Society, and the U.S. Fish and Wildlife Service.

Three management action alternatives and a no action alternative are described. Three alternative boundaries are also described. Management alternative A (no action) would continue existing trends of management along the river by different state and Federal Agencies and private landowners operating ranches and recreation services. Alternative B (the preferred) would establish a non-Federal council for management, which would include members from various county and state agencies, landowners, and business people. The NPS would provide funding and technical help by cooperative agreement. Alternative C provides for local partnership management. The NPS would offer some assistance through cooperative agreements. Alternative D provides for management by the NPS and would also involve cooperative agreements with local entities for some services.

Boundary alternatives are separate from the management alternatives. Boundary alternative 1 is the interim boundary set by the Wild and Scenic Rivers Act and averages 0.25 mile from the ordinary high water mark and includes 21,346 acres of land. Alternative 2 was drawn to include significant natural and scenic resources, and includes 20,205 acres of land. Alternative 3 includes important examples of natural features and includes 9,842 acres of land. Another boundary was considered but officially rejected, which would include no land above the river bank.

All management action alternatives and boundary alternatives are expected to provide a mechanism for long term resource protection and to accommodate recreational use of the river without impacting private property values.

DATES: Comments on the DEIS should be received no later than May 28, 1996. Public meetings will be held in various Nebraska towns and cities during April, and will be announced in local news media when schedules are final.

ADDRESSES: Comments on the DEIS should be submitted to the Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763.

SUPPLEMENTARY INFORMATION: Public reading copies of the DEIS will be available for review at the Department of Interior Natural Resources Library, 1849 C Street, N.W., Washington, D.C. 20240, and at public libraries and county courthouses in Ainsworth, Bassett, O'Neill, Springview, and Valentine, Nebraska.

FOR FURTHER INFORMATION CONTACT: Superintendent, Warren Hill, Niobrara/Missouri National Scenic Riverways at the above address or he can be reached at 402–336–3970.

Dated: March 21, 1996.

William W. Schenk,

Field Director, Midwest Field Area.

[FR Doc. 96–9350 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–P

National Park Service

National Park Service Advisory Board; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix, that an orientation meeting of the National Park System Advisory Board will be held on May 6–8, 1996, at the U.S. Department of the Interior, 1849 C Street, NW., Washington, DC, rooms, 7000A, 7000B, 5160, and 3119. May 6 and May 7 are meeting days for the Committees of the Advisory Board: The Committee on Use, Recreation, and Tourism will meet on May 6 in room 7000B, the Committee on National Landmarks will meet in room 7000A on May 6, the Committee on Criteria and Standards will meet in room 3119 on May 7, and the full Advisory Board will meet in room 5160 on May 8. All meetings begin at 9:00 am and will adjourn at about 5:00 pm.

On May 8, after remarks from the Director, the Board will be addressed by the Deputy Director, Associate Directors, and other National Park Service officials on NPS Partnership issues, the implications of the government shutdown, and other NPS issues. The Board will vote on National Historic Landmark nominations in the afternoon.

The Board may be addressed at various times by other officials of the National Park Service and the Department of the Interior, and other miscellaneous topics and reports may be covered. The order of the agenda may be changed, if necessary, to accommodate travel schedules or for other reasons.

The Board meeting will be open to the public. Space and facilities to accommodate the public are limited and persons will be accommodated on a first-come basis. Anyone may file with the Board a written statement concerning matters to be discussed. The Board may also permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Geraldine Smith, Office of Policy, National Park Service, Box 37127, Washington, DC, 20013–7127 (telephone 202–208–7456).

Draft minutes of the meeting will be available for public inspection about 12 weeks after the meeting, in room 1217 Main Interior Building, 1849 C Street, NW., Washington, DC.

Dated: April 8, 1996.

John Reynolds,

Deputy Director, National Park Service.

[FR Doc. 96–9351 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–P

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Springfield Science Museum, Springfield, MA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d), of the completion of an inventory of human remains and associated funerary objects in the control of the Springfield Science Museum, Springfield, MA.

A detailed assessment of the human remains was made by Springfield Science Museum professional staff in consultation with representatives of the Santa Ynez Band of Mission Indians. The Esselen Nation and the Ti'at Society/Traditional Council of Pimu, two non-Federally recognized Native American groups, were also consulted regarding these human remains.

In 1925, human remains representing two individuals were donated to the Springfield Science Museum by Mr. Jacob T. Bowne. No known individuals were identified. The approximately 200 associated funerary objects include fish, mammal, and bird bones; shell beads; stone implements; stone pendants; birdbone whistles; and a lead bullet.

In 1908 and 1909, Jacob T. Bowne collected these human remains and associated funerary objects from Contra Cos (Emeryville Shell Mound), Santa Rosa Island, Santa Cruz Island, San Miguel Island, and Goleta in Santa Barbara County, CA. These sites were used as burial/funerary areas between the late precontact period to the mid-nineteenth century, and indicate continuity of funerary practice, tools, types of ornamentation, and funerary objects throughout this period. Consultation evidence presented by the Santa Ynez Band of Mission Indians indicates these burial practices, tool manufacture, and types of ornamentation and funerary objects are identical to known Chumash traditional practices into the contact period. Artifactual evidence does not allow specific identification of a single culturally affiliated Indian tribe. However, examination of cultural materials (e.g., stone tools, funerary practice, and ornaments) and oral history regarding traditional and religious practice indicate probable cultural affiliation between the human remains and various Chumash Indian groups. Other Chumash peoples in addition to the Santa Ynez Band of Mission Indians may also be culturally affiliated with these human remains.

Based on the above mentioned information, officials of the Springfield Science Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Springfield Science Museum have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the approximately 200 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Springfield Science Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Santa Ynez Band of Mission Indians.

This notice has been sent to officials of the Santa Ynez Band of Mission Indians and Native American groups the Esselen Nation, and the Ti'at Society/ Traditional Council of Pimu. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact John Pretola, Curator of Anthropology, Springfield Science Museum, 236 State Street, Springfield, MA 01103; telephone: (413) 263–6875, ext. 320, before May 16, 1996. Repatriation of the human remains and associated funerary objects to the Santa Ynez Band of Mission Indians may begin after that date if no additional claimants come forward.

Dated: April 10, 1996.

C. Timothy McKeown,

Acting Departmental Consulting Archeologist, Archeology & Ethnography Program.

[FR Doc. 96–9366 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–F

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of Apache-Sitgreaves National Forest, United States Forest Service, Springerville, AZ

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d), of the completion of an inventory of human remains and associated funerary objects in the control of Apache-Sitgreaves National Forest, United States Forest Service, Springerville, AZ.

A detailed assessment of the human remains was made by Field Museum of Natural History professional staff, the New Mexico State University professional staff, the Museum of Northern Arizona professional staff, the University of Arizona professional staff and National Forest Service professional staff in consultation with representatives of the Hopi Tribe, the Navajo Nation, the Pueblo of Acoma, and the Pueblo of Zuni.

In 1955, human remains representing one individual were recovered from Foot Canyon Pueblo during legally authorized excavations. No known individual was identified. The one associated funerary object is a projectile point.

In 1969, human remains representing three individuals were recovered from the Aunt Lottie site (AZ P:11:8) during a legally authorized salvage project. No known individuals were identified. The 5,862 associated funerary objects include ceramics (bowls, jars, pitchers, beads); bone (tools); stone (beads, tools, projectile point); and shell (unworked, bracelet, pendant).

In 1976, human remains representing two individuals were recovered from the area of Loco Knoll during legally authorized excavations. The six associated funerary objects include ceramics (bowls).

In 1979, human remains representing a minimum of two individuals were recovered from the Correjo Crossing site (AZ Q:16:46) during a legally authorized salvage project. No known individuals were identified. No associated funerary objects are identified.

During 1977 through 1983, human remains representing a minimum of six individuals were recovered from Wildcat Canyon site (AZ P:6:26) during legally authorized mitigation studies. No known individuals were identified. The ten associated funerary objects include ceramics (jar and bowls).

During the 1980s, human remains consisting of 22 individuals were recovered from four sites (NA 17282, NA 17271, NA 18350, and NA 20657) during legally authorized excavations. The one associated funerary object is a bone needle.

The nine sites listed above include ceramics, architecture, and site organization characteristic of Puebloan occupations during the Western Anasazi and Mogollon period (600—1300 AD). Technological continuity and similarities of the sites with the present-day Hopi Tribe, Pueblo of Acoma, and Pueblo of Zuni indicate cultural affiliation with these sites. The oral traditions of the Hopi, Pueblo of Acoma, and the Pueblo of Zuni indicate affiliation with sites in this area during this period.

Based on the above mentioned information, officials of the National Forest Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least 36 individuals of Native American ancestry. Officials of the National Forest Service have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 5,880 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the National Forest Service have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Hopi Tribe, the Pueblo of Acoma, and the Pueblo of Zuni.

This notice has been sent to officials of the Hopi Tribe, the Pueblo of Acoma, and the Pueblo of Zuni. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA coordinator, Southwestern Region, USDA Forest Service, 517 Gold Avenue SW, Albuquerque, NM 87102; telephone: (505) 842–3238; fax: (505) 842–3800, before May 16, 1996. Repatriation of the human remains and associated funerary objects may begin after that date if no additional claimants come forward.

Dated: April 11, 1996.

C. Timothy McKeown,

Acting Departmental Consulting Archeologist, Archeology & Ethnography Program.

[FR Doc. 96–9365 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–F

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of Kaibab National Forest, United States Forest Service, Williams, AZ

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d), of the completion of an inventory of human remains and associated funerary objects in the control of Kaibab National Forest, United States Forest Service, AZ.

A detailed assessment of the human remains was made by Museum of Northern Arizona professional staff, University of Northern Arizona professional staff and the National Forest Service professional staff in consultation with representatives of the Havasupai Tribe, the Hopi Tribe, and the Hualapai Tribe.

In 1938, human remains representing one individual were recovered from site NA 3577 (Pittsberg Village) during legally-authorized excavations. No known individual was identified. No associated funerary objects were present.

In 1961, human remains representing one individual were recovered from site NA 8055 during a legally authorized work project. No known individual was identified. No associated funerary objects were present.

In 1977, human remains representing one individual were recovered from site NA 15230 during a legally authorized work project. No known individual was identified. No associated funerary objects are present.

In 1983, human remains representing one individual were recovered from site AR 03–07–02–597 during a legally-authorized work project. No known individuals were identified. No associated funerary objects were present.

In 1995, human remains representing one individual were found in a small collection of cultural material from site NA 3590. No known individuals were identified. No associated funerary objects have been identified. The dates and circumstances surrounding the acquisition of this collection are unknown.

Through ceramics, pithouse sites, and lithics, these four sites have been dated to the Cohonina period (700–1100 A.D). Technological continuity and similarities of the sites with the present-day Hopi Tribe indicate cultural affiliation with these sites. Oral tradition presented by Hopi representatives supports this evidence.

Based on the above mentioned information, officials of the U.S. Forest Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of five individuals of Native American ancestry. Officials of the U.S. Forest Service have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Hopi Tribe.

This notice has been sent to officials of the Havasupai Tribe, the Hopi Tribe, and the Hualapai Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA coordinator, Southwestern Region, USDA Forest Service, 517 Gold Avenue SW, Albuquerque, NM 87102; telephone: (505) 842–3238; fax: (505) 842–3800, before May 16, 1996. Repatriation of the human remains and associated funerary objects may begin after that date if no additional claimants come forward.

Dated: April 11, 1996.

C. Timothy McKeown,

Acting Departmental Consulting Archeologist, Archeology & Ethnography Program.

[FR Doc. 96–9364 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–F

Notice of Intent to Repatriate Cultural Items in the Possession of the Buffalo Bill Historical Center, Cody, WY

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with the provisions of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a) (5) (A), of the intent to repatriate cultural items in the possession of the Buffalo Bill Historical Center, Cody Wyoming which meet the definition of ''sacred

object'' as defined in 25 U.S.C. 3001 (3) (C).

The three objects include two Sun Dance medicine rattles and one Sun Dance paint sack with contents. The objects are part of a larger collection from the Northern Cheyenne reservation assembled by Ann Hanks Black over several years prior to 1971. Although the Historical Center has no specific information concerning the circumstances under which the three objects came into Ann Black's possession, the inventory that Ann Black compiled states that the objects belonged to Arthur Brady or Braided Locks. Ann Black donated the collection to the Buffalo Bill Historical Center in 1971.

During consultation with the Buffalo Bill Historical Center, Northern Cheyenne traditional religious leaders and the Northern Cheyenne tribe identified these objects as necessary for the practice of traditional Cheyenne religion. They also identified the objects as having belonged to Braided Locks, also known as Arthur Brady. Ray Brady Sr., a grandson of Braided Locks, requests the repatriation of the objects. Llevando Fischer, President of the Tribal Council of the Northern Cheyenne Tribe has provided his written concurrence with this request.

Based on the above-mentioned information, officials of the Buffalo Bill Historical Center have determined that pursuant to 25 U.S.C. 3001 (3) (D), these cultural items are specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents. The Historical Center officials have also determined that, pursuant to 43 CFR 10.2 (b) (1), Mr. Ray Brady, Sr. can trace his ancestry directly and without interruption by means of the traditional kinship system of the Northern Cheyenne tribe to Braided Locks (Arthur Brady).

This notice has been sent to Llevando Fischer, President of the Northern Cheyenne Tribe; Adeline Whitewolf (Chairman of the Cultural Commission); and other members of the Northern Cheyenne tribe including James Red Cloud, Lillian Whistling Elk Threefingers, Mae Whistling Elk Ridgebear, Lanell Whistling Elk, Nellie Bear Tusk, George Elk Shoulder, Lynwood Tallbull, Abraham Spotted Elk, and Steve Brady, Sr. Any other individuals that believe themselves to be lineal descendants of Braided Locks (Arthur Brady) or who have competing claims for these objects should contact Ms. Emma Hansen, Curator of the Plains Indian Museum, Buffalo Bill Historical Center, 720 Sheridan, Cody WY 82414, telephone: (307) 587–4771 before May 16, 1996. Repatriation of these sacred objects to Mr. Ray Brady, Sr. may begin after that date if no additional claimants come forward.

Dated: April 10, 1996.

C. Timothy McKeown,

Acting Departmental Consulting Archeologist, Archeology and Ethnography Program.

[FR Doc. 96–9363 Filed; 4–15–96 8:45 am]

BILLING CODE 4310–70–F

Acadia National Park Bar Harbor, Maine; Acadia National Park Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, May 13, 1996.

The Commission was established pursuant to Public Law 99–420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene park headquarters, Acadia National Park, Rt. 233, Bar Harbor, Maine, at 1:00 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held August 14, 1995.
2. Report of the Conservation Easement Subcommittee.
3. Report of the Acquisition Subcommittee.
4. Report of the Planning Subcommittee.
5. Old business.
6. Superintendent's report.
7. Public comments.
8. Proposed agenda and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Dated: April 8, 1996.

Marie Rust,

Field Director, Northeast Field Area.

[FR Doc. 96–9362 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–P

Delaware and Lehigh Navigation Canal National Heritage Corridor Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: Wednesday, April 17, 1996; 1:30 p.m. until 4:30 p.m.

ADDRESSES: The Heritage Conservancy—Aldie Mansion, 85 Old Dublin Pike, Doylestown, PA 18901.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

SUPPLEMENTARY INFORMATION: The Delaware and Lehigh Navigation Canal National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988.

FOR FURTHER INFORMATION CONTACT: Chairman, Delaware and Lehigh Navigation Canal, National Heritage Corridor Commission, 10 E. Church Street, Room P–208, Bethlehem, PA 18018, (610) 861–9345.

Dated: March 27, 1996.

Donald M. Bernhard,

Chairman, Delaware and Lehigh Navigation Canal NHC Commission.

[FR Doc. 96–9369 Filed 4–15–96; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities: Proposed Collection; Comment Request

Notice of Information Collection Under Review; Age, Sex, Race, and

Ethnic Origin of Persons Arrested (Over 18 Years). Age, Sex, Race, and Ethnic Origin of Persons Arrested (Under 18 Years).

Office of Management and Budget (OMB) approval is being sought for the information collection described below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date of publication of this notice. This process is conducted in accordance with Title 5, 1320.10, Code of Federal Regulations.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may also be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, 1001 G Street, NW, Washington, DC 20530. Via facsimile, comments may be sent to DOJ to 202–514–5134.

Written comments and suggestions from the public should address one or more of the following four points:

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 Federal Bureau of Investigation's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility and clarity of information proposed to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical or other collection techniques or other forms of information technology, such as permitting electronic submission of responses.

If you have additional comments or suggestions, please include them in your written response. If a copy of the proposed collection instrument with instructions is not published in this notice please contact the agency representative listed above if you wish to receive a copy.

Overview of this proposed information collection:

1. Type of information collection: Extension of a currently approved Collection.

2. Title of the form/collection: Age, Sex, Race, and Ethnic Origin of Persons Arrested (Over 18 Years). Age, Sex, Race, and Ethnic Origin of Persons Arrested (Under 18 Years).

3. Agency Form number, and name of component of the Department of Justice sponsoring the collection: Forms 1–708, 1–708a. Federal Bureau of Investigation, United States Department of Justice.

4. Affected public who will be asked to respond, as well as a brief abstract: Primary: State, Local, or Tribal Government. Other: None. The information collected will be used to report age, sex, race, and ethnic origin of persons arrested.

5. Estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 10,148 respondents, total annual responses 21,612 at an average of 30 minutes per response.

6. Estimate of the total public burden (in hours) associated with the collection: 9,683 annual burden hours Public comment on this proposed information collection is strongly encouraged.

Dated: April 10, 1996.

Robert B. Briggs,

Department Clearance Officer United States Department of Justice.

[FR Doc. 96–9331 Filed 4–15–96; 8:45 am]

BILLING CODE 4410–02–M

Foreign Claims Settlement Commission

Agency Information Collection Activities: Proposed Collection; Comment Request

Notice of Information Collection Under Review; Registration of U.S. Nationals' Claims Against Iraq.

Office of Management and Budget (OMB) approval is being sought for the information collection described below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date of publication of this notice. This process is conducted in accordance with Title 5, 1320.10, Code of Federal Regulations.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may also be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, 1001 G Street, NW, Washington, DC 20530. Via facsimile, comments may be sent to DOJ to 202–514–5134.

Written comments and suggestions from the public should address one or more of the following four points:

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 Foreign Claims Settlement Commission's (FCSC's) estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Suggest ways in which the quality, utility and clarity of information proposed to be collected might be enhanced; and

4. Suggest ways in which the FCSC could minimize the burden of the proposed collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical or other collection techniques or other forms of information technology, such as permitting electronic submission of responses. This proposed collection of information will enable the FCSC to assess the number and magnitude of potential claims by U.S. nationals (individuals, corporations, and other entities) against the Government of Iraq which are outside the jurisdiction of the United Nations Compensation Commission in Geneva, Switzerland, for breach of contract, damage to and loss of property, physical injury and illness, and other losses and damages related to Iraq's August 1990 invasion and subsequent occupation of Kuwait.

Overview of this proposed information collection:

1. Type of information collection: New Collection

2. Title of the form/collection: *Registration Form: Claims Against Iraq.*

3. Agency Form number, and name of component of the Department of Justice sponsoring the collection: FCSC Form 1–96; Foreign Claims Settlement

Commission of the United States, United States Department of Justice.

4. Affected public who will be asked to respond, as well as a brief abstract: Primary: Individuals; businesses and other for-profit entities; not-for-profit institutions. Other: None.

The information collected will be used to compile an accurate and comprehensive Registry of claimants and claims against Iraq, in preparation for the adjudication of those claims upon enactment of authorizing legislation. If such legislation is not passed, the information collected will be used to assure that all claims are taken into account in connection with any claims settlement negotiations that may be held with a future government of Iraq.

5. Estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 3,000 responses at an average of 1 hour per response.

6. Estimate of the total public burden (in hours) associated with the collection: 3,000 annual burden hours at $10 per hour for a total burden cost of $30,000.

Public comment on this proposed information collection is strongly encouraged.

Dated: April 9, 1996.

Robert B. Briggs

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–9329 Filed 4–15–96; 8:45 am]

BILLING CODE 4410–01–M

Immigration and Naturalization Service

Agency Information Collection Activities: Revision of Existing Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Inter-Agency Record of Individual Requesting Change/ Adjustment To or From A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' from the date listed at the top of this page in the Federal Register.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed 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 respond, 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 responses.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

Overview of this information collection:

(1) Type of Information Collection: *Revision of a currently approved collection.*

(2) Title of the Form/Collection: Inter-Agency Record of Individual Requesting Change/Adjustment To or From A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I–566. Office of Examinations, Adjudications, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. This information will help facilitate processing of application benefits filed by dependents of diplomatic, international organizations, and NATO personnel by the Immigration and Naturalization Service and the Department of State.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 4,400 responses at 15 minutes (.250) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 1,100 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street NW., Washington, DC 20530.

Dated: April 10, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–9332 Filed 4–15–96; 8:45 am]

BILLING CODE 4410–18–M

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

AGENCY: Information Collection Activities: Proposed collection; comment request.

ACTION: Notice of information collection under review; a survey of law enforcement, prosecutors, social services providers, and non-profit agencies to determine which communities have a multi-agency response to missing and exploited children.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' from the date listed at the top of this page in the Federal Register.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed 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 respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of

other forms of information technology, e.g., permitting electronic submission of responses.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Mr. Mike L. Medaris, Program Manager, Office of Juvenile Justice and Delinquency Prevention at 202–616–8937. Additionally, comments may be submitted to the Department of Justice, (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

The proposed collection is listed below:

(1) Type of information collection. New collection.

(2) The title of the form/collection. A survey of law enforcement, prosecutors, social services providers, and non-profit agencies to determine which communities have a multi-agency response to missing and exploited children.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: None. Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State or Local. Other: Non-profit agencies. The information collected will be used policy makers; criminal justice practioners who respond to missing and exploited children cases; service providers who work with these cases; researches; and others involved in missing and exploited youth cases.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 750 respondents to complete a one-time 15 minute mail survey.

(6) An estimate of the total public burden (in hours) associated with the collection: 112 annual burden hours.

If additional information is required contact: Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street NW., Washington, DC 20530.

Dated: April 10, 1996.

Robert B. Briggs,

Department Clearance Officer, United State Department of Justice.

[FR Doc. 96–9330 Filed 4–15–96; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection of the COMP2000: Phase I. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 17, 1996. BLS is particularly interested in comments which help the agency to:

- 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;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- 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, e.g., permitting electronic submissions of responses.

ADDRESSEE: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue NE., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

This collection comprises Phase I in the implementation of the new COMP2000 program. The COMP2000 survey, when fully in place, will allow the statistical series now generated by three separate BLS compensation programs—Occupational Compensation Surveys Program (OCSP), Employment Cost Index (ECI), and Employee Benefits Survey (EBS)—to be jointly produced. Data of these type are critical for setting Federal white-collar salaries, in determining monetary policy (as a Principal Economic Indicator), and are widely used by compensation administrators and researchers in the private sector. The need to decrease the cost of gathering and processing these statistics while improving their quality, along with reducing the burden on respondents, is driving the creation of the new program.

II. Current Actions

The transition to a jointly collected and processed survey will begin with the replacement of the current OCSP wage levels data with those from the COMP2000 program. A new, area-based sample will be used beginning in October 1996 to collect wage levels. A new way of identifying and classifying occupations in establishments will be implemented along with the new sample. Area and national bulletins replacing the OCSP publications will be produced.

Another part of Phase I requires that testing be done to determine how to best update wage rates and also on revised methods for collecting benefit costs and provisions. These activities will be critical in allowing ECI-type indexes and data similar to EBS incidence and provisions information to be generated when Phase II of COMP2000 begins.

Type of Review: New collection.

Agency: Bureau of Labor Statistics.

Title: COMP2000: Phase I.

Affected Public: Business or other for-profit; Not-for-profit institutions; and State, Local or Tribal Government.

Total Respondents: 34,282.

Frequency: Annually, with some quarterly testing.

Total Responses: 34,282.
Average Time Per Response: 76.75 Minutes.
Estimated Total Burden Hours: 43,858.

Activity	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden (hours)
Wage Initiations	20,003	Annually	20,003	82	27,337
Initiation updates	212	Annually	212	20	71
Wage updates	1,785	Some annually, some quarterly	1,785	20	595
Benefit tests	756	Annually	756	262	3,301
FY96 OCSP surveys	325	Annually	325	120	650
AK–HI–SJ survey	901	Annually	901	82	1,231
Service Contract Act survey	6,200	Annually	6,200	82	8,473
Quality Assurance	4,100	Annually	4,100	32	2,200
Totals	.....	.....	34,282	.....	43,858

Total Burden Cost (capital/startup): $0.
Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 10th day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–9352 Filed 4–15–96; 8:45 am]

BILLING CODE 4510–24–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Graduate Education (#57).

Date and Time: May 1–2, 1996; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Carolyn Lyons Piper, Assistant Program Director, 4201 Wilson Boulevard, Room 907, Arlington, VA 22230; Telephone: (703) 306–1696.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NATO Postdoctoral Fellowship Program (NATO).

Agenda: Review and evaluate NATO proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–9279 Filed 4–15–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Power Company, et al.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–35 and NPF–52 issued to the Duke Power Company (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments would change the containment hydrogen mitigation system Technical Specifications (TS) to provide that, if neither the Train A or Train B igniter is operable in any one containment region, then there is an allowance of 7 days to restore one hydrogen ignitor to OPERABLE status, or be in Hot Shutdown within the next 6 hours. This would be consistent with the guidance of the Standard TS for Westinghouse plants, NUREG–1431. The current TS does not provide for inoperable ignitors on the two redundant trains being in the same containment region. Other administrative and editorial changes were proposed to TS 3/4.6.4.3 to provide consistency of format and text with the Standard TS (NUREG–1431). Associated changes were also proposed for the Bases. A recent performance of the 92-day ignitor surveillance test determined that one ignitor in Train B did not energize and had failed. The area of the containment covered by this ignitor cannot be accessed during power operation for repairs due to the radiation levels in this area.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

The requested amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. No impact upon accident probabilities will be created, since the HIS [Hydrogen Ignition System] System is not an accident initiating system. In addition, allowance for a single location in the containment to be without an operable ignitor, is afforded by the low probability of the occurrence of a degraded core event that would generate hydrogen in amounts

equivalent to a metal water reaction of 75% of the core cladding and the length of time after the event that operator action would be required to prevent hydrogen accumulation from exceeding this limit. Adjacent areas to the single area without an operable hydrogen ignitor provide capability to maintain the hydrogen concentrations during degraded core accidents [within] acceptable limits by flame propagation to the region without operable hydrogen ignitors. No impact on the plant response to any accident will be created (either design basis or beyond-design basis).

Criterion 2

The requested amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. As stated previously, the HIS System is not an accident initiating system. No new accident causal mechanisms will be created as a result of adopting the requirements of NUREG–1431. Plant operation will not be affected by the proposed amendments and no new failure modes will be created.

Criterion 3

The requested amendments will not involve a significant reduction in a margin of safety. No adverse impact upon any plant safety margins will be created. As discussed previously, the allowance for a single containment region to be without operable hydrogen ignitors for 7 days will have no adverse consequences. No fission product barriers are being degraded. No change to the manner in which the units are operated is being made.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 15, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Paul R. Newton, 422 South Church Street, Charlotte, NC 28202–0001, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 3, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 9th day of April 1996.

For the Nuclear Regulatory Commission.

Robert E. Martin,

Senior Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–9296 Filed 4–15–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–498]

Houston Lighting and Power Company, et al.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–76 issued to Houston Lighting and Power Company, et. al., (the licensee) for operation of the South Texas Project (STP), Unit 1, located in Matagorda County, Texas. The original application dated January 22, 1996, was previously published in the Federal Register on February 28, 1996, (61 FR 7552). That application was supplemented by letter dated April 4, 1996.

The proposed amendment would modify the steam generator tube plugging criteria in Technical Specification 3/4.4.5, Steam Generators, and the allowable leakage in Technical Specification 3/4.4.6.2, Operational Leakage, and the associated Bases. The amendment would allow the implementation of steam generator voltage-based repair criteria for the tube support plate (TSP)/tube intersections for Unit 1.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Structural Considerations

Industry testing of model boiler and operating plant tube specimens for free span tubing at room temperature conditions show typical burst pressures in excess of 5000 psi for indications of outer diameter stress corrosion cracking with voltage measurements at or below the current structural limit of 4.7 volts. One model boiler specimen with a voltage amplitude of 19 volts also exhibited a burst pressure greater than 5000 psi. Burst testing performed on one intersection pulled from STP Unit 1 in 1993 with a 0.51 volt indication yielded a measured burst pressure of 8900 psi at room temperature. Burst testing performed on another intersection pulled from STP Unit 1 in 1995 with a 0.48 volt indication yielded a measured burst pressure of 9950 psi at room temperature.

The next projected end-of-cycle (EOC) voltage compares favorably with the current structural limit considering the EPRI voltage growth rate for indications at STP. Using the methodology of Generic Letter 95–05, the structural limit is reduced by allowances for uncertainty and growth to develop a beginning-of-cycle (BOC) repair limit which should preclude EOC indications from growing in excess of the structural limit. The non-destructive examination (NDE) uncertainty to be applied per Generic Letter 95–05 is approximately 20 percent. The growth allowance will be 30 percent/EPFY [effective full power year] or a STP Unit 1 plant specific growth value, to be calculated in accordance with Generic Letter 95–05, which ever is greater. The use of 30%/EPFY growth is conservative when compared to the actual STP growth experience. Each succeeding cycle upper voltage repair limit will also be conservatively established based on Generic Letter 95–05 methodology. By adding NDE uncertainty allowances and a growth allowance to the repair limit, the structural limit can be validated.

The upper voltage repair limit could be applied to bobbin coil voltages between the lower and upper repair limits to leave such indications in service independent of RPC [rotating pancake coil-probe] confirmation. However, RPC confirmed indications will be conservatively removed from service consistent with Generic Letter 95.05.

Leakage Considerations

As part of the implementation of voltage-based repair criteria, the distribution of EOC degradation indications at the TSP intersections has been used to calculate the primary-to-secondary leakage which is bounded by the maximum leakage required to remain within the applicable dose limits of 10 CFR 100 and GDC [General Design Criterion] 19. This limit was calculated using the Technical Specification RCS [reactor coolant system] Iodine-131 transient spiking values consistent with NUREG–0800. Application of the voltage-based repair criteria requires the projection of postulated MSLB [main steamline break] leakage based on the projected EOC voltage distribution

from the beginning of cycle voltage distribution. Projected EOC voltage distribution is developed using the most recent EOC eddy current results and a voltage measurement uncertainty. Draft NUREG–1477 and Generic Letter 95–05 require that all indications, to which voltage-based repair criteria is applied, must be included in the leakage projection.

The projected MSLB leakage rate calculation methodology prescribed in Westinghouse WCAP–14277 or Generic Letter 95–05 will be used to calculate the EOC leakage. A Monte Carlo approach will be used to determine the EOC leakage, accounting for all of the bobbin coil eddy current test uncertainties, voltage growth, and an assumed probability of detection (POD) of 0.6. The fitted log-logistic probability of leakage correlation will be used to establish the STP MSLB leak rate for each cycle. This leak rate will be used for comparison with a bounding allowable leak rate in the faulted loop which would result in radiological consequences which are within the dose limits of 10 CFR 100 for offsite doses and GDC 19 for control room doses. Due to the relatively low voltage levels of indications at STP to date and low voltage growth rates, it is expected that the actual calculated leakage values will be far less than this limit for each successive cycle.

Therefore, implementation of voltage-based repair criteria does not adversely affect steam generator tube integrity and the radiological consequences will remain below the limits of 10 CFR 100 and GDC 19. The proposed amendment does not result in any increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Implementation of the proposed steam generator tube voltage-based repair criteria for ODSCC [outer diameter stress corrosion cracking] at the TSP intersections does not introduce any significant changes to the plant design basis. Use of the criteria does not provide a mechanism which could result in an accident outside of the region of the TSP elevations since no ODSCC has been identified outside the thickness of the TSPs. It is therefore expected that for all plant conditions, neither a single nor multiple tube rupture event would likely occur in a steam generator where voltage-based repair criteria has been applied.

Specifically, STP will implement, for Unit 1, a maximum leakage rate of 150 gpd per steam generator (SG) to help preclude the potential for excessive leakage during all plant conditions. The current technical specification limits on primary-to-secondary leakage at operating conditions are 1 gpm for all steam generators or 500 gpd for any one SG. The RG (Regulatory Guide) 1.121 criterion for establishing operational leakage rate limits governing plant shutdown is based upon leak-before-break (LBB) considerations to detect a free span crack before potential tube rupture as a result of faulted plant conditions. The 150 gpd limit is intended to provide for leakage detection and plant shutdown in the event of an unexpected crack propagation resulting in excessive leakage. RG 1.121 acceptance criteria for establishing operating leakage limits are based on LBB considerations such that plant shutdown is initiated if permissible degradation is exceeded.

The predicted EOC leakage for STP is based on calculated growth rate and does not take credit for the TSP proximity during normal operation. Thus, the 150 gpd limit provides for plant shutdown prior to reaching critical degradation lengths. Additionally, this leak-before-break evaluation assumes that the entire crevice area is uncovered during the secondary side blowdown of a MSLB. Typically, it is expected for the vast majority of intersections, that only partial uncovery will occur. Thus, the proximity of the TSP will enhance the burst capacity of the tube.

Steam generator tube integrity is continually maintained through inservice inspection and primary-to-secondary leakage monitoring. Any tubes falling outside the voltage-based repair criteria limits are removed from service. Therefore, the possibility of a new or different kind of accident from any accident previously developed is not created.

3. Does the change involve a significant reduction in a margin of safety?

The use of the voltage based bobbin probe for dispositioning ODSCC degraded tubes within TSP intersections by voltage-based repair criteria is demonstrated to maintain steam generator tube interity in accordance with the requirements of RG 1.121. RG 1.121 describes a method acceptable to the NRC staff for meeting GDCs 14, 15, 31, and 32 by reducing the probability or the consequences of steam generator tube rupture. This is accomplished by determining the limiting conditions of degradation of steam generator tubing, as established by inservice inspection, for which tubes with unacceptable degradation are removed from service. Upon implementation of the criteria, even under the worst case conditions, the occurrence of ODSCC at the TSP elevation is not expected to lead to a steam generator tube rupture event during normal or faulted plant conditions. The EOC distribution of indications at the TSP elevations for each successive cycle will be confirmed to result in acceptable primary-to-secondary leakage during all plant conditions.

In addressing the combined effects of loss of coolant accident (LOCA) and safe shutdown earthquake (SSE) on the steam generators, as required by GDC 2, it has been determined that tube collapse may occur in the steam generators at some plants. This is the case at STP as the TSP may become deformed as a result of lateral loads at the wedge supports at the periphery of the plate due to the combined effects of the LOCA rarefaction wave and SSE loadings. The resulting secondary-to-primary pressure differential on the deformed tubes may cause some of the tubes to collapse.

There are two concerns associated with steam generator tube collapse. First, the collapse of steam generator tubing reduces the RCS flow area through the tubes. The reduction in flow area increases the resistance to flow of steam from the core during a LOCA which, in turn, may potentially increase peak clad temperature (PCT). Second, there is a potential that through wall degradation in tubes could sufficiently enlarge during tube deformation or collapse, causing sufficient in-leakage of secondary water back to the core which dilutes the poisoning effect of boron injection from the emergency cooling system. Again, an increase in core PCT may result.

The analysis results in Framatome Technologies, Inc. Topical Report, BAW 10204P, identified tubes located adjacent to wedge regions that are subject to potential collapse during combined LOCA and SSE. These tubes will be excluded from application of voltage-based repair criteria. Thus, existing tube integrity requirements apply to these tubes and the margin of safety is not reduced. Since the LBB methodology is applicable to the STP reactor coolant loop piping, the probability of breaks in the primary loop piping is sufficiently low that they need not be considered in the structural design of the plant. Implementation practices using the bobbin probe voltage based tube plugging criteria bounds RG 1.83 considerations by:

(1) Using enhanced eddy current inspection guidelines consistent with those used by EPRI in developing the correlations. This provides consistency in voltage normalization.

(2) Performing a 100 percent bobbin coil inspection for all hot leg tube support plate intersections and all cold leg intersections down to the lowest cold leg tube support plate with known outer diameter stress corrosion cracking (ODSCC) indications at each cycle. The determination of the tube support plate intersections having ODSCC indications shall be based on the performance of at least a 20% random sampling of tubes inspected over their full length, and

(3) Incorporating RPC inspection for all tubes with bobbin voltages greater than 1.0 volt. This further establishes the principal degradation morphology as ODSCC.

Implementation of voltage-based repair criteria at TSP intersections will decrease the number of tubes which must be repaired at each subsequent inspection. Since the installation of tube plugs, to remove ODSCC degraded tubes from service, reduces the RCS flow margin, voltage-based repair criteria implementation will help preserve the margin of flow.

For each cycle the projected EOC primary-to-secondary leak rate allowed is bounded by a leak rate which limits the radiological consequences of a EOC MSLB to within the dose limits of 10 CFR 100 for offsite doses and GDC 19 for control room doses. Therefore, this change does not involve a significant reduction in the margin to safety.

It is therefore concluded that the proposed license amendment request does not result in a significant reduction in the margin of safety as defined in the plant Final Safety Analysis Report or Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 15, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room located at the Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William D. Beckner, Director, Project Directorate IV–1: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 22, 1996, as supplemented by letter dated April 4, 1996, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488.

Dated at Rockville, Maryland, this 9th day of April 1996.

For The Nuclear Regulatory Commission.

Thomas W. Alexion,

Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–9325 Filed 4–15–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 030–05373 and 030–32163–EA ASLBP No. 96–714–02–EA]

Eastern Testing and Inspection, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

Eastern Testing and Inspection, Inc.
Order Suspending License
(Effective Immediately)
EA 96–085

This Board is being established as a result of a March 29, 1996 NRC staff order suspending the licenses of ETI pending further investigation. The petitioner, Eastern Testing and Inspection, Inc., is requesting that the Board set aside the immediate effectiveness of this order.

The Board is comprised of the following administrative judges:

G. Paul Bollwerk, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Richard F. Foster, P.O. Box 4263, Sunriver, OR 97707

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 10th day of April 1996.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 96–9340 Filed 4–15–96; 8:45 am]

BILLING CODE 7590–01–M

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of April 15, 22, 29, and May 6, 1996.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 15

There are no meetings scheduled for the Week of April 15.

Week of April 22—Tentative

There are no meetings scheduled for the Week of April 22.

Week of April 29—Tentative

Friday, May 3

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

2:00 p.m.
Meeting with ACMUI and Dr. Robert Adler on Recommendations of NAS Report on Review of Medical Use Program (Public Meeting)
(Contact: Larry Camper, 301–415–7231)

Week of May 6—Tentative

Friday, May 10

10:00 a.m.
Briefing on Severe Accident Master Integration Plan (Public Meeting)
(Contact: Themis Speis, 301–415–6802)

11:30 a.m.
Affirmation Session (Public Meeting) (if needed)

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill, (301) 415–1661.

This notice is distributed by mail to several hundred subscribers; if you no longer receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1963).

In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

Dated: April 12, 1996.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 96–9470 Filed 4–12–96; 2:50 pm]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Series Consolidation

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) proposed in the August 9, 1995 issue of the Federal Register, to simplify the Federal position classification structure by reducing the number of occupational series from 442 to about 74. After consulting with agencies, OPM is not taking action at this time to implement the proposal due, in part, to the impact on agency resources.

FOR FURTHER INFORMATION CONTACT: John Warman 202–606–2970.

SUPPLEMENTARY INFORMATION: On August 9, 1995, at 60 FR 40628, OPM published a notice in the Federal Register to reduce the number of General Schedule occupational series through series consolidation. Integral to this proposal was a requirement for maintaining a separate job code structure. The entire 442 occupational series structure needs to be retained for capturing occupationally specific data for the Central Personnel Data File (CPDF). The CPDF is used to meet continuing Governmentwide data collection needs related to workforce analysis, the pay comparability process, and the special rates program.

OPM analyzed the comments on the proposal and found that while most major agencies supported the general idea of series consolidation about one-half of them objected to implementing the proposal because of the need to

maintain the job code structure. They believed that this requirement would impose a burden that substantially detracted from the potential benefit of series consolidation.

OPM discussed the proposal and comments with the Interagency Advisory Committee (IAG). It recommended that series consolidation not be implemented at this time because:

- Barriers attributed to the classification system have been substantially resolved because of the greater use of flexibilities related to job qualifications which make it much easier to reassign employees across occupational lines;
- Considerable resources would be required to oversee and implement the consolidation without commensurate benefits; and,
- Major downsizing in most agencies, and particularly within personnel offices, preclude expending resources on system changes which are not clearly cost beneficial.

The IAG was deeply concerned that agencies simply did not have the resources to implement a system of this magnitude with their diminished staff while at the same time managing reductions and furloughs as part of downsizing initiatives and budget restrictions.

OPM agrees that the IAG recommendation has merit. Consequently, we will take no action to implement the series consolidation initiative at this time. However, OPM is writing new classification standards that are broader and more generic than the traditional coverage which was confined to one occupation. These job family standards will cover Professional, Administrative, Clerical, and Technician lines of work in each job family group and will accomplish a major goal of classification simplification.

U.S. Office of Personnel Management.

James B. King,

Director.

[FR Doc. 96–9307 Filed 4–15–96; 8:45 am]

BILLING CODE 6325–01–M

Agency Information Collection Activities Proposed Collection: Comment Request

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this Federal Register notice announces that the Office of Personnel Management intends to submit a request to the Office of Management and Budget to extend a clearance for collecting data from selected Federal agencies for general purpose statistics. On a biennial basis, data on the duty stations of Federal employees not contained in the Central Personnel Data File (CPDF) are collected using OPM Form 1312 or automated means. This report is completed by eight agencies that do not submit data to the CPDF, as well as 15 CPDF agencies that employ foreign nationals overseas.

It takes approximately 12 hours per agency to comply, for a total burden of 276 hours every two years, or an annual burden of 138 hours. For copies of this proposal, call James M. Farron on (202) 418–3208, or E-mail to jmfarron@mail.opm.gov.

DATES: Comments on this data collection should be received on or before June 15, 1996.

ADDRESSES: Send or deliver comments to: Randall Matke, Office of Information Technology, Office of Personnel Management, 1900 E Street NW, Room 5415, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Christine E. Steele, (202) 606–1817.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–9326 Filed 4–15–96; 8:45 am]

BILLING CODE 6325–01–M

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting; Notice of Vote to Close Meeting

At its meeting on April 1, 1996, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for May 6, 1996, in Washington, D.C. The members will consider a filing with the Postal Rate Commission for classification reform of special services.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Fineman, Mackie, McWherter, River and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Koerber, and General Counsel Elcano.

The Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing.

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 5, United States Code; section 410(c)(4) of title 39, United States Code; and section 7.3(c) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 96–9486 Filed 4–12–96; 3:06 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Certification of Relinquishment of Rights.

(2) *Form(s) submitted:* G–88.

(3) *OMB Number:* 3220–0016.

(4) *Expiration date of current OMB clearance:* June 30, 1996.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 3,600.

(8) *Total annual responses:* 3,600.

(9) *Total annual reporting hours:* 360.

(10) *Collection description:* Under Section 2(e)(2) of the Railroad Retirement Act, the Railroad Retirement Board must have evidence that an annuitant for an age and service, spouse, or divorced spouse annuity has relinquished their rights to return to the service of a railroad employer. The collection provides the means for obtaining this evidence.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 96–9299 Filed 4–15–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–21879; 812–9894]

Evergreen Trust, et al.; Notice of Application

April 9, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Evergreen Trust, Evergreen Equity Trust, Evergreen Investment Trust, Evergreen Total Return Fund, Evergreen Growth and Income Fund, The Evergreen American Retirement Trust, Evergreen Foundation Trust, Evergreen Municipal Trust, Evergreen Money Market Fund, Evergreen Limited Market Fund, Inc., The Evergreen Lexicon Fund, Evergreen Tax-Free Trust, Evergreen Variable Trust (collectively, the ''Investment Companies''); and First Union National Bank of North Carolina, N.A. and Evergreen Asset Management Corp. (collectively, the ''Advisers'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from sections 13(a)(2), 13(a)(3), 18(f)(1), 22(f), and 22(g) and rule 2a–7 thereunder, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a)(1), and pursuant to rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit the Investment Companies to enter into deferred compensation arrangements with their trustees.

FILING DATE: The application was filed on December 12, 1995 and amended on February 27, 1996 and April 9, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, c/o Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Marianne H. Khawly, Staff Attorney, at (202) 942–0562, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Each Investment Company is a registered open-end management investment company comprised of several investment portfolios. Each Investment Company, is organized as a Massachusetts business trust except Evergreen Limited Market Fund, Inc., which is organized as a Maryland corporation. One of the Advisers serves as the investment adviser for each investment portfolio of each Investment Company. Applicants request that the proposed relief apply to the Investment Companies and all subsequent registered open-end investment companies advised by either Adviser (such registered open-end investment companies, together with the Investment Companies, are referred to collectively as the ''Funds'').

2. The board of trustees of each Investment Company, other than Evergreen Investment Trust and Evergreen Variable Trust, currently consists of eight persons, seven of whom are not ''interested persons'' of that Investment Company. The board of trustees of Evergreen Investment Trust currently consists of six persons, five of whom are not ''interested'' persons. The board of trustees of Evergreen Variable Trust currently consists of three persons, all of whom are not ''interested'' persons.

3. Each trustee [1] is entitled to receive annual fees plus meeting attendance fees from each Investment Company. The chairman of the board is entitled to receive an additional retainer of $5,000 in the aggregate. A deferred fee arrangement for the trustees that has been adopted by the existing Funds is implemented through a deferred compensation plan (the ''Plan''). The purpose of the Plan is to permit individual trustees to elect to defer receipt of all or a portion of the fees otherwise payable for their services, to enable them to defer payment of income taxes on such fees.[2]

4. The Plan became effective with respect to each Investment Company upon adoption by its board of trustees. The Plan was adopted prior to the receipt of any exemptive relief requested. An exemptive order is required for the Plan because the Funds wish to use returns on portfolios of the Fund to determine the amount of earnings and gains or losses allocated to a trustee's deferred compensation account (''Deferral Account''); this feature will not be implemented without the issuance of an order. The Plan provides that the compensation deferred by a participant (''Compensation Deferrals'') will be credited to the participant's Deferral Account. Pending receipt of an order, cash and earnings in an amount equal to the yield on 90-day U.S. Treasury Bills will be credited to the participant's Deferral Account.

5. Under the Plan, Compensation Deferrals will be credited, as of the date

[1] ''Trustee'' refers to a trustee or director of a Fund, as the case may be.

[2] One person who previously served as a trustee of each Investment Company other than Evergreen Investment Trust and Evergreen Variable Trust, now serves as a trustee emeritus of each Investment Company other than Evergreen Investment Trust and Evergreen Variable Trust. Trustee emeritii are not eligible to participate in the Plan.

such fees would have been paid, to a separate book reserve account established with respect to each participating Fund. The trustee may select one or more investment portfolios from a list of available portfolios of the Funds that will be used to measure the hypothetical investment performance of the trustee's Deferral Account. The value of a Deferral Account will be equal to the value such account would have had if the amount credited to it had been invested and reinvested in shares of the investment portfolios designated by the trustee (the ''Designated Shares''). Each Deferral Account will be credited or charged with book adjustments representing all interest, dividends and other earnings and all gains and losses that would have been realized had the amounts credited to such account actually been invested in the Designated Shares.

6. A participating Fund's obligation to make payments with respect to a Deferral Account is and will remain a general obligation of the Fund to be made from the general assets and property of each portfolio. With respect to the obligations created under the Plan, each trustee will remain a general unsecured creditor. The Plan does not create an obligation of any Fund to any trustee to purchase, hold or dispose of any investments, and if a Fund or portfolio should choose to purchase investments in order to exactly ''match'' its obligations, all such investments will continue to be part of the general assets and property of such Fund or portfolio.

7. Each Fund may, and with respect to any money market fund that values its assets by the amortized cost method will, purchase and maintain Designated Shares in an amount equal to the deemed investments of the Deferral Accounts. Except in the case of money market funds, applicants expect to effect matching transactions only if circumstances warrant, based upon a consideration of a Fund's total assets and the amount of deferred compensation subject to the Plan.

Applicants' Legal Analysis

1. Applicants request an order that would exempt the Funds under section 6(c) of the Act from sections 13(a)(2), 13(a)(3), 18(f)(1), 22(f), and 22(g) of the Act, and rule 2a–7 thereunder to the extent necessary to permit the Funds to enter into deferred fee arrangements with their trustees; under sections 6(c) and 17(b) of the Act from section 17(a)(1) of the Act to the extent necessary to permit the Funds to sell securities issued by them to participating Funds; and pursuant to rule 17d–1 under the Act to permit the Funds to engage in certain joint transactions incident to such deferred fee arrangements.

2. Section 18(f)(1) generally prohibits a registered open-end investment company from issuing senior securities. Section 13(a)(2) requires that a registered investment company obtain shareholder authorization before issuing any senior security not contemplated by the recitals of policy in its registration statement. Applicants state that the Plan does not give rise to any of the ''evils'' that led to Congress' concerns. No participating Fund will be ''borrowing'' from the trustees. The Plan will not induce speculative investments or provide opportunities for manipulative allocation of any Fund's expenses or profits, affect control of any Fund, confuse investors or convey a false impression as to the safety of their investments, or be inconsistent with the theory of mutuality of risk.

3. Section 13(a)(3) provides that no registered investment company shall, unless authorized by the vote of a majority of its outstanding voting securities, deviate from any investment policy that is changeable only if authorized by shareholder vote. The relief requested from section 13(a)(3) would extend only to those existing Funds with a fundamental investment restriction limiting investments in securities of investment companies (the ''Restricted Funds''). Applicants believe that relief from section 13(a)(3) is appropriate to enable the Restricted Funds to invest in Designated Shares without a shareholder vote. Applicants will provide notice to shareholders in the prospectus of each affected Fund of the Deferred Compensation under the Plan. The value of the Designated Shares will be *de minimis* in relation to the total net assets of the respective Fund, and will at all times equal the value of the Fund's obligations to pay deferred fees.

4. Section 22(f) prohibits undisclosed restrictions on transferability or negotiability of redeemable securities issued by open-end investment companies. The Plan sets forth any restrictions on transferability or negotiability, and such restrictions are primarily to benefit the participating trustees and would not adversely affect the interests of the trustee or of any shareholder of any Fund.

5. Section 22(g) prohibits registered open-end investment companies from issuing any of their securities for services or for property other than cash or securities. The legislative history of the Act suggests Congress was concerned with the dilutive effect on the equity and voting power that may result when securities are issued for consideration that is not readily valued. The Plan would not have this effect. Applicants believe that the Plan merely would provide for deferral of payment of fees and thus should be viewed as being issued not in return for services but in return for a Fund not being required to pay such fees on a current basis.

6. Rule 2a–7 imposes certain restrictions on the investments of ''money market funds,'' as defined under the rule, that would prohibit a Fund that is a money market fund from investing in the shares of any other Fund. Applicants request relief from the rule to permit the Funds to invest in Designated Shares to implement the Plan. Applicants believe that the requested exemption would permit the Funds to achieve an exact matching of Designated Shares with the deemed investments of the Deferred Fee Accounts, thereby ensuring that the deferred fee arrangements would not affect new asset value.

7. Section 6(c) of the Act provides that the SEC may exempt persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons discussed above, applicants believe the requested relief satisfies the section 6(c) standards.

8. Section 17(a)(1) generally prohibits an affiliated person of a registered investment company from selling any security to such registered investment company, except in limited circumstances. Funds that are advised by the same entity may be ''affiliated persons'' under section 2(a)(3)(C) of the Act. Applicants believe that an exemption from this provision would not implicate Congress' concerns in enacting section 17(a)(1) but would facilitate the matching of each Fund's liability for Compensation Deferrals with Designated Shares that would determine the amount of such Fund's liability.

9. Section 17(b) provides that the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that: (a) the terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment company involved; and (c) the proposed transaction is consistent with the general provisions of the Act. Applicants believe that the proposed transaction satisfies the criteria of sections 6(c) and 17(b).

10. Section 17(d) and rule 17d–1 generally prohibit a registered investment company's joint or joint and several participation with an affiliated person in a transaction in connection with any joint enterprise or other joint arrangement without SEC approval. Under the Plan, participating trustees will not receive a benefit that otherwise would inure to a Fund or its shareholders. Deferral of a trustee's fees in accordance with the Plan would essentially maintain the parties, viewed both separately and in their relationship to one another, in the same position (apart from tax effects) as would occur if the fees were paid on a current basis and then invested by the trustee directly in Designated Shares.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. With respect to the requested relief from rule 2a–7, any money market Fund that values its assets by the amortized cost method will buy and hold Designated Shares that determine the performance of Deferral Accounts to achieve an exact match between the liability of any such Fund to pay Compensation Deferrals and the assets that offset that liability.

2. If a Fund purchases Designated Shares issued by an affiliated Fund, the Fund will vote such shares in proportion to the votes of all other holders of shares of such affiliated Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9300 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Rel. No. 21878; 812–9516]

The Asia Tigers Fund, Inc., et al.; Notice of Application

April 9, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (''Act'').

APPLICANTS: The Asia Tigers Fund, Inc.; The Czech Republic Fund, Inc. (''Czech Fund''); The India Fund, Inc.; The Mexico Equity and Income Fund, Inc. (''Mexico Fund''); The Emerging Markets Floating Rate Fund Inc.; The Emerging Markets Income Fund Inc; The Emerging Markets Income Fund II Inc; Global Partners Income Fund Inc. (collectively, the ''Funds''); and Oppenheimer & Co., Inc. (''OpCo''), on behalf of themselves and any other future investment companies for which Advantage Advisers, Inc. (''Advantage''), a wholly owned subsidiary of OpCo, or any other entity controlling, controlled by, or under common control (as defined in section 2(a)(9) of the Act) with OpCo, serves as investment adviser.

RELEVANT ACT SECTIONS: Order requested under rule 17d–1 to permit certain transactions in accordance with section 17(d) and rule 17d–1.

SUMMARY OF APPLICATION: Applicants seek an order to permit OpCo to receive a fee from the Funds for its services as lending agent in connection with the loan of portfolio securities owned by the Funds. The proposed fee would be based upon a share of the proceeds derived by the Funds from the securities lending program.

FILING DATES: The application was filed on March 9, 1995, and amended on October 30, 1995, and March 29, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 1996, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: The Asia Tigers Fund, Inc., Czech Fund, The India Fund, Inc., Mexico Fund, and OpCo, Oppenheimer Tower, 200 Liberty Street, One World Financial Center, New York, New York 10281; The Emerging Markets Floating Rate Fund Inc., Emerging Markets Income Fund Inc., The Emerging Markets Income Fund II Inc., and Global Partners Income Fund Inc., 7 World Trade Center, New York, New York 10048.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 942–0583, or Alison E. Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Each of the Funds is a Maryland corporation registered under the Act as a closed-end management investment company. The Funds invest in a range of equity and fixed-income securities. Advantage, an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''), serves as investment adviser to each of the Funds. Advantage advises and consults with each Fund's day-to-day investment adviser regarding the Fund's overall investment strategy and its use of leveraging techniques, and monitors the performance of the Fund's outside service providers. Advantage is not currently responsible for making specific investment decisions for the Funds, except for the Mexico Fund. With respect to the Mexico Fund, Advantage and the Fund's day-to-day investment adviser are jointly responsible for making the Fund's investment decisions.

2. OpCo, a Delaware corporation that is an indirect, wholly owned subsidiary of Oppenheimer Group, Inc., is a privately-owned securities brokerage, investment banking, and asset management firm that offers a broad range of services to corporations, institutions, and private investors. OpCo serves as administrator to The Asia Tigers Fund, Inc., The India Fund, Inc., the Czech Fund, and the Mexico Fund. OpCo is registered as a broker-dealer under the Securities Exchange Act of 1934, and as an investment adviser under the Advisers Act.

3. Each of the Funds is permitted under its investment objectives, policies, and restrictions to lend its portfolio securities. Advantage has proposed that each Fund establish a securities lending program to increase the income earned by the Fund and the total return to shareholders. In connection with the establishment of such a program, the board of directors of the Fund, including a majority of the directors who are not ''interested persons'' as defined in section 2(a)(19) of the Act, would institute procedures to govern the program. These procedures, which would comply with the previous policies set forth by the Commission and its staff in no-action letters, would include specific guidelines relating to the creditworthiness of borrowers, the amount of securities that may be loaned

at any one time and to any one borrower, and the creditworthiness of issuers from whom a Fund may accept irrevocable letters of credit as collateral.

4. Each Fund's day-to-day investment adviser, subject to the supervision of the board of directors, would be responsible for negotiating the terms of loans, selecting borrowers, investing cash collateral, and determining which specific securities are available to be loaned, subject to the parameters set forth in the procedures approved by the board of directors of each Fund. In addition, the day-to-day investment adviser would retain full discretion and power to prevent any loan from being made or to terminate any loan.

5. Since each Fund currently does not have the internal resources necessary to lend securities efficiently or effectively without the services of a third-party lending agent, Advantage has proposed that each Fund engage one or more third parties to act as lending agent. The lending agent would be responsible for soliciting borrowers and confirming their creditworthiness, monitoring daily the value of the loaned securities and collateral, requesting that borrowers add to the collateral when required by the loan arrangements, and performing other administrative functions in connection with the Fund's securities lending program. In addition, the lending agent, under the supervision of the day-to-day investment adviser of a Fund may enter into loans with pre-approved borrowers on terms, the parameters of which would be pre-approved by the investment adviser, and invest cash collateral for the loans in instruments pre-approved by the investment adviser. All such duties of the lending agent, as well as procedures governing the determination of borrowers, loan terms, and investment instruments, will be included in a Fund's agreement with the lending agent or otherwise detailed in writing. The day-to-day investment adviser will monitor the lending agent to ensure that the securities loans are effected in accordance with its instructions and within the procedures adopted by the Fund's board of directors. Applicants represent that the day-to-day investment adviser's delegation of authority to the lending agent will be consistent with (and will not exceed) the parameters set forth in *Norwest Bank* (pub. avail. May 25, 1995).

6. Each borrower of a Fund's securities will be required to tender collateral equal to at least 100% of the value of the securities loaned to be held by the Fund's custodian or sub-custodian in the form of cash, securities issued or guaranteed by the United States Government, its agencies, or instrumentalities (''U.S. Government securities''), or irrevocable letters of credit issued by certain approved banks. If necessary, the collateral will be supplemented to cover differences between the value of the collateral and the market value of the loaned securities.

7. In transactions where the collateral consists of U.S. Government securities or letters of credit, the lending agent will negotiate on behalf of the Fund a lending fee to be paid by the borrower to the Fund. Where the collateral consists of U.S. Government securities, the beneficial ownership of the collateral and the right to the income earned will remain with the borrower. At the termination of a loan, the borrower will pay the lending fee to the Fund, and the lending agent will receive its pre-negotiated percentage of the fee.

8. In transactions where the collateral consists of cash, the Fund, instead of receiving a separate lending fee from the borrower, will receive a portion of the return earned on the investment of the cash collateral by or under the direction of the Fund's day-to-day investment adviser. Depending on the arrangements negotiated with the borrower by the lending agent, a percentage of the return on the investment of the cash collateral may be remitted by the Fund to the borrower. Out of the amounts earned on the investment of the cash collateral, the Fund first will pay the borrower the amount agreed upon, if any, and then, out of any remaining earnings, will pay the lending agent its pre-negotiated percentage.

9. OpCo currently operates a ''match-book'' securities lending practice in which it borrows securities from one client and immediately lends those securities to another client. Advantage may, subject to obtaining the requested relief, recommend to a Fund's board of directors that OpCo serve as lending agent to the Fund. OpCo believes that it can provide lending agent services to each Fund in an efficient and profitable manner, and in a manner comparable to that of other potential lending agents.

10. Applicants believe that, absent exemptive relief, OpCo may be prohibited by section 17(d) of the Act and rule 17d–1 thereunder from receiving lending agent fees based upon a share of the profits derived from the Fund's securities lending program. Applicants propose that, if the board of directors of a Fund determines that OpCo should act as the Fund's lending agent, the fund will adopt the following procedures to ensure that the fee arrangement and other terms governing the relationship between the Fund and OpCo will be fair:

a. In connection with the initial approval of OpCo as lending agent to the Fund, a majority of the board of directors of the Fund (including a majority of the directors who are not ''interested persons'' as defined in section 2(a)(19) of the Act) will determine that (1) the contract with OpCo is in the best interests of the Fund and its shareholders; (2) the services to be performed by OpCo are required by the Fund; (3) the nature and quality of the services provided by OpCo are at least equal to those provided by others offering the same or similar services; and (4) the fees for OpCo's services are fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality.

b. Each Fund's contract with OpCo for lending agent services will be reviewed annually and will be approved for continuation only if a majority of the board of directors of each Fund (including a majority of the directors who are not interested persons) makes the determinations referred to above.

c. In connection with the initial approval of OpCo as lending agent to a Fund, the board of directors of the Fund will obtain competing quotes regarding lending agent fees from at least three independent lending agents to assist the board of directors in making the determinations referred to above.

d. The board of directors of each Fund, including a majority of the directors who are not interested persons, will (1) determine at each quarterly meeting that the loan transactions during the prior quarter were effected in compliance with the conditions and procedures set forth herein, and (2) review no less frequently than annually the conditions and procedures set forth herein for continuing appropriateness.

e. Each Fund will (1) maintain and preserve permanently in an easily accessible place a written copy of the conditions and procedures (and modifications thereto) described in the application or otherwise followed in connection with lending securities, and (2) maintain and preserve for a period not less than six years from the end of the fiscal year in which any loan transaction occurred, the first two years in an easily accessible place, a written record of each such loan transaction setting forth a description of the security loaned, the identity of the person on the other side of the loan transaction, the terms of the loan transaction, and the information or materials upon which the determination was made that each

loan was in accordance with the procedures set forth above and the conditions to the application.

Applicants' Legal Analysis

1. Section 2(a)(3) of the Act defines an affiliated person of an investment company to include any investment adviser of the investment company and any person directly or indirectly controlling, or under common control with, such investment adviser. Under section 2(a)(3), OpCo, which owns all of the outstanding stock of Advantage, is an affiliated person of Advantage. Since Advantage is an affiliated person of each Fund by virtue of its position as an investment adviser of each Fund, OpCo may thereby be deemed an affiliated person of an affiliated person of each Fund. OpCo also may be deemed an affiliated person of the Czech Fund, for which OpCo Advisors (''OpCap'') serves as day-to-day investment adviser, by virtue of the fact that OpCo and OPCap are under common control.

2. Section 17(d) of the Act and rule 17d–1 thereunder make it unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which such investment company is a joint participant, unless an application regarding such joint enterprise or other joint arrangement or profit-sharing plan has been filed with the SEC and has been granted by an order of the SEC. Rule 17d–1 provides that, in passing upon any such application, the SEC will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement or profit-sharing plan is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of the other participants. To the extent that OpCo's proposed activities as lending agent for the Funds in return for a share of the revenue generated thereby may be deemed a joint enterprise or profit sharing plan, applicants believe that such activities would be prohibited by section 17(d) and rule 17d–1.

3. Applicants believe that the procedures to be adopted by each Fund with respect to the Fund's employment of OpCo as lending agent will ensure the fairness of the fee arrangement and other terms governing this relationship. Applicants state that the proposed conditions and procedures place reliance on the directors who are not interested persons of a Fund to determine that the lending arrangements are fair and reasonable and in the best interests of the Fund and its shareholders. Accordingly, applicants believe that the application satisfies the standards for relief set forth in rule 17d–1.

Applicants' Conditions

Applicants agree that any order of the SEC granting the requested relief will be subject to the following conditions:

1. No Fund may lend its portfolio securities to a borrower that is an affiliated person of the Fund, any adviser of the Fund, or OpCo, or to an affiliated person of any such person.

2. Except as set forth herein, the securities lending program of each Fund will comply with all present and future applicable SEC staff positions regarding securities lending arrangements, *i.e.*, with respect to the type and amount of collateral, voting of loaned securities, limitations on the percentage of portfolio securities on loan, prospectus disclosure, termination of loans, receipt of dividends or other distributions, and compliance with fundamental policies.[1]

3. Approval of the board of directors of a Fund, including a majority of directors who are not ''interested persons'' under the Act, shall be required for the initial and subsequent approvals of OpCo's service as lending agent for the Fund, for the institution of all procedures relating to the securities lending program of the Fund, and for any periodic review of loan transactions for which OpCo acted as lending agent.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9301 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37089; File No. SR–CBOE–96–12]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Inc., to Change the Method for Determining the Exercise Settlement Value of Nasdaq-100 Options

April 9, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 12, 1996, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange subsequently filed Amendment No. 1 to the proposed rule change on April 2, 1996.[3] The CBOE has requested accelerated approval for the proposal. This order approves the CBOE's proposal, as amended, on an accelerated basis and solicits comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is proposing to change the method of determining the settlement value of Nasdaq-100 options (''NDX'').[4] Currently, the NDX is an A.M.-settled index option. The Exchange is proposing that the NDX be settled by using the weighted average transaction prices of its underlying securities during a five-minute period on the last day of trading prior to expiration.

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 CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

---

[1] *See, e.g.,* SIFE Trust Fund (pub. avail. Feb. 17, 1982).

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* letter from Timothy Thompson, Senior Attorney, CBOE, to Matthew S. Morris Attorney, Options and Derivatives Regulation, Division of Market Regulation, Commission, dated April 2, 1996 (''Amendment No. 1''). In Amendment No. 1, the CBOE represented that it would issue a regulatory circular to its membership concerning the change in settlement methodology for the Nasdaq-100 options. In addition, in Amendment No. 1 the CBOE confirmed that: (i) Nasdaq, Inc. will provide to the Exchange, on an on-going basis, the calculation of the settlement values for Nasdaq-100 options under both the old and new settlement methods; and (ii) neither the change in the settlement method for Nasdaq-100 options nor the operation of a dual settlement methodology will cause any operational problems for the Options Clearing Corporation (''OCC'').

[4] The NDX is a capitalization-weighted index composed of the stocks of 100 of the largest non-financial issuers whose securities are traded on Nasdaq.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The purpose of the CBOE's proposal is to change the manner in which NDX options are settled to a weighted average method, as described below. This settlement method is consistent with the settlement method that will be used for Nasdaq-100 futures, which are proposed to be traded by the Chicago Mercantile Exchange (''CME'').[5]

According to the CBOE, the change in settlement method will enable the Nasdaq-100 futures to be used more efficiently in hedging NDX options and vice versa. The Exchange also believes that the use of a common settlement method will enhance the advantage an investor will receive from maintaining positions in a cross-margining account with the OCC. The use of a common settlement method should also avoid potential investor confusion.

Current Methodology for Determining Exercise Settlement Values

Currently, the NDX is an A.M.-settled index option. For such index options, the last day of trading is the business day preceding the last day of trading in the underlying securities prior to expiration (usually a Thursday). The current index value at expiration is determined by reference to the reported level of such index as derived from first reported sale (opening) prices of the underlying securities on the last day of trading in the underlying securities prior to expiration (usually a Friday), except that the last reported sale price of such a security shall be used in any case where that security does not open for trading on that day.

New Methodology for Determining Exercise Settlement Values

Under the proposal, the last day of trading for Nasdaq-100 options will be the business day preceding the last day of trading in the underlying securities prior to expiration. The current index value at expiration will be determined on the last day of trading in the underlying securities prior to expiration. The current index value for such purposes shall be determined using the volume weighted prices (''VWPs'') of the Nasdaq-100 Index (''Index'') underlying securities.

The VWP of a stock will be computed from transaction prices in the five-minute period (usually 8:30 a.m. to 8:35 a.m., Chicago time) beginning with its first transaction price at or after 8:30 a.m., Chicago time, as reported by Nasdaq.[6] The VWP of each stock in the index will be calculated as the weighted average of its transaction prices during this five-minute period. The weight associated with a particular transaction price will be the fraction of the total volume of trading during this five-minute period which was executed at this transaction price. If the first transaction of a stock occurs after 2:55 p.m., Chicago time, then its VWP will be computed from transaction prices reported before 3:00 p.m., Chicago time. If a stock does not trade after 8:30 a.m. and before 3:00 p.m., Chicago time, then its VWP will be its closing price from the Previous day.

Change Not Retroactive

To implement this rule change, the CBOE will create a new class of Nasdaq-100 Index options which will be listed parallel to outstanding series in the existing class. In this regard, no new expiration months will be added to the Nasdaq-100 Index options class with the old exercise settlement value methodology and this class of options will cease to exist after September 1996 expiration. In addition, in order to have the surviving options root symbol remain NDX, all existing series with the options root symbol NDX will be changed to NDV. The CBOE notes that while this represents a change in symbols for NDX positions previously opened, the contract, specifications in force at the time these contracts were initially listed remain unchanged. Finally, position and exercise limits for all standardized Nasdaq-100 Index options, regardless of settlement method, will be aggregated.

2. Statutory Basis

The CBOE believes that the proposal is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it will allow NDX options to serve as a better hedge for Nasdaq-100 futures and vice versa. In this regard, the CBOE believes that the rule change furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filings also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–96–12 and should be submitted by May 7, 1996.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) thereunder. Specifically, the Commission finds that the CBOE's proposal to alter the method for determining the exercise settlement value of Nasdaq-100 options will contribute to the maintenance of fair and orderly markets by eliminating potential disparities between the settlement values of Index options traded on the CBOE and the settlement

[5] *See* Chicago Mercantile Exchange submission to the Commodity Futures Trading Commission, Nos. 96–03 and 96–04, dated January 9, 1996.

[6] With the exception of trade reports with .0 modifiers (*i.e.*, trades reported in real time at prices outside the current inside quotations displayed by Nasdaq), trade reports that do not have modifiers attached to them will be used for the computation of VWPs.

values of Index futures traded on the CME. This, in turn, should help to ensure that the Index options traded on the CBOE will serve as an effective mechanism for hedging investments in Nasdaq-100 futures and vice versa.

As described above, existing options series using the old settlement methodology will be phased-out over time. Accordingly, no new expiration months will be added to the Nasdaq-100 Index options class with the old exercise settlement value methodology and this class of options will cease to exist after September 1996 expiration. In addition, by issuing a regulatory circular to its membership concerning the change in settlement methodology for Nasdaq-100 options, which will include a schedule that details when the new series with the new settlement methodology will begin trading and when the outstanding series with the old settlement methodology will expire, investor confusion should be avoided. Lastly, the Commission believes that the VWP settlement methodology may reduce the susceptibility of the Index to manipulation by diminishing the impact of a single trade on the settlement price.

The Commission finds good cause to approve the proposal, including Amendment No. 1, prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. By accelerating the effectiveness of the CBOE's rule proposal, thereby matching the trading timetable of the Nasdaq-100 futures on the CME, the Commission will ensure that market participants will be able to utilize similar settlement methodologies for both futures and options. In addition, the Commission believes that the proposed settlement method does not present any new or novel regulatory issues as the Commission has previously approved a settlement method utilizing average weighted prices.[7] Accordingly, the Commission believes that it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act to approve the proposed rule change, including Amendment No. 1, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2)[8] of the Act, that the proposed rule change (File No. SR–CBOE–96–12), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9302 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[7] *See* Securities Exchange Act Release No. 32120 (April 9, 1993), 58 FR 19864 (April 16, 1993) (approval order for the Financial Times-Stock Exchange 100 Index) (File No. SR–CBOE–92–34).

[8] 15 U.S.C. § 78s(b)(2) (1988).

[9] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–37088; File No. SR–NASD–96–06]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Issuer Hearing Fees

April 9, 1996.

On February 22, 1996, 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'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change increases the hearing fees for issuers seeking continued or initial inclusion on The Nasdaq Stock Market.

Notice of the proposed rule change, together with the substance of the proposal as initially filed, was provided by issuance of a Commission release (Securities Exchange Act Release No. 36900, February 28, 1996) and by publication in the Federal Register (61 FR 8996, March 6, 1996). No comment letters were received. This order approves the proposed rule change.

Parts II and III of Schedule D to the NASD By-Laws set forth the requirements applicable to issuers for initial and continued inclusion in The Nasdaq Stock Market. Pursuant to Article IX of the NASD Code of Procedure, issuers may apply for an exception to these requirements, which shall be considered by a hearing panel designated by the Board of Governors. Part IV of Schedule D to the NASD By-Laws sets forth the applicable fees for an issuer's application for an exception.[3] These fees are being increased from $500 to $1,400 for written applications and from $1,000 to $2,300 for oral applications.

The costs associated with the hearing process include fixed costs for all applications and additional variable costs for oral hearing applications. The NASD states that the increased fees relate directly to these costs and reflect the recovery of the fixed costs evenly across all hearing applicants and the recovery of the additional variable costs only from oral hearing applicants.

The Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act[4] because the fees are an equitable allocation of the costs of providing a forum for issuers seeking to maintain or establish inclusion in The Nasdaq Stock Market. The fees are designed to be revenue neutral and directly offset the costs associated with providing an issuer with the type of hearing requested.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that File No. SR–NASD–96–06 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9303 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. § 78s(b)(1).

[2] CFR 240.19b–4.

[3] Pursuant to a new rule numbering system for the NASD Manual that the NASD anticipates to put into effect no later than May 1, 1996, this rule will become Rule 4530. *See* Exchange Act Release No. 36698 (January 11, 1996), 61 FR 1419 (January 19, 1996), order approving the new rule numbering system.

[Release No. 34–37090; File No. SR–CBOE–96–05]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Limitation of Liability of Index Reporting Authorities

April 9, 1996.

I. Introduction

On February 7, 1996, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 24.14, which provides for disclaimers of liability on behalf of designated index reporting authorities.

The proposed rule change appeared in the Federal Register on March 5, 1996.[3] No comments were received on the

[4] 15 U.S.C. § 78*o*–3.

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 36896 (February 27, 1996), 61 FR 8698 (March 5, 1996).

proposed rule change. This order approves the CBOE's proposal.

II. Background and Description

The purpose of the proposed rule change is to amend Exchange Rule 24.14, which in its present form contains four separate disclaimers of liability on behalf of four different index reporting authorities.[4] Index reporting authorities provide index values to the Exchange that serve as the basis for the various classes of index options listed and traded on the Exchange. Pursuant to the terms of the Exchange's contracts with certain index reporting authorities, the Exchange has agreed to include these specific liability disclaimers in its rules. Although the substance of each of these disclaimers is the same, they differ somewhat in their language, as reflected in the four paragraphs of existing Exchange Rule 24.14. The proposed rule change would combine the four existing disclaimers in a single paragraph in order to eliminate editorial differences among them, and add the CBOE and any other designated index reporting authorities as persons entitled to the benefit of the disclaimer.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5),[5] in that by retaining and clarifying existing disclaimers of liability that have been found to satisfy statutory standards, the proposed rule change will improve the basis on which index options are listed and traded on the CBOE. This improvement, in turn, will serve to promote just and equitable principles of trade as well as to protect investors and the public interest. In addition, the Commission believes that it is reasonable for the Exchange to define the domain of persons who are entitled to the benefits associated with the disclaimer.

IV. Conclusion

For the foregoing reasons, the Commission finds that the CBOE's proposal to amend Exchange Rule 24.14 is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (SR–CBOE–96–05) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9304 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[4] In Exchange Rule 24.1(h), the CBOE defines the term ''reporting authority'' in respect of a particular index as the institution or reporting service designated by the Exchange as the official source for calculating the level of the index from the reported prices of the underlying securities that are the basis of the index and reporting such level.

[5] 15 U.S.C. 78f(b)(5) (1988).

[6] 15 U.S.C. 78s(b)(2) (1988).

[7] 17 CFR 200.30–3(a)(12) (1994).

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Stepan Company, Common Stock, $1.00 Par Value) File No. 1–4436

April 10, 1996.

Stepan Company (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, the Security is listed on the New York Stock Exchange, Inc. (''NYSE''). The Security commenced trading on the NYSE at the opening of business on March 14, 1996 and concurrently therewith the Securities were suspended from trading on the Amex.

In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant with maintaining the dual listing of the Security on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market for the Security.

Any interested person may, on or before April 30, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–9305 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21880; 811–5204]

Delaware Group Foreign Investors Government Fund, L.P.; Notice of Application

April 10, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Delaware Group Foreign Investors Government Fund, L.P.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on March 14, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 2005 Market Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or David M. Goldenberg, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that is organized as a limited partnership under the laws of Delaware. On June 12, 1987, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. Applicant's registration statement was not declared effective, and applicant made no public offering of its securities.

2. Applicant has no assets, liabilities, or securityholders. Applicant is not a party to any litigation or administrative proceeding.

3. Applicant is not now engaged in, nor does it intend to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9342 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21882; 811–5203]

Delaware Group Foreign Investors High-Yield Fund, L.P.; Notice of Application

April 10, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Delaware Group Foreign Investors High-Yield Fund, L.P.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on March 14, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving application with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC. 450 Fifth Street NW., Washington, DC 20549. Applicant, 2005 Market Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or David M. Goldenberg, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that is organized as a limited partnership under the laws of Delaware. On June 12, 1987, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. Applicant's registration statement was not declared effective, and applicant made no public offering of its securities.

2. Applicant has no assets, liabilities, or securityholders. Applicant is not a party to any litigation or administrative proceeding.

3. Applicant is not now engaged in, nor does it intend to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9343 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Rel. No. 21881; 812–9910]

EAI Select Managers Equity Fund, et al.; Notice of Application

April 10, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (''Act'').

APPLICANTS: EAI Select Managers Equity Fund (''Fund''), and Evaluation Associates Capital Markets, Incorporated (''Manager'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from section 15(a).

SUMMARY OF APPLICATION: The Fund is a registered investment company advised by the Manager. The Manager oversees the selection of other investment advisers (''Subadvisers'') for the Fund, monitors their performance, and allocates assets among them. The order would permit the Subadvisers to serve as investment advisers to the Fund without receiving prior shareholder approval.

FILING DATES: The application was filed on December 18, 1995, and amended on February 23, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 6, 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 such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 200 Connecticut Avenue, Suite 700, Norwalk, Connecticut 06854–1958.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 942–0583, or Alison E. Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Fund is a registered open-end management investment company organized as a Massachusetts business trust.

2. The Manager, an investment adviser registered under the Investment Advisers Act of 1940, serves as the principal investment adviser for the Fund. Under the ''multi-manager'' approach employed by the Fund and the

Manager, the Manager selects Subadvisers to manage the assets of the Fund and allocates the assets among those Subadvisers in order to achieve a diversity in expertise and investment style that would not be possible if the Fund had only one investment adviser. Under this approach, the Manager (a) sets the Fund's overall investment strategies, (b) makes recommendations to the Trustees regarding the Subadvisers based on its continuing qualitative and quantitative assessment of each Subadviser's skills in managing assets and other factors that could affect the Fund's performance, (c) allocates and, when appropriate, reallocates the Fund's assets among Subadvisers, (d) monitors and evaluates the performance of each Subadviser, (e) ensures that the Subadvisers comply with the Fund's investment objectives, policies, and restrictions, and (f) consults regularly with the Subadvisers. Pursuant to the agreement between the Manager and the Fund (''Management Agreement''), the Fund pays the Manager a management fee of .92% of the net asset value of the Fund for its services, and a certain portion of that management fee is forwarded to the Subadvisers to pay their fees in accordance with contractual provisions negotiated between the Manager and each Subadviser.

3. Each Subadviser has discretion, subject to oversight by the Fund's board of trustees (''Trustees'') and the Manager, to purchase and sell portfolio assets consistent with the investment objectives and policies set forth in its particular sub-advisory agreement (each a ''Subadvisory Agreement'') and established for it by the Manager and the Trustees. The duties and responsibilities of each Subadviser under its Subadvisory Agreement are limited to the management of the portion of the Fund's assets allocated to it by the Manager in accordance with the investment policies and objectives of the Fund. None of the Subadvisers provide any services to the Fund other than pursuant to their Subadvisory Agreements, except that a Subadviser or its affiliated broker-dealer may execute transactions for the Fund and receive a brokerage commission for such transactions in accordance with section 17(e)(2) of the Act and rule 17e–1 thereunder. No Subadviser has responsibility for the ongoing administration and corporate maintenance of the Fund or for the servicing of its shareholders.

4. No Subadviser will be an affiliated person, as defined in section 2(a)(3) of the Act, of the Manager or the Fund, or of an affiliated person of the Manager or the Fund (an ''Affiliated Subadviser'') unless the Subadvisory Agreement with that Affiliated Subadviser, including the compensation to be paid thereunder, is approved by the shareholders of the Fund, and unless the Trustees, including a majority of the Trustees who are not ''interested persons'' (as defined in section 2(a)(19) of the Act) of the appropriate Subadviser (''Independent Trustees''), make a separate finding reflected in the board minutes of the Fund that any subsequently proposed change of Subadviser is in the best interests of the Fund and does not involve a conflict of interest from which the Manager or such Affiliated Subadviser derives an inappropriate benefit.

5. Applicants propose that each Subadvisory Agreement be exempt from section 15(a) of the Act so that the Subadvisers may serve as investment advisers to the Fund under a written contract that has not been approved by a vote of a majority of the outstanding shares of the Fund. Instead, each Subadvisory Agreement and any extensions thereto would be subject to the approval of the Manager, the Trustees, and a majority of the Independent Trustees. In addition, each Subadvisory Agreement would have a one-year term, with successive one-year extensions if approved by the Manager, the Trustees, and a majority of the Independent Trustees. Any amendment to a Subadvisory Agreement would require the approval of the Manager and the Trustees. Each Subadvisory Agreement would terminate automatically if it is assigned unless the Manager and the Trustees agree to continue such agreement, and the Manager would be able to terminate any Subadvisory Agreement without penalty at any time, subject to the approval of the Trustees. The Management Agreement would remain subject to all of the shareholder approval requirements set forth in the Act.

6. Applicants state that the Fund has disclosed in its prospectus that it is seeking an order from the SEC to exempt the Fund from the requirement that Each Subadvisory Agreement be approved by a vote of a majority of its shareholders, and will disclose in all future prospectuses the existence, substance, and effect of any such order. In addition, applicants represent that the prospectus and any sales materials or other shareholder communications relating to the Fund will prominently disclose the identities of the Subadvisers and the fact that the Manager has ultimate responsibility for the investment performance of the Fund due to its responsibility to oversee the Subadvisers and recommend their hiring, termination, and replacement.

Applicants' Legal Analysis

1. Section 15(a) of the Act makes it unlawful for any person to act as investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the investment company's outstanding securities. Section 15(a) therefore requires the Subadvisory Agreement to be approved by the Fund's shareholders.

2. Applicants assert that the requested exemption will benefit the Fund's shareholders by permitting the Manager to perform its duties in selecting and monitoring Subadvisers more quickly and efficiently and by avoiding the unnecessary expenses associated with convening special shareholders' meetings each time a change is made in the Subadvisers for the Fund. Applicants point out that the Manager will retain ultimate responsibility for the management of the Fund under the Management Agreement (subject to the oversight of the Board of Trustees). Applicants also note that because no exemptive relief is sought with respect to the relationship between the Fund and the Manager, that relationship will continue to be subject to the shareholder approval requirements of section 15(a). Finally, applicants argue that, because no Affiliated Subadviser can be retained without shareholder approval, the relationship between the Fund and the Manager on the one hand and Subadvisers not approved by shareholders on the other will be entirely at arm's length.

3. Applicants also state that the Fund's shareholders will have all of the information they will need to decide whether to continue to invest in the Fund. Potential investors will know, through the disclosure required in the prospectus, the identity of each Subadviser and the fee paid under each Subadvisory Agreement, and all shareholders will be advised, through annual and other reports and through the written information that will be sent to them, of changes in the Subadvisers or in any Subadvisory Agreement. In addition, applicants assert that, if the exemptive relief is not granted, all shareholders would bear the higher costs of formal proxy solicitations and special shareholder meetings without any more meaningful disclosure.

4. Section 6(c) of the Act provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and

consistent with the protection of investors and the policies and purposes fairly intended by the policies and provisions of the Act. Applicants believe that the requested relief meets this standard.

Applicants' Conditions

Applicants agree that any other granting the requested relief will be subject to the following conditions:

1. At all times, a majority of the Trustees will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

2. The Manager will provide general management and administrative services to the Fund, and, subject to the oversight of the Trustees, will (a) set the Fund's overall investment strategies, (b) select the Subadvisers, (c) allocate and, when appropriate, reallocate the Fund's assets among Subadvisers, (d) monitor and evaluate the performance of Subadvisers, and (e) ensure that the Subadvisers company with the Fund's investment objectives, policies, and restrictions.

3. Within 60 days of the hiring of any new Subadviser or the implementation of any proposed material change in a Subadvisory Agreement, the Manager will furnish the Fund's shareholders all of the information about the new Subadviser or the Subadvisory Agreement that would be included in a proxy statement. Such information will include any change in such information caused by the addition of a new Subadviser or any proposed material change in a Subadvisory Agreement. The Manager will meet this condition by providing shareholders of the Fund, within 60 days of the hiring of a new Subadviser or the implementation of any material change to the terms of a Subadvisory Agreement, with an information statement meeting the requirements of Regulation 14C and Schedule 14C under the Securities Exchange Act of 1934 (''Exchange Act''). The information statement will also meet the requirements of Schedule 14A under the Exchange Act.

4. No Trustee, director, or officer of the Fund or the Manager will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by any such Trustee, director, or officer) any interest in a Subadviser except for ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with, a Subadviser.

5. The prospectus for the Fund will disclose the existence, substance, and effect of any order granted pursuant to the application. In addition, the Fund will hold itself out to the public as employing the ''multi-manager'' structure described in the application. The prospectus and any sales materials or other shareholder communications relating to the Fund will prominently disclose that the Manager has ultimate responsibility for the investment performance of the Fund due to its responsibility to oversee the Subadvisers and recommend their hiring, termination, and replacement.

6. The Manager will not enter into a Subadvisory Agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the Fund.

7. If the Manager retains an Affiliated Subadviser for the Fund, the Trustees of the Fund, including a majority of the Independent Trustees, will make a separate finding, reflected in the board minutes of the Fund, that any subsequently proposed change of the Subadviser is in the best interest of the Fund and its shareholders, and does not involve a conflict of interest from which the Manager or the Affiliated Subadviser derives an inappropriate advantage.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9344 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2837; Amendment #3]

Washington; Declaration of Disaster Loan Area

The above-numbered declaration is hereby amended to include Spokane County in the State of Washington as a disaster area due to damages caused by high winds, severe storms, and flooding beginning on January 26, 1996 and continuing through February 23, 1996.

In addition, applications for economic injury loans from small businesses located in the contiguous county of Pend Oreille in the State of Washington may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary county and not listed here-in have been declared under a separate declaration for the same occurrence.

All other information remains the same, i.e., the termination date for filing applications for physical damage is April 11, 1996, and for loans for economic injury the deadline is November 12, 1996.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 8, 1996.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 96–9333 Filed 4–15–96; 8:45 am]

BILLING CODE 8025–01–P

[Declaration of Disaster Loan Area #2830; Amendment #1]

Virginia; Declaration of Disaster Loan Area

The above numbered Declaration is hereby amended to expand the incident type to include damage resulting from severe storms, including high winds and wind driven rain, as well as flooding which occurred January 19 through February 1, 1996.

All other information remains the same; i.e., the deadline for filing applications for physical damages closed on March 27, 1996, and for economic injury the deadline is October 28, 1996.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 8, 1996.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 96–9334 Filed 4–15–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board [1]

[STB Docket No. AB–402 (Sub-No. 4X)]

Fox Valley & Western Ltd.—Abandonment Exemption—in Manitowoc and Brown Counties, WI

Fox Valley & Western Ltd. (FVW) [2] filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 14.0 miles of its line of

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

[2] FVW is a subsidiary of Wisconsin Central Transportation Corporation.

railroad between milepost 83.5 in Rockwood and milepost 97.5 in Denmark, in Manitowoc and Brown Counties, WI.

FVW has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 16, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29[5] must be filed by April 26, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 6, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

FVW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 19, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 8, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–9130 Filed 4–15–96; 8:45 am]

BILLING CODE 4915–00–P

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[5] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

[Docket No. AB–55 (Sub-No. 517X)]

CSX Transportation, Inc.—Abandonment Exemption—in Bell County, KY

AGENCY: Surface Transportation Board.[1]

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903–04 the abandonment by CSX Transportation, Inc., of its 5.22-mile Yellow Creek Branch between milepost WE–208.39 at Ponza and milepost WE–213.61 at Amru in Bell County, KY, subject to standard labor protective conditions.

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10502 and 10903–04. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

DATES: Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective May 16, 1996. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) must be filed by April 26, 1996.[2] Petitions to stay must be filed by May 1, 1996. Requests for a public use condition conforming to 49 CFR 1152.28(a)(2) must be filed by May 6, 1996. Petitions to reopen must be filed by May 13, 1996.

ADDRESSES: Send pleadings referring to Docket No. AB–55 (Sub-No. 517X) to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue NW., Washington, DC 20423, and (2) Petitioner's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call or pick up in person from: DC News and Data, Inc., Room 2229, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: April 5, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–9228 Filed 4–15–96; 8:45 am]

BILLING CODE 4915–00–P

[2] *See Exempt. of Rail Line Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with 49 CFR Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Interested parties are invited to participate in these proceedings by submitting written views, data, or

comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket No. HS–95–1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The waiver petitions are as follows:

Texas North Western Railway Company (TXNW) FRA Waiver Petition Docket No. HS–93–11

The TXNW seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The TXNW states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered.

The TXNW railroad operates 32 main track miles between Etter and Morse, Texas. Train movements are authorized by yard limit rule. The maximum authorized operating speed is 20 mph. The TXNW performs interchange with Atchison, Topeka and Santa Fe (ATSF) at Etter and Machanee, Texas.

The petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Texas, Gonzales and Northern Railroad (TXGN) Hours of Service Waiver Petition HS–93–24

The TXGN seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The TXGN states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The TXGN railroad operates 12.3 miles between Gonzales and Harwood, Texas on excepted track, (yard tracks 1 and 2 at Harwood, are class 1). Train movements are authorized by the yard limit rule. The maximum authorized operating speed is 10 mph. The TXGN performs interchange with the Southern Pacific Railroad at Harwood.

Texas Parks and Wildlife Department (TPWX) Hours of Service Waiver Petition HS–95–18

The TPWX seeks an exemption from the requirements of certain provisions of the hours of service regulations (49 CFR Part 228). The TPWX is a state run historical park railroad that operates excursion trains over 25 miles of standard gauge track, and occasionally operates work trains for the movie industry.

Issued in Washington, D.C. on April 11, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–9367 Filed 4–15–96; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–23; OTS Nos. 6051]

Provident Savings Bank, F.S.B., Riverside, California; Approval of Conversion Application

Notice is hereby given that on April 5, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Provident Savings Bank, F.S.B., Riverside, California, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the West Regional Office, Office of Thrift Supervision, 1 Montgomery Street, Suite 400, San Francisco, California 94104.

Dated: April 10, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96–9323 Filed 4–15–96; 8:45 am]

BILLING CODE 6720–01–P

Office of the Secretary

Notice of Call for Redemption

Washington, April 11, 1996.

To Holders of 8 Percent Treasury Bonds of 1996–01 and Others Concerned

1. Public notice is hereby given that all outstanding 8 percent Treasury Bonds of 1996–01 (CUSIP No. 912810 BW 7) dated August 16, 1976, due August 15, 2001, are hereby called for redemption at par on August 15, 1996, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of such bonds held in coupon and registered form for redemption under this call will be found in Department of the Treasury Circular No. 300, Revised, dated March 4, 1973, and by contacting a Federal Reserve Bank or Branch.

3. Such bonds held in book-entry form will be paid automatically on August 15, 1996, whether held on the books of the Federal Reserve Banks or in Treasury Direct accounts.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 96–9348 Filed 4–11–96; 1:58 pm]

BILLING CODE 4810–40–M

Office of Thrift Supervision

[AC–24; OTS No. 5077]

City National Savings Bank, FSB, Jefferson City, Missouri; Approval of Conversion Application

Notice is hereby given that on April 5, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of City National Savings Bank, FSB, Jefferson City, Missouri, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Dallas, Texas 75039–2010.

Dated: April 10, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96–9324 Filed 4–15–96; 8:45 am]

BILLING CODE 6720–01–P

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the Voluntary Dissolutions of Savings Associations.

DATES: Written comments should be received on or before June 17, 1996, to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0066. These submissions may be hand delivered to 1700 G Street, NW. From 9:00 A.M. to 5:00 P.M. on business days; they may be sent by facsimile transmission to FAX Number (202) 906–7755. Comments over 25 pages in length should be sent to FAX Number (202) 906–6956. Comments will be available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days.

Copies of the instructions are available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days or by requesting document no. 80122 from PubliFax, OTS, Fax-on-Demand system, at (202) 906–5660.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Pamela Schaar, Corporate Activities Division, Supervision Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7205.

SUPPLEMENTARY INFORMATION:

Title: Voluntary dissolutions.

OMB Number: 1550–0066.

Form Number: OTS Form 1499 also known as Form DV.

Abstract: Pursuant to 12 CFR Section 546.4, Federally-chartered institutions may voluntarily dissolve by submitting a plan of dissolution.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Extension.

Affected Public: Business or for profit.

Estimated Number of Respondents: 3.

Estimated Time Per Respondent: 81 hours.

Estimated Total Annual Burden Hours: 243 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Catherine C.M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96–9290 Filed 4–15–96; 8:45 am]

BILLING CODE 6720–01–P

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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. Currently, the Office of Thrift Supervision within the Department of the Treasury is soliciting comments concerning the Salvage Powers to Assist Service Corporations.

DATES: Written comments should be received on or before June 17, 1996, to be assured of consideration.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0065. These submissions may be hand delivered to 1700 G Street, NW. from 9:00 A.M. to 5:00 P.M. on business days; they may be sent by facsimile transmission to FAX Number (202) 906–7755. Comments over 25 pages in length should be sent to FAX Number (202) 906–6956. Comments will be available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days.

Copies of the instructions are available by requesting document number 80120 from PubliFax, OTS' Fax-on-Demand system, at (202) 906–5660.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Pamela Schaar, Corporate Activities Division, Supervision Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7205.

SUPPLEMENTARY INFORMATION:

Title: Salvage power to assist service corporation.

OMB Number: 1550–0065.

Form Number: Not applicable.

Abstract: 12 CFR 563.38 permits savings associations to exercise salvage powers to assist service corporations. This section details the condition under which the savings association can utilize these salvage powers.

Current Actions: OTS is proposing to renew this information collection without revision.

Type of Review: Extension.

Affected Public: Business or for profit.

Estimated Number of Respondents: 5.

Estimated Time Per Respondent: 8.

Estimated Total Annual Burden Hours: 40.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Catherine C.M. Teti,

Director, Records Management and Information Policy.

[FR Doc. 96–9291 Filed 4–15–96; 8:45 am]

BILLING CODE 6720–01–P

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on April 17 in Room 600, 301 4th Street, S.W., Washington, D.C. from 9:30 a.m. to 11:30 a.m.

At 9:30 a.m. the Commission will proceed to the Information Bureau, Room 560, for a presentation of new Information Bureau products, including CD Roms, Digital Video Conferencing and Internet Home Pages

At 10:30 a.m. the Commission will return to Room 600, for a briefing on USIA's Digital Platform. The briefing will be conducted by Barry Fulton, Associate Director, Information Bureau, USIA; and Joe Bruns, Special Assistant, Director's Office, USIA.

FOR FURTHER INFORMATION CONTACT: Please call Betty Hayes, (202) 619–4468, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: April 10, 1996.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 96–9328 Filed 4–15–96; 8:45 am]

BILLING CODE 8230–01–M

Federal Register

Tuesday
April 16, 1996

Part II

Securities and Exchange Commission

17 CFR Part 210, et al.

Market Risk Inherent in Derivative Financial Instruments, Other Financial Instruments, and Derivative Commodity Instruments; Proposed Rules

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 228, 229 and 249

[Release Nos. 33–7280; 34–37086; File No. S7–10–96]

RIN 3235–AG77

Safe Harbor for Disclosure of Qualitative and Quantitative Information About Market Risk Inherent in Derivative Financial Instruments, Other Financial Instruments, and Derivative Commodity Instruments

AGENCY: Securities and Exchange Commission.

ACTION: Rule Proposals.

SUMMARY: The Securities and Exchange Commission (''Commission'') today is proposing amendments that would apply the safe harbor provisions recently added to the Securities Act of 1933 and Securities Exchange Act of 1934 by the Private Securities Litigation Reform Act of 1995 to specified disclosures made pursuant to proposed Item 305 of Regulation S–K or proposed Item 9A of Form 20–F.

DATES: Comments should be received on or before May 20, 1996.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments @ sec.gov. All comment letters should refer to File No. S7–10–96; this file number should be included in the subject line if E-mail is used. Comment letters will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will be posted on the Commission's Internet Web Site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Murphy, Special Counsel, (202) 942–2910, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 3–7, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing amendments to proposed Item 305 of Regulation S–K[1] and proposed Item 9A of Form 20–F,[2] as well as to Item 10 of Regulation S–B.[3]

[1] 17 CFR Part 229.

[2] 17 CFR 249.220f.

[3] 17 CFR 228.10.

I. EXECUTIVE SUMMARY AND BACKGROUND

On December 28, 1995, the Commission issued a release[4] proposing amendments that would, among other things, require registrants to provide disclosure of qualitative and quantitative information about market risk inherent in derivative financial instruments, other financial instruments, and derivative commodity instruments (''Derivatives Proposing Release''). This disclosure would be required pursuant to proposed new Item 305 of Regulation S–K and proposed new Item 9A of Form 20–F.

The Derivatives Proposing Release indicated that it is the Commission's intention that disclosures made pursuant to the proposed new items be made subject to a safe harbor, and stated that a release would be forthcoming to propose an appropriate safe harbor in light of the recently enacted Securities Litigation Reform Act of 1995 (''Litigation Reform Act'').[5] The Litigation Reform Act, among other changes, added new Section 27A[6] to the Securities Act of 1933 (''Securities Act'')[7] and new Section 21E[8] to the Securities Exchange Act of 1934 (''Exchange Act''),[9] establishing statutory safe harbors for forward-looking information. The purpose of this release is to propose amendments that would explicitly extend the statutory safe harbor protections to specified disclosures that would be provided pursuant to proposed Item 305 of Regulation S–K and proposed Item 9A of Form 20–F.

II. DISCUSSION OF PROPOSALS

The amendments being proposed today would add a safe harbor provision to proposed Item 305 of Regulation S–K[10] and proposed Item 9A of Form 20–F.[11] The provision would state that the safe harbor provided in Section 27A of the Securities Act and Section 21E of the Exchange Act will apply to quantitative information about market risk provided pursuant to Item 305(a) of Regulation S–K or Item 9A(a) of Form 20–F, and information about market risk with respect to future reporting periods provided pursuant to Item 305(b)(3) of Regulation S–K or Item 9A(b)(3) of Form 20–F.

The Commission notes that, by its terms, the statutory safe harbor may be available with respect to disclosure required by proposed Items 305 and 9A, to the extent that all of the conditions of the statutory safe harbor are met. By invoking its rulemaking authority under Sections 27A and 21E, the Commission seeks to ensure the application of the statutory safe harbor to specified disclosures under Items 305 and 9A, and to broaden the application of the statutory safe harbor with respect to those disclosures. The Commission believes that the proposed safe harbor protection is consistent with the public interest and the protection of investors.

Comment is solicited as to whether it is appropriate to include a safe harbor provision in proposed Item 305 of Regulation S–K and proposed Item 9A of Form 20–F, and if so, whether it is appropriate to apply the new statutory safe harbor protection to the disclosure required by these items, or whether a different safe harbor should be established. The proposed safe harbor is limited to paragraphs (a) and (b)(3) of Items 305 and 9A because these appear to be the provisions pursuant to which forward-looking information may be required. Comment is requested on whether the proposed safe harbor should be expanded to apply to any or all of the information required by paragraphs (b)(1) and (b)(2) of proposed Items 305 and 9A, especially in light of the difficult nature of the required disclosure.

As proposed, the safe harbor would be available with respect to the specified information regardless of whether the issuer providing it or the type of transaction otherwise is excluded from the statutory safe harbor.[12] Thus, for

[4] Release No. 33–7250 (December 28, 1995) [61 FR 578]. The period for comment on the proposals issued in that release was extended from May 7, 1996 to May 20, 1996 in Release No. 33–7281 issued on April 9, 1996.

[5] Pub. L. No. 104–67, 109 Stat. 737 (1995). *See* Section I and III.B.3.e of the Derivatives Proposing Release.

[6] 15 U.S.C. 77z–2.

[7] 15 U.S.C. 77a *et seq.*

[8] 15 U.S.C. 78u–5.

[9] 15 U.S.C. 78a *et seq.*

[10] Proposed paragraph (c) to proposed Item 305 of Regulation S–K.

[11] Proposed paragraph (c) to proposed Item 9A of Form 20–F.

[12] Paragraph (b) of Section 27A of the Securities Act and Section 21E of the Exchange Act exclude from the statutory safe harbor a forward-looking statement:

(1) that is made with respect to the business or operations of an issuer that: (A) during the three-year period preceding the date on which the statement was first made: (i) was convicted of a felony or misdemeanor described in clauses (i) through (iv) of Exchange Act Section 15(b)(4)(B) [15 U.S.C. 78o(b)(4)(B)]; or (ii) has been made the subject of a judicial or administrative decree or order arising out of a governmental action that prohibits future violations of the antifraud provisions of the securities laws, requires that the issuer cease and desist from violating the antifraud provisions of the securities laws, or determines that the issuer violated the antifraud provisions of the federal securities laws; (B) makes the forward-looking statement in connection with an offering of securities by a blank check company; (C) issues penny stock; (D) makes the forward-looking

example, first-time Commission registrants and those making initial public offerings would be covered by the safe harbor with respect to this specific information if all other conditions are satisfied. As is the case with the statutory safe harbor, the proposed safe harbor would apply only to a forward-looking statement made by: (1) an issuer; (2) a person acting on behalf of the issuer; (3) an outside reviewer retained by the issuer making a statement on behalf of the issuer; or (4) an underwriter, with respect to information provided by the issuer or information derived from information provided by the issuer. Comment is solicited on whether all or some of the types of issuers and transactions excluded from the statutory safe harbor also should be excluded from the proposed safe harbor provisions.

As proposed, the Item 305 and 9A disclosures may be provided in footnotes to the financial statements,[13] and the safe harbor proposed today would also be available regardless of whether the information is set forth in text or financial statement footnotes. Comment is requested as to whether disclosure contained in a footnote to the financial statements, which, in the absence of Commission rulemaking, would be excluded from the statutory safe harbor, should be covered by the proposed safe harbor provisions, as proposed.

As proposed, Item 305 information would not be required of small business issuers complying with Regulation S–B. The safe harbor proposed today would be available to those small business issuers that choose to provide this information.[14] To the extent that this disclosure is voluntarily provided, however, the proposed safe harbor protection would be available for information within the scope of proposed Item 305(a) only if all of the information that would be required by 305(a) were provided, rather than just a portion of it. Similarly, the safe harbor protection would be available for information within the scope of Item 305(b)(3) only if all of the information required by Item 305(b) were provided. Comment is requested as to whether the proposed safe harbor should apply to voluntarily provided disclosures. Additionally, comment is solicited as to whether the proposed safe harbor's application to voluntarily reported information should depend on providing all of the disclosure that would be required by proposed Item 305, rather than permitting compliance with either 305(a) or 305(b) separately. Conversely, should the proposed safe harbor apply to voluntary disclosures even when only a portion of the information required by paragraph (a) or paragraph (b) is provided by a small business issuer?

III. Request for Comment

Any interested person wishing to submit written comments on the proposed amendments as well as other matters that might have an impact on the proposed rules, is requested to do so. The Commission also requests comment on whether the proposed amendments, if adopted, would have an adverse impact on competition that is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments responsive to this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a) of the Exchange Act.[15]

IV. Cost-Benefit Analysis

To evaluate fully the costs and benefits associated with the proposed rules, the Commission requests commenters to provide their views and data as to the costs and benefits associated therewith. It is expected that the proposed amendments would reduce the costs to companies that provide disclosure pursuant to proposed Items 305 and 9A by providing protection as set forth in the safe harbor.

V. Summary of Initial Regulatory Flexibility Analysis

An Initial Regulatory Flexibility Analysis has been prepared in accordance with 6 U.S.C. 603 concerning the proposed amendments. The analysis notes that the purpose of the amendments proposed is to extend the applicability of the safe harbor provisions in Section 27A of the Securities Act and Section 21E of the Exchange Act to quantitative information about market risk included in Securities Act and Exchange Act documents pursuant to paragraph (a) of proposed Item 305 of Regulation S–K or proposed Item 9A of Form 20–F, and information about market risk with respect to future reporting periods provided pursuant to paragraph (b)(3) of those proposed items.

As discussed more fully in the analysis, the changes would affect persons that are small entities, as defined by the Commission's rules, by making the safe harbor available to those small entities that voluntarily provide such disclosure.

The analysis discusses possible alternatives to the proposed amendments including, among others, establishing different compliance or reporting requirements or exempting small issuers from all or part of the proposed amendments. Given the fact that the proposed amendments would extend protection to all issuers, including small business issuers, disclosing information to which the safe harbor protection applies, the Commission does not believe that any of the alternatives are preferable at this time.

Comments are encouraged on any aspect of this analysis. A copy of the analysis may be obtained by contacting Elizabeth M. Murphy, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

VI. Statutory Basis

The amendments to Item 10 of Regulation S–B, and proposed Item 305 of Regulation S–K and Item 9A of Form 20–F are being proposed pursuant to Section 27A of the Securities Act and Section 21E of the Exchange Act.

List of Subjects in 17 CFR Parts 228, 229 and 249

Reporting and recordkeeping requirements, Securities.

Text of Proposed Amendments

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

PART 228—INTEGRATED DISCLOSURE SYSTEM FOR SMALL BUSINESS ISSUERS

1. The authority citation for Part 228 continues to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78*l*, 78m, 78n, 78o, 78w, 78*ll*, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

---

statement in connection with a rollup transaction; or (E) makes the forward-looking statement in connection with a going private transaction; or

(2) that is: (A) included in a financial statement prepared in accordance with generally accepted accounting principles; (B) contained in a registration statement of, or otherwise issued by, an investment company; (C) made in connection with a tender offer; (D) made in connection with an initial public offering; (E) made in connection with an offering by, or relating to the operations of, a partnership, limited liability company, or a direct participation investment program; or (F) made in a disclosure of beneficial ownership in a report required to be filed with the Commission pursuant to Exchange Act Section 13(d) [15 U.S.C. 78m(d)].

[13] See General Instruction 5 to paragraphs (a) and (b) of proposed Item 305 of Regulation S–K and proposed Item 9A of Form 20–F.

[14] Proposed Item 10(g) to Regulation S–B.

[15] 15 U.S.C. 78w(a).

2. By amending § 228.10 by adding paragraph (g) to read as follows:

§ 228.10 (Item 10) General.

* * * * *

(g) *Quantitative and qualitative disclosures about market risk.* The safe harbor provision included in paragraph (c) of Item 305 of Regulation S–K (§ 229.305(c) of this chapter) shall apply to information required by paragraph (a) of Item 305 of Regulation S–K (§ 229.305(a) of this chapter) that is voluntarily provided by or on behalf of a small business issuer complying with Regulation S–B, but only if all of the information required by Item 305(a), and not just a portion of it, is provided. The safe harbor provision also shall apply to statements with respect to future reporting periods provided pursuant to paragraph (b)(3) of Item 305 of Regulation S–K (§ 229.305(b)(3) of this chapter) that are voluntarily provided by or on behalf of a small business issuer complying with Regulation S–B, but only if all of the information required by Item 305(b) (§ 229.305(b) of this chapter), and not just a portion of it, is provided.

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

3. The authority citation for Part 229 continues to read in part as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78c, 78i, 78j, 78*l*, 78m, 78n, 78o, 78w, 78*ll*(d), 79e, 79n, 79t, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

* * * * *

4. By amending § 229.305, as provided in the Federal Register (61 FR 593, January 8, 1996), by adding paragraph (c) after the General Instructions to paragraphs 305(a) and 305(b) to read as follows:

§ 229.305 (Item 305) Quantitative and qualitative disclosures about market risk.

* * * * *

(c) *Safe Harbor.* The safe harbor provided in Section 27A of the Securities Act of 1933 (15 U.S.C. 77z–2) and Section 21E of the Securities Exchange Act of 1934 (15 U.S.C. 78u–5) (''statutory safe harbors'') shall apply, with respect to all types of issuers and transactions, to information provided pursuant to paragraph (a) of this Item (§ 229.305(a)), and any statements with respect to future reporting periods provided pursuant to paragraph (b)(3) of this Item (§ 229.305(b)(3)), whether located in text or notes to financial statements, provided that the disclosure is made by an issuer; a person acting on behalf of the issuer; an outside reviewer retained by the issuer making a statement on behalf of the issuer; or an underwriter, with respect to information provided by the issuer or information derived from information provided by the issuer.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

5. The authority citation for Part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.,* unless otherwise noted;

6. By amending Form 20–F (referenced in § 249.220f) by adding paragraph (c) to Item 9A in Part I after the General Instructions to paragraphs 9A(a) and 9A(b) to read as follows:

Note: The text of Form 20–F does not, and this amendment will not, appear in the Code of Federal Regulations.

Form 20–F—Registration Statement Pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934 or Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 or Transaction Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

* * * * *

Part I

* * * * *

Item 9A. Quantitative and qualitative disclosures about market risk.

* * * * *

(c) *Safe Harbor.* The safe harbor provided in Section 21E of the Securities Exchange Act of 1934 (15 U.S.C. 78u–5) (''statutory safe harbor'') shall apply, with respect to all types of issuers and transactions, to information provided pursuant to paragraph (a) of this Item, and any statements with respect to future reporting periods provided pursuant to paragraph (b)(3) of this Item, whether located in text or notes to financial statements, provided that the disclosure is made by an issuer; a person acting on behalf of the issuer; an outside reviewer retained by the issuer making a statement on behalf of the issuer; or an underwriter, with respect to information provided by the issuer or information derived from information provided by the issuer.

* * * * *

By the Commission.

Dated: April 9, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9183 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 228, 229, 239, 240, and 249

[Release Nos. 33–7281; 34–37087; IC–21876; File No. S7–35–95]

RIN 3235–AG42

Proposed Amendments To Require Disclosure of Accounting Policies for Derivative Financial Instruments and Derivative Commodity Instruments and Disclosure of Qualitative and Quantitative Information About Market Risk Inherent in Derivative Financial Instruments, Other Financial Instruments, and Derivative Commodity Instruments

AGENCY: Securities and Exchange Commission.

ACTION: Extension of Comment Period.

SUMMARY: The expiration date of the comment period for proposals concerning derivative financial instruments, issued on December 28, 1995 in Release No. 33–7250 (61 FR 578) is extended from May 7, 1996 until May 20, 1996. This expiration date is extended to coincide with the last day for comments on proposals to establish a safe harbor for disclosure about derivative instrument market risk issued on April 9, 1996 in Release No. 33–7280.

DATES: Comments should be received on or before May 20, 1996.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comment letters should refer to File No. S7–35–95. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Cathy J. Cole, Thomas J. Linsmeier, Russell B. Mallett, III, or Stephen M. Swad, at (202) 942–4400, Office of the Chief Accountant, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 11–3, Washington, D.C. 20549, or Kurt R. Hohl, at (202) 942–2960, Division of Corporation Finance, Securities and Exchange Commission,

450 Fifth Street, N.W., Mail Stop 3–13, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Release No. 33–7250 (61 FR 578) issued on December 28, 1995 proposed, among other things, amendments to require disclosure of qualitative and quantitative information about market risk inherent in derivative financial instruments, other financial instruments, and derivative commodity instruments. The release indicated the Commission's intention that forward looking disclosures made pursuant to the proposed requirements be made subject to an appropriate safe harbor. The Commission issued Release No. 33–7280 on April 9, 1996 to propose a safe harbor. The comment period for the safe harbor proposing release ends on May 20, 1996. In order to provide commenters additional time to consider the proposals set forth in Release 33–7250 in view of the proposed safe harbor, the comment period for that release is extended until May 20, 1996.

By the Commission.

Dated: April 9, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–9184 Filed 4–15–96; 8:45 am]

BILLING CODE 8010–01–P

Federal Register

Tuesday
April 16, 1996

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 158

Passenger Facility Charges; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 158

[Docket No. 27791; Notice No. 96–3]

RIN 2120–AF69

Passenger Facility Charges

AGENCY: Federal Aviation Administration, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This document seeks public comment on changes to several sections of Title 14, Code of Federal Regulations, Part 158, Passenger Facility Charges (PFC's), that deal with the collection, handling, and remittance of PFC's. The notice specifies the quantity and quality of airline cost data necessary for the Federal Aviation Administration (FAA) to determine an adequate rate of airline compensation. In addition, the notice includes several proposed modifications to part 158 that would allow air carriers to be compensated based on PFC's collected; implement the statutory prohibition (FAA Authorization Act of 1994) on collection of PFC's from passengers traveling on frequent flyer awards; and clarify various terms. Finally, the notice requests comments on several proposals dealing with ways to safeguard PFC revenue in the event of carrier bankruptcy.

DATES: Comments must be received on or before May 16, 1996.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–200), Docket No. 27791, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27791. Comments may be examined in Room 915G on weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Sheryl Scarborough, Passenger Facility Charge Branch (APP–530), Airports Financial Assistance Division, Office of Airports Planning and Programming, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8825.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this advance notice of proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from considering the options in this advance notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 27791.'' The postcard will be date stamped and mailed to the commenter.

Availability of ANPRM

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) the Federal Register's electronic bulletin board service (telephone: 202–512–1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone: 202–267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov or the Federal Register's webpage at http://www.access.gpo.gov/su____docs for access to recently published rulemaking documents.

Any person may obtain a copy of this ANPRM by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the notice number or docket number of this ANPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, that describes the application procedure.

Background

Current Regulation

In the late 1980's, the traditional sources of airport revenue for capital improvements began to appear inadequate to meet these demands.

Congress responded to these needs by enacting 49 U.S.C., The Aviation Safety and Capacity Expansion Act of 1990, which allows public agencies controlling commercial service airports (those with regularly scheduled service and enplaning 2,500 or more passengers per year) to charge enplaning passengers using the airport a $1, $2, or $3 facility charge. Public agencies wishing to impose these PFC's must apply to the FAA for such authority and meet certain requirements spelled out in the legislation and the implementing regulation (14 CFR part 158) issued by the FAA in may 1991.

Upon receiving FAA approval to impose PFC's, the public agency gives written notification to all carriers who are required to collect PFC's. On the charge effective date, carriers and their agents begin collecting the PFC's when the ticket is issued. PFC's are collected until the charge expiration date, or upon further notification from the public agency or the FAA. PFC's are collected based on the original ticket issued. Carriers remit PFC revenue monthly to airports.

Section 158.53(a) provides, as compensation for collecting, handling, and remitting the PFC revenue, that the collecting air carrier was entitled to retain $0.12 of each PFC remitted on, or before, June 28, 1994. Thereafter, air carriers are entitled to $0.08 of each PFC remitted.

Petition for Rulemaking and Public Comments

On May 27, 1994, Air Transport Association of America (ATA), on behalf of its members, petitioned for a rule change to § 158.53(a) to extend the $0.12 handling fee for an additional 3 years, at which time the petitioner would file comments as to whether or not the airline industry, as a whole, had fully recovered the costs of implementing, operating, and maintaining the PFC collection system. Further, the petitioner requested that § 158.53 be amended to allow air carriers to retain a handling fee for a refunded PFC. As justification for such changes, the petitioner asserted that the economic health of the airline industry depends, in part, upon the full cost

recovery of programs which the carriers implement. This includes the PFC program, which the carriers are required, by law, to carry out on behalf of airport operators. Further, the petitioner asserted that service to passengers may ultimately be harmed if airlines are required to cut costs elsewhere to compensate for unrecovered costs associated with the PFC program.

Since the petition was submitted, the carrier compensation rate has been decreased to $0.08 per PFC remitted in accordance with § 158.53(a). The FAA was unable to respond to the petitioner's request for an immediate decision because the timing of that request did not allow sufficient opportunity for public comment on a proposal that would affect both carriers and public agencies.

A summary of the ATA's petition for rulemaking was published in the Federal Register on June 24, 1994 (59 FR 32668). This summary included a request for specific data to be provided to the FAA by air carriers and public agencies. Twelve comments, from 11 commenters, were received on the ATA's proposals.

Ten comments from air carriers were in favor of the proposals and many of the comments included some of the types of data requested by the FAA. The air carriers commenting included five major domestic carriers, one of which submitted two separate comments, two international carriers, a charter carrier, and a regional carrier. The data provided by these carriers, in most cases, indicated that the carriers had incurred as yet unrecovered start-up costs, even though the start-up costs varied widely from carrier to carrier. Most of the carriers also indicated that they did not expect to fully recover their ongoing monthly costs if carrier compensation were lowered to $0.08 per remitted PFC. Those carriers which addressed the issue of handling fees for refunded PFC's argued that under the current rule, for refunded tickets, the carrier is required to handle the PFC twice and yet is not entitled to compensation for either transaction.

One dissenting comment from the City of Chicago argued against FAA adoption of a modification to the rate of carrier compensation. The City argued that, in the data provided with the petition for rulemaking, the ATA had not made a persuasive case that air carriers would incur losses if the compensation level were $0.08. The City also stated its belief that any shortfall, if it exists, would be quickly made up as PFC collections begin at more and more airports. The City also stated that raising the compensation rate to $0.12 would result in over $1 million per year in lost PFC revenue and that the City would be required to defer implementation of PFC projects or tap into other revenue sources to make up for this lost revenue.

Insofar as the handling fees for refunded PFC's, the City stated that the ATA petition did not provide enough information to fully analyze the impact on airports of the proposal. The City further stated that it was willing to ''keep an open mind'' on this issue but that any change should be coupled with the ability of airports to audit airline collection and remittance practices, enabling the airports to ensure that PFC's are properly remitted and to ''Safeguard against distortion in the ordinary practices of refunding/rewriting tickets versus honoring previously issued tickets.''

The FAA agrees that a change to the airline compensation level could affect the length of time needed for a public agency to collect its approved amount of PFC revenue. Public agencies take into account a variety of factors when preparing PFC applications. However, these factors are forecasted estimates based on available data present at any one time. Procedures are already in place, and have been utilized, to allow the public agency to make the necessary adjustments, either upward or downward, to the duration of PFC revenue collection in the event that actual collections differ from the amounts forecast in the PFC application. In addition, the PFC regulation (Part 158) provides procedures that have already been utilized for deleting projects from approved applications.

The remaining dissenting comment was a joint submission of the Airports Council International—North America (ACI–NA) and the American Association of Airport Executives (AAAE). The ACI–NA and AAAE argued that the data provided in the ATA's petition is seriously flawed and that the airlines have not demonstrated, as is required by statute, that the expenses for which they seek compensation are ''necessary and reasonable.'' Insofar as the handling fee for refunded PFC's, the ACI–NA and AAAE stated that they are not receptive to the proposed change unless ''public agencies are provided with some mechanism to better reconcile anticipated PFC collections with actual amounts remitted.''

The FAA acknowledges the airports' argument that additional measures may be needed to allow public agencies to monitor air carriers to ensure that PFC's are properly remitted. The FAA is currently working with industry groups to prepare airline PFC auditing guidelines which should address many of these concerns. Because this auditing guidelines effort is ongoing, the FAA is not proposing changes to airline auditing requirements at this time.

Request for Additional Information

Airline Compensation Issues

The FAA did not receive sufficient information as a result of its request for data to permit a determination of adequate level of airline compensation. Therefore, the ANPRM provides additional guidance about the quantity and quality of data needed for the FAA to determine adequate compensation.

The FAA has reviewed the petition and comments received and finds that the carriers responding to the petition and request for comments accounted for approximately 50 percent of the enplanements at approved PFC locations, at the time of response. Some of the data provided by the carriers included cost centers that were not fully explained. The information received does not sufficiently justify a change to the rate at which carriers are compensated for collection and remittance of PFC's.

The data provided by the ATA and the carriers indicates the possibility of a need to adjust the compensation rate in order to reflect the average reasonable and necessary carrier costs associated with collecting, handling, and remitting the PFC.

The FAA will consider an increase in the carrier compensation rate above the current $0.08 level, if data provided by carriers accounting for a sufficient portion of the enplanements at PFC approved locations indicates a clear need for the compensation level to be modified. The data provided by the carriers must be broken out by cost centers and certified by the carrier's accountant, an independent accounting firm, or by the officers of the company. Further, a description of each cost center and its relationship to the PFC program is needed. To proceed on the subject, the FAA must have detailed and persuasive data from carriers that, in total, represent at least 75 percent of the enplanements at PFC locations. In the FAA's judgment, the amount of 75 percent of the enplanements at PFC locations would give an adequate view of current industry costs and this information would also provide adequate cost data to determine if a change in the carrier compensation rate is appropriate and necessary.

In addition, the FAA requests that public agencies imposing PFC's provide

specific information on the effect a change in the current $0.08 compensation rate would have on their PFC revenue stream; and their ability to implement projects within the PFC regulatory timeframe.

Passenger Facility Charge Collection and Remittance Issues

The FAA recently undertook a study of PFC collection and remittance issues at the request of Congress. One issue being studied is the problem of PFC revenues and airline bankruptcies.

Several comments by a number of parties have indicated that the provision in § 158.49(b), Handling of PFC's, may cause problems for the public agency in the event of an airline bankruptcy. The provision allows a collecting carrier to commingle PFC revenue with the carrier's other sources of revenue, before the carrier remits the PFC revenue to the public agency. A suggestion has been made that the FAA delete the provision allowing the carrier to commingle PFC revenue with other sources of revenue, and require that carriers place PFC revenues in escrow accounts for the period between collection and remittance. Therefore, the FAA is requesting comments on three possible modifications to § 158.49(b). The FAA specifically requests comments, including estimates of costs and benefits, on each of the following proposals relating to this issue.

1. Should the FAA prohibit commingling of PFC revenue with other sources of revenue, and require that carriers establish a separate trust account for PFC revenue collected?

2. Should the FAA require that carriers establish third-party escrow accounts to hold PFC revenue between collection of the revenue and remittance to the public agency?

3. Approximately 85 percent of domestic tickets issued in the United States are written by travel agents who remit ticket revenues to carriers through the Airline Reporting Corporation (ARC) clearinghouse. Should the FAA require that, for travel agency-issued tickets, the ARC remit PFC revenue directly to the public agency?

The FAA is concerned that costs to the carriers of any of these possible modifications may outweigh any benefits the public agencies may derive. The FAA is concerned that a cost-effective system of escrow accounts may not provide much protection to the public agency. Therefore, the FAA solicits comments on whether, for travel agent-issued tickets, direct remittance to the public agency by the ARC might provide as much, or more, protection to public agencies as an escrow account.

In addition, the FAA requests that carriers collecting PFC's provide information on an estimate of any interest revenue that might be lost if the commingling provision is eliminated, and the estimated cost of each suggested modification.

The FAA also requests that airports indicate their assessment of whether the benefits of this proposal outweigh expected increases to the PFC compensation rate resulting from implementation of this proposal.

Lastly, the FAA requests that public agencies, carriers, and the public provide any opinions to any of the possible modifications that will help safeguard PFC revenues in the event of an airline bankruptcy.

Section-by-Section Discussion of the Proposals

This ANPRM contains proposals to amend several sections of part 158.

One of these proposals is intended to address a change sought by the Air Transport Association in its petition for rulemaking which would allow air carriers to be compensated based on PFC's ''collected,'' rather than ''remitted.''

Another proposal in this document is in response to a requirement, contained in the FAA Authorization Act of 1994, to implement the statutory prohibition on collection of PFC's from passengers traveling on frequent flyer awards.

An additional proposal clarifies that an air carrier has remitted the PFC's to the public agency when the public agency receives the PFC payment.

Further proposals codify current industry practice by providing for appropriate PFC adjustments when an itinerary change is initiated by the passenger.

Sections 158.3, 158.45, and 158.47

In response to a legislative requirement to prohibit collection of PFC's from holders of frequent flyer tickets, the FAA is proposing to modify §§ 158.3, 158.45(d), and 158.47.

Section 204 of the Federal Aviation Administration Authorization Act of 1994, Pub. L. 103–305 (August 23, 1994) (49 U.S.C. 40117(e)(2)(D)), precludes collection of a PFC from a passenger enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for air transportation with a frequent flier award coupon without monetary payment.

This provision prohibits the collection of PFC's from passengers who obtained their ticket with an award coupon issued under a frequent flyer or similar bonus award program.

The FAA is proposing to add a definition of ''frequent flyer award coupon'' to the definitions in § 158.3.

In addition, § 158.45(d) is being modified to include non-revenue passengers, as defined by existing Department of Transportation regulations, and frequent flyers to the list of passengers from whom issuing carriers and their agents shall not collect PFC's.

Finally, a paragraph prohibiting collection of PFC's from non-revenue passengers and frequent flyers is being proposed in § 158.47.

The FAA proposes a change to §§ 158.45(a)(3) and 158.47(c)(4) to delete a provision requested by air carriers in the original PFC rule that is no longer applicable under current industry ticketing practices.

The second sentence in each paragraph currently states—

Any changes in itinerary that are initiated by a passenger that require an adjustment to the amount paid by the passenger are subject to collection or refund of the PFC as appropriate.

However, current industry practice is to recalculate the applicable PFC's whenever a passenger initiates a change in itinerary, whether or not a fare change is applicable. Therefore, each sentence would be modified to delete the phrase ''that require an adjustment to the amount paid by the passenger.''

Section 158.51 Remittance of PFC's

The FAA proposes a change that would clarify § 158.51 that provides for PFC's collected by a carrier to be ''remitted'' to the public agency on a monthly basis, no later than the last day of each calendar month.

There has been some confusion as to whether this provision is satisfied by the act of mailing the payment to the public agency by that date, or whether receipt by the public agency is required. The second sentence in the paragraph currently states—

PFC revenue recorded in the accounting system of the carrier, as set forth in § 158.49 of this part, shall be remitted to the public agency no later than the last day of the following calendar month.

This sentence is being modified by replacing the words ''remitted to'' with the words ''received by.'' This change would make it clear that the public agency must receive the payment to satisfy the regulation.

Section 158.53 Collection Compensation

The FAA proposes to amend § 158.53(a) to change the basis for which the air carrier is compensated for handling PFC's. This proposal is a change sought by the ATA in its petition for rulemaking.

At the time part 158 was enacted, it was felt that there would be a relatively small proportion of itinerary changes that would result in PFC refunds.

However, actual practice has shown larger than expected refund activity resulting in costs for which the carriers are not being reimbursed.

Currently, carriers are entitled to compensation only when they ''remit'' the PFC to the public agency. If refunds occur, carriers do not receive compensation for their handling of the PFC. Under the proposal, air carriers would be entitled to receive compensation for each PFC at the time the ticket is first issued, or ''collected.'' Thus, the carriers would receive some compensation for all PFC collections. Air carriers would not, however, be entitled to additional compensation even though additional transactions, such as refunds, may take place.

Request for Comments

The FAA solicits comments and information from all segments of the pubic interested in the PFC program. The primary focus of this advance notice is carrier compensation for the collection, handling, and remittance of PFC's. All comments received by the FAA at the address and by the date listed above will be reviewed and utilized in any development of proposed regulations. Comments received pursuant to this ANPRM will be analyzed and discussed in the preamble to the Proposed Rule. Any proposed rulemaking will also be made available for public review and comment.

Regulatory Process Matters

Economic Impact

The FAA is unable to determine at this point the likely costs in imposing the proposals or the annual effect on the economy. Following a review of the comments submitted to this ANPRM, the FAA will determine what regulatory requirements will be proposed, if any, and will review the potential costs and benefits, as required by Executive Order 12866.

Significance

This anticipated rulemaking is ''a significant regulatory action'' as defined in Executive Order 12866 and the Department of Transportation Regulatory Policies and Procedures.

Other Regulatory Matters

At this preliminary stage it is not yet possible to determine whether there will be a significant economic impact on a number of small entities or what the paperwork burden might be. These regulatory matters will be addressed at the time of publication of any NPRM on this subject.

List of Subjects in 14 CFR Part 158

Administrative practice and procedure, Air carriers, Airport, Air transportation, Passenger facility charge, Reporting and recordkeeping requirements.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 158 of the Federal Aviation Regulations (14 CFR part 158) as follows:

PART 158—PASSENGER FACILITY CHARGES (PFC'S)

1. The authority citation for part 158 continues to read as follows:

Authority: 49 U.S.C. §§ 40117, 47114, 47106, 47524e, and 47526.

2. Section 158.3 is amended by adding the following definition in alphabetical order:

§ 158.3 Definitions.

Frequent flyer award coupon means a zero-fare award of air transportation that an air carrier, or foreign air carrier, provides to a passenger in exchange for accumulated travel mileage or trip credits in a customer loyalty program. The definition of frequent flyer award coupon does not extend to redemption of accumulated credits for awards of additional or upgraded service on trips for which the passenger has paid a published fare. ''Two-for-the-price-of-one'' and similar marketing programs are not included in this definition.

3. Section 158.45 is amended by revising the second sentence of paragraph (a)(3), and revising paragraph (d) to read as follows:

§ 158.45 Collection of PFC's on tickets issued in the U.S.

(a) * * *

(3) * * * Any changes in itinery that are initiated by a passenger are subject to collection or refund of the PFC as appropriate.

* * * * *

(d) Issuing carriers and their agents shall not collect PFC's from—

(1) A passenger on any flight to an eligible point on an air carrier that receives essential air service compensation of that route under 49 U.S.C. § 41733, as amended by Pub. L. 103–305 (August 23, 1994);

(2) Non-revenue passengers, as defined by existing Department of Transportation regulations; and

(3) A passenger enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon without monetary payment.

* * * * *

4. Section 158.47 is amended by revising the second sentence of paragraph (c)(4), and adding paragraph (i) to read as follows:

§ 158.47 Collection of PFC's on tickets issued outside the U.S.

* * * * *

(c) * * *

(4) * * * Any changes in itinerary that are initiated by a passenger are subject to collection or refund of the PFC as appropriate.

* * * * *

(i) Issuing carriers and their agents shall not collect PFC's from non-revenue passengers, as defined by existing Department of Transportation regulations, and passengers traveling under ''frequent flyer award coupons.''

5. Section 158.51 is amended by revising the second sentence to read as follows:

§ 158.51 Remittance of PFC's.

* * * PFC revenue reported in the accounting system of the carrier, as set forth in § 158.49 of this part, shall be received by the public agency no later than the last day of the following calendar month (or if that date falls on a weekend or holiday, the first business day thereafter).

6. Section 158.53 is amended by revising paragraph (a) to read as follows:

§ 158.53 Collection compensation.

* * * * *

(a) Retain $0.12 of each PFC remitted on or before June 28, 1994. Retain $0.08 of each PFC remitted from June 29, 1994, through [date of enactment of rulemaking]. Thereafter, air carriers shall be entitled to $0.08 of each PFC collected; and

* * * * *

Issued in Washington, DC, on April 8, 1996.

W. Robert Billingsley,

Acting Director, Office of Airport Planning and Programming, APP–1.

[FR Doc. 96–9253 Filed 4–15–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Tuesday
April 16, 1996

Part IV

Department of Agriculture

Rural Utilities Service

7 CFR Part 1703

Distance Learning and Telemedicine Grant Program; Proposed Rule

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

RIN 0572–AB22

7 CFR Part 1703

Distance Learning and Telemedicine Grant Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service proposes to revise its regulations on the distance learning and telemedicine grant program that would provide grants for distance learning and telemedicine projects benefiting rural areas. The regulation would revise RUS's method in which applications will be reviewed by RUS and scored. This proposed rule incorporates changes in the distance learning and telemedicine grant program as revised by the Federal Agriculture Improvement and Reform Act of 1996.

DATES: Written comments must be received by RUS or carry a postmark or equivalent not later than May 16, 1996.

ADDRESSES: Submit written comments to Barbara L. Eddy, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, room 4056–S, AG Box 1590, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250. RUS requests an original and three copies of all comments (7 CFR part 1700). All comments received will be made available for public inspection at room 2234, South Building, U.S. Department of Agriculture, Washington, DC 20250 between 8:00 a.m. and 4:00 p.m. (7 CFR part 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Barbara L. Eddy, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, room 4056–S, AG Box 1590, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 720–9549.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule will not: (1) Preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule; (2) Have any retroactive effect; and (3) Require administrative proceedings before parties may file suit challenging the provisions of this rule.

Regulatory Flexibility Act Certification

RUS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in the proposed rule have been submitted to OMB for approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). A separate 60-day notice soliciting comments on the information collection requirements was prepared and published at 60 FR 54332, October 23, 1995.

Send questions or comments regarding these requirements to Barbara L. Eddy, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, AG Box 1590, Washington, DC 20250.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance programs under number 10.855, Distance Learning and Medical Link Grants. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Executive Order 12372

This program is subject to the provisions of Executive Order 12372 that requires intergovernmental consultation with State and local officials.

Background

Subpart D of 7 CFR 1703 was originally published in the Federal Register on February 26, 1993, and became effective on March 29, 1993. RUS has awarded grants in each of the last 3 years at a single specific time in each of those years. The program has been extraordinarily popular with distance learning and telemedicine providers. This popularity, and the corresponding large number of applications for a very limited amount of grant funds, has caused the agency to review its existing policies and procedures with the intent of simplifying them. The proposed regulation is issued to carry out the Distance Learning and Medical Link Grant Program under the Rural Economic Development Act of 1990, subtitle D, section 2331–35 (7 U.S.C. 950aaa through 950aaa-4). This proposed regulation, while based in part on the existing one, is largely rewritten, and therefore is being published in whole rather than just noting where changes were made. Nearly all the changes concern obtaining a grant, rather than in requirements that apply after a grant is awarded.

The major change is the method in which applicants will be reviewed by RUS and scored. There will be six major criteria for scoring applications: (1) The financial need of the community and the project; (2) the financial composition of the project; (3) the comparative rurality of the proposed project service area; (4) the documented need for services; (5) connectivity with outside networks, and (6) the cost effectiveness of the design. Additionally, several sections of the regulation were moved or restructured to make it more understandable.

Primarily, the changes in the regulation should make it easier to apply for a grant. Furthermore, with a clearer scoring method, the approval process should be sped up.

RUS has determined that unless a 30 day comment period is used it is unlikely that much if any of the Fiscal Year 1996 authorization for the Distance Learning and Telemedicine Grant Program will be available for use by grantees before the authorization lapses.

RUS has incorporated into this proposed regulation changes in the Distance Learning and Telemedicine grant program as a result of the Federal Agriculture Improvement and Reform Act of 1996; however, this regulation does not address the new loan program inasmuch as funding is not available for a Distance Learning and Telemedicine loan program for fiscal year 1996. It is expected that RUS will publish proposed regulations for the loan program within 180 days. In addition, the appeal procedures outlined in Section 1703.118 are for the purposes of fiscal year 1996 funding. We anticipate two types of rejections of loan and grant

applications; namely, (1) The rejection by RUS of an application because it is incomplete or proposes facilities or equipment that are not allowable under this program; or (2) nonselection of a loan and/or grant application because of insufficient grant or loan funding. Comments and suggestions are solicited on the best methodology to employ for the appeals procedure so as to assure timely loan and grant approvals.

List of Subjects in 7 CFR Part 1703

Community development, Grant programs-education, Grant programs-health care, Grant programs-housing and community development, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, chapter XVII of title 7 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1703—RURAL DEVELOPMENT

1. The authority citation for 7 CFR 1703 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.* and 950aaa *et seq.*; Pub. L. 103–354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

2. Subpart D of part 1703 is revised to read as follows:

Subpart D—Distance Learning and Telemedicine Grant Program

Sec.

Subpart D—Distance Learning and Telemedicine Grant Program

§ 1703.100 Purpose.

The grants provided under this subpart D are to encourage, improve, and make affordable the use of advanced telecommunications, computer networks, and related advanced technologies to provide educational and medical benefits through distance learning and telemedicine projects to people living in rural areas and to improve rural opportunities.

§ 1703.101 Policy.

(a) RUS recognizes that the transmission of communications and information is a vital component of the infrastructure of rural areas and is necessary to promote rural development. Enhancing communication and information transmission by making affordable advanced telecommunications, computer networks, and related advanced technologies more widely available in rural areas will improve rural opportunities, promote rural economic growth, and enhance the quality of life of rural residents. To further this objective, RUS will award grants under this subpart to distance learning and telemedicine projects that will improve the access of people residing in rural areas to improved educational, training, and medical services, and to opportunities that rely on advanced communication and information technologies to provide such services.

(b) In providing assistance under this subpart, RUS will give priority to rural areas that it believes have the greatest need of enhanced communications. RUS believes that generally the need is greatest: in the most sparsely populated rural areas; and in rural areas that are experiencing economic hardship. RUS will take into consideration the community's involvement in the project and the applicant's ability to leverage grant funds based on its access to capital.

(c) RUS believes that the residents of rural areas and their local institutions which serve them can best determine what are the most appropriate communications or information systems for use in their respective communities. Therefore, in administering this subpart, RUS will not favor or mandate the use of one particular technology over another. RUS does believe that it is generally desirable to use technology that would incidentally allow other providers or developers to purchase the elemental functions or access so other users, in addition to educational and medical users, may benefit from any transmission facilities receiving funding under this subpart. In addition, RUS believes it is generally desirable for the project to use products and technologies that are considered open systems. Further, RUS believes that it is desirable to use products and technologies that employ or adhere to nationally recognized standards that will permit equipment from various companies to be connected to the system, and permit the system to be connected to other systems or networks.

(d) Applicants, if they are to be successful in obtaining grant funds must:

(1) Explain the problem that the applicant is intending to solve using grant funds;

(2) Explain how the applicant will use the grant as well as other funds to solve the problem and why this is the best solution;

(3) Explain why RUS grant funds are needed for the project to be successful;

(4) Explain how the grant will be leveraged using funds from the applicant, and local and non-Federal sources;

(5) Show that rural areas are the primary beneficiaries; and,

(6) Show that the project will be sustainable without additional grant funds.

(e) RUS electric and telecommunications borrowers are encouraged to cooperate with each other and with applicants and end users in promoting the program being implemented under this subpart.

(f) RUS staff will make diligent efforts to inform potential applicants in rural areas of the program being implemented under this subpart.

(g) The applicant must check with the Rural Development State Director, U.S. Department of Agriculture, before submitting the application to RUS in order to explore any funding sources that may be available at the state or local level. Evidence of this consultation is a requirement of the grant application.

§ 1703.102 Definitions.

Act means Title XXIII, subtitle D, chapter 1, of the Rural Economic Development Act of 1990 (7 U.S.C. 950aaa through 950aaa–4).

Administrator means the Administrator of the Rural Utilities Service or his or her designee.

Applicant means an eligible organization which applies for a grant under this subpart.

Approved purpose means a purpose that RUS has specifically approved in the letter of agreement and scope of work covering the use of RUS grant funds provided to the grantee.

Borrower means any organization which has an outstanding loan made by RUS or RTB, or guaranteed by RUS, or which is seeking such financing.

Communication satellite ground station complex means transmitters, receivers, and communications antennas at the earth station site together with the interconnecting terrestrial transmission facilities (cables, line, or microwave facilities) and modulating and demodulating equipment necessary for processing traffic received from the terrestrial distribution system prior to transmission via satellite and the traffic received from the satellite prior to transfer to terrestrial distribution systems.

Comprehensive rural telecommunications plan means the plan submitted by an applicant in accordance with § 1703.107(a).

Computer networks means computer hardware and software, terminals, signal conversion equipment including both modulators and demodulators, or related devices, used to communicate with other computers to process and exchange data through a telecommunication network in which signals are generated, modified, or prepared for transmission, or received, via telecommunications terminal equipment and telecommunications transmission facilities.

Consortium means a combination or group of eligible entities formed to undertake the purposes of which the distance learning and telemedicine grant is provided. Each consortium shall be composed of the following:

(1) A tertiary care facility, rural referral center, medical teaching institution, or educational institution accredited by the State;

(2) Any number of institutions that provide health care services or educational services; and,

(3) Not less than three rural hospitals, clinics, community health centers, migrant health centers, local health departments, or similar facilities, or not less than three educational institutions accredited by the State.

Data terminal equipment means equipment that converts user information into data signals for transmission, or reconverts the received data signals into user information, and is normally found on the terminal of a circuit and on the premises of the end user.

Distance learning means a telecommunications link to an end user through the use of eligible equipment to:

(1) Provide educational programs, instruction, or information originating in nonrural areas to students and teachers who are located in rural areas; or

(2) Connect teachers and/or students, located in one rural area with teachers and/or students that are located in a different rural area.

Eligible equipment means a communication satellite ground station complex, computer networks, data terminal equipment, fiber-optic cable, interactive video equipment, microwave transmission equipment, telecommunications transmission facilities, and telecommunications terminal equipment.

Eligible organization means an incorporated entity that meets the requirements of § 1703.103.

End user means either or both of the following:

(1) Rural elementary or secondary schools or other educational institutions, such as institutions of higher education, county extension services, vocational and adult training and education centers, and teacher training centers, and students, teachers and instructors using such rural educational facilities, that participate in a rural distance learning telecommunications program through a project funded under this subpart;

(2) Rural hospitals, primary care centers or facilities, such as medical centers and clinics, and physicians and staff using such rural medical facilities, that participate in a telemedicine telecommunications program through a project funded under this subpart.

End user site means a facility located in a rural area that is part of a network or telecommunications system that is utilized by end users.

ERS means the Economic Research Service, an agency of the United States Department of Agriculture.

Grantee means a recipient of a grant from RUS to carry out the purposes of this subpart.

Hub means originating source of a network or telecommunications system.

Instructional programming means educational programming, including computer software, which would be used for tutorial purposes in connection with eligible equipment.

Interactive video equipment means equipment used to produce and prepare for transmission audio and visual signals from at least two distant locations such that individuals at such locations can verbally and visually communicate with each other. Such equipment includes monitors, other display devices, cameras or other recording devices, audio pickup devices, and other related equipment.

Letter of agreement means a legal document executed by RUS and the grantee that contains specific terms, conditions, requirements, and understandings applicable to a particular grant.

Local exchange carrier means a commercial, cooperative or mutual-type association, or public body that provides telecommunications service, through a local central switching office, to the subscribers within its designated service area, and between the local subscribers and the toll network.

Project means an undertaking to provide or improve distance learning or telemedicine by using financial assistance from RUS under this subpart.

Project service area means the area in which at least 90 percent of the persons to be served by the project are likely to reside.

RE Act means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

REA means the Rural Electrification Administration, formerly an agency of the United States Department of Agriculture, and predecessor agency to RUS with respect to administering certain electric and telecommunications loan programs.

Rural means any area of the country that meets the determining criteria in § 1703.109.

Rural community facilities mean facilities such as schools, libraries, hospitals, medical centers, or similar facilities, located in rural areas, or primarily used by residents of rural areas, that will use a telecommunications, computer network, or related advanced technology system to provide educational and/or medical benefits primarily to residents of rural areas.

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture established pursuant to Section 232 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub.L. 103–354, 108 Stat. 3178), successor to REA with respect to administering certain electric and telecommunications programs. See 7 CFR 1700.1.

Scope of work means a detailed plan of work that has been approved by the Administrator and that will be

performed by the applicant using funds provided under the grant.

Technical assistance means:

(1) Assistance in learning to operate equipment or systems; and

(2) Studies, analyses, designs, reports, manuals, guides, literature, or other forms of creating, acquiring, and/or disseminating information.

Telecommunications terminal equipment means the assembly of telecommunications equipment at the end of a circuit or path of a signal, including but not limited to over the air broadcast, satellite, and microwave, normally located on the premises of the end user, that interfaces with telecommunications transmission facilities, and that is used to modify, convert, encode, or otherwise prepare signals to be transmitted via such telecommunications facilities, or that is used to modify, reconvert, or carry signals received from such facilities, the purpose of which is to accomplish the goal for which the circuit or signal was established.

Telecommunications transmission facilities means facilities that transmit, receive, or carry data between the telecommunications terminal equipment at each end of the telecommunications circuit or path. Such facilities include microwave antennae, relay stations and towers, other telecommunications antennae, fiber-optic cables and repeaters, coaxial cables, communication satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmissions, and similar items.

Telemedicine means a telecommunications link to an end user through the use of eligible equipment which electronically links medical professionals at separate sites in order to exchange medical information in audio, video, graphic, or other format for the purpose of providing improved health care services primarily to residents of rural areas.

§ 1703.103 Applicant eligibility.

(a) To be eligible to receive a grant under this subpart, the applicant must be organized in one of the following corporate structures:

(1) An incorporated organization, partnership, or other legal entity which operates, or will operate, a school, college, vocational training facility, or other educational institution, including a regional educational laboratory, library, hospital, medical center, medical clinic or other rural community facility. A state government, other than a state government entity that operates a rural community facility, is not considered an eligible applicant. The applicant may be a private or municipal corporation organized on a for-profit or not-for-profit basis, or

(2) A consortium, as defined in § 1703.102. A consortium which includes a state government entity is only eligible if the state government entity operates a rural community facility, or

(3) An incorporated organization, partnership, or other legal entity which is providing or proposes to provide telemedicine service or distance learning service to other legal entities or consortia at rates calculated to ensure that the economic value and other benefits of the distance learning or telemedicine grant is passed through to such other legal entities or consortia.

(b) At least one of the entities of a partnership or consortium must be eligible individually, and the partnership or consortium must provide written evidence of its legal capacity to contract with RUS. If a partnership or consortium lacks the capacity to contract, each individual entity must contract with RUS on its own behalf.

§ 1703.104 Allowable grant funding percentage, grant purposes, and in-kind matching provisions.

(a) Grants may be used by eligible organizations for distance learning and telemedicine projects to finance up to 70 percent of the cost of allowable grant purposes outlined in paragraph (b) of this section. The applicant will, therefore, provide matching funding in an amount no less than 42.85 percent of the RUS grant. (If the grant covers 70 percent of total project costs, the applicant provides the other 30 percent of the project costs. Thirty percent of the project costs is 42.85 percent of the 70 percent, i.e., the minimum amount of the match.)

(b) Grants for purposes outlined in paragraphs (b)(2) through (b)(6) of this paragraph shall be limited to costs associated with initial capital expenses for establishing the project. The following are allowable grant purposes:

(1) Acquiring, by lease or purchase, eligible equipment as defined in § 1703.102;

(2) Acquiring, by lease or purchase, software to operate eligible equipment, including any related software;

(3) Acquiring or developing instructional programming;

(4) Providing technical assistance and instruction for using eligible equipment, including any related software;

(5) Engineering or environmental studies relating to the establishment or expansion of the phase of the project that is being financed with the RUS grant; and

(6) Facilities, equipment, or activities and non-recurring service charges that are described in a comprehensive rural telecommunications plan which has been approved by the Administrator.

(c) In kind matching—the applicant's minimum 30 percent funding contribution for allowable grant purposes, i.e., 42.85 percent matching of the RUS grant, generally is required in the form of cash. However, certain in-kind contributions may be substituted for cash as follows:

(1) Equipment, activities and facilities as set forth in § 1703.104(b);

(2) Improvements made to real property necessary to accommodate eligible equipment;

(3) Facilities constructed to accommodate eligible equipment, such as buildings in which terminal equipment and/or transmission facilities would be located;

(4) Real property purchased or acquired for the sole purpose of accommodating distance learning and telemedicine facilities; or

(5) The present value of long term leases of eligible equipment, with duration according to recognized industry standards and compatible with the type of equipment leased.

(d) In kind items furnished in paragraph (c)(1) of this section must be non-depreciated or new assets with established monetary value by industry standards. The value of improvements or construction in paragraphs (c)(2) and (c)(3) of this section must be established by a qualified independent real property appraiser based on the actual cost of those improvements. The value of land in paragraph (c)(4) of this section must be established by a qualified independent real property appraiser based on a market value appraisal.

(e) In kind contributions can be an integral component of an approved comprehensive rural telecommunications plan as set forth in § 1703.107(a).

(f) In kind contributions shall not consist of eligible equipment which has been subject to depreciation, or for equipment, services and labor not eligible for grant funding as set forth in § 1703.105.

(g) Funding may be provided for end user sites. Funding may also be provided for hubs located in rural and non-rural areas, if they are necessary to provide distance learning and/or telemedicine services to rural residents at end user sites. However, funding will not be provided for sites proposed as hubs if it is not demonstrated that they are an integral part of the proposed

network and are necessary to transmit distance learning and/or telemedicine services to end users.

§ 1703.105 Ineligible grant purposes.

(a) Grants must not be used:

(1) To fund more than 70 percent of the eligible costs of a project under this subpart;

(2) To cover the costs of installing or constructing telecommunications transmission facilities, except as provided in paragraph (c) of this section;

(3) To pay for medical equipment except medical equipment primarily used for encoding and decoding data, such as images, for transmission over a telecommunications or computer network;

(4) To pay salaries, wages, or employee benefits to medical or educational personnel;

(5) To pay for the salaries or administrative expenses of the applicant;

(6) To purchase equipment that will be owned by the local exchange carrier or another telecommunications service provider;

(7) To duplicate services in place on the date the completed application is received by RUS, or to reimburse the applicant or others for costs incurred prior to RUS's receipt of the completed application;

(8) To pay costs of preparing the application package for funding under this program;

(9) To refinance indebtedness incurred prior to receipt of the completed application by RUS;

(10) For projects whose sole objective is to provide links between teachers and students or medical professionals who are located at the same facility;

(11) For site development, the destruction or alteration of buildings, or other activities that might adversely affect the environment or limit the choice of reasonable alternatives unless and until the requirements of § 1703.107(j) have been satisfied;

(12) For projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*); or

(13) For any purpose that the Administrator has not specifically approved.

(b) Except as otherwise provided in § 1703.140, funds shall not be used to finance a project in part when success of the project is dependent upon the receipt of additional funding under this subpart D or is dependent upon the receipt of other funding that is not assured.

(c) Grants must not be used to cover the costs of telecommunications transmission facilities if the local exchange carrier for the project area will install such facilities through the use of the expedited telecommunications loans made under the RE Act or through other financing procedures within a reasonable time period and at a cost that does not destroy the feasibility of the project, as determined by the Administrator.

(d) Except for leases provided in § 1703.104 (b)(1) and (2), grants must not be used to pay the cost of recurring or operating expenses for the project.

§ 1703.106 Maximum and minimum sizes of a grant.

Applications for grants to be considered under this subpart will be subject to limitations on the proposed amount of funding. The maximum grant amount that will be awarded for any one project in any given fiscal year will not exceed 10 percent of the appropriated funds available for all grants during the fiscal year in which the application for such project is selected. The Administrator may publish notice of the annual maximum grant amount in the Federal Register. An applicant submitting an application which exceeds the maximum will be notified to that effect by RUS and given the opportunity to revise the application. The minimum size of a grant is $50,000.

§ 1703.107 The grant application.

The following items comprise the required material that must be submitted to RUS in support of the grant request:

(a) Comprehensive Rural Telecommunications Plan. A Comprehensive Rural Telecommunications Plan, consisting of the following is required *only* when the applicant is requesting grant funds for telecommunications transmission facilities:

(1) A detailed explanation of the proposed rural telecommunications system, how such system is to be funded, and a description of the intended uses for a grant received under this subpart.

(2) The capabilities of the telecommunications transmission facilities, including bandwidth, networking topology, switching, multiplexing, standards and protocols for intra-networking and open systems architecture (the ability to effectively communicate with other networks). In addition, the applicant must explain the manner in which the transmission facilities will deliver the proposed services. For example, for medical diagnostics, the applicant might indicate whether or not a guest or other diagnosticians can join the network from locations off the network. For educational services, indicate whether or not all hub and end-user sites are able to simultaneously hear in real-time and see each other or the instructional material in real-time. The applicant must include detailed cost estimates for operating and maintaining the network, and include evidence that alternative delivery methods and systems were evaluated.

Note: if a local exchange carrier is providing the transmission facilities, the requirements of this paragraph may be omitted from the Comprehensive Rural Telecommunications Plan.

(3) The capabilities of the telecommunications terminal equipment, including a description of the specific equipment which will be used to deliver the proposed service. The applicant must document discussions with various technical sources which could include consultants, engineers, product vendors, or internal technical experts, provide detailed cost estimates for operating and maintaining the end user equipment and provide evidence that alternative equipment and technologies were evaluated.

(4) A listing of the proposed purchases or leases of telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, interactive video equipment, computer hardware and software systems, and components that process data for transmission via telecommunications, computer network components, communication satellite ground station equipment, or any other elements of the telecommunications system designed to further the purposes of this subpart, that the applicant intends to build or fund using the grant funds.

(5) An explanation of the special financial or other needs of the affected rural communities and of the applicant for such grant assistance.

(6) An analysis of the relative costs and benefits of proposals for leasing or purchasing of facilities, equipment, components, hardware and software, or other items.

(7) A description of the consultations with the appropriate local exchange carrier or carriers and with a wide variety of additional telecommunications service providers (including other interexchange carriers, cable television operators, enhanced service providers, providers of satellite services and telecommunications equipment manufacturers and

distributors) and the anticipated role of such providers in the proposed telecommunications system.

(b) Proposed scope of work of the project. The proposed scope of work of the project which includes, at a minimum:

(1) the specific activities to be performed under the project;

(2) who will carry out the activities;

(3) the time-frames for accomplishing the project objectives and activities;

(4) a budget for capital expenditures reflecting the line item costs for both the grant funds and other sources of funds for the project;

(5) information indicating the ability of the applicant to reduce the size or scope of the project in the event RUS funding, or other projected sources of funding, were reduced or delayed. The applicant must indicate the respective components of the project that would receive the highest priority of funding; and

(6) Information about the potential of the proposed network to expand its size or scope if additional funding was available.

(c) *Executive summary for the project.* The applicant must provide RUS a general project overview, verification of compliance with the general requirements of this subpart, and documentation of eligibility. The executive summary should not exceed eight one-sided double spaced pages, size 8.5″×11″, with a minimum font size of 12 points. The executive summary shall contain the following 10 categories:

(1) A description of the applicant, documenting eligibility with § 1703.103.

(2) An explanation of:

(i) the problem the applicant is intending to solve;

(ii) how the applicant will use the grant funds to solve the problem;

(iii) the amount of RUS grant funds required and why such grant funds are needed; and

(iv) how the RUS grant funds will be leveraged, including both amount and source of these additional funds.

(3) A brief economic and demographic description of the proposed service area, the types of educational and/or medical services to be offered by the project, and the benefits to the rural residents.

(4) A physical description of the project service area. The applicant should include information regarding topography and available transportation and telecommunications infrastructure.

(5) A description of the project as distance learning or telemedicine facility as defined in § 1703.102. If the project provides both distance learning and telemedicine services, the applicant must identify the predominant use of the system.

(6) A list of expected outcomes, benefits or services to be provided by the project. Some examples include, but are not limited to:

(i) Improved education opportunities for a specified number of students;

(ii) Travel time and money saved by telemedicine diagnosis;

(iii) Number of doctors retained in rural areas;

(iv) Number of additional students electing to attend higher education institutions;

(v) Lives saved due to prompt medical diagnosis and treatment;

(vi) New education courses offered, including college level courses; and

(vii) Expanded use of educational facilities such as night training.

(7) A general overview of the telecommunications system to be developed, including the types of equipment, technologies, and facilities used.

(8) A description of the participating hubs and end user sites and the number of rural residents which will be served by the proposed project at each end user site.

(9) A brief narrative describing the project service area to allow a determination of rural eligibility in accordance with § 1703.109. The applicant must list all counties located in the proposed service area, and the Economic Research Service's Rural-Urban Continuum Category for each county. These categories may be obtained from RUS, any USDA Rural Development state office or from State Land Grant University Cooperative Extension Offices.

(10) The applicant must indicate whether or not it is willing to have its grant application forwarded to other agencies within USDA for consideration in the event the application is not selected for funding under this subpart.

(d) *A section on compliance with scoring criteria.* The applicant must provide a justification for the number of points the proposed project will obtain for each of the criteria for scoring applications set forth in § 1703.117.

(e) *Financial information.* The applicant must provide financial information to support the need for the grant funds for the project, show its financial capacity to carry out the proposed work, and show project feasibility. The financial information must include the following:

(1) A current balance sheet from the applicant reflecting its financial condition. When the applicant is a partnership, company, corporation or other entity, current balance sheets are needed from each of the entities that has at least a 20 percent interest in such partnership, company, corporation or other entity. When the applicant is a consortium, a current balance sheet is needed from each member of the consortium and from each of the entities that has at least a 20 percent interest in such member of the consortium. While not required, an audit report is preferable and must be for a period which ended no earlier than 12 months preceding the date of the application; and

(2) A pro-forma income and expense statement for each participating hub and end user site for the project covered by the application. The pro-forma statements must cover a minimum of 5 years after completion of the project and reflect that the project is feasible and sustainable in order to be considered for grant funds. The income and expense statements must reflect sufficient income to pay cash operating expenses including telecommunications access and/or toll charges, system maintenance, salaries, training, and any other general operating expenses; and provide for replacement of depreciable items. Depreciation shall be based on Internal Revenue Service depreciation rules, or other recognized telecommunications industry guidelines. The applicant shall provide sufficient documentation to substantiate any depreciation projections.

(3) For each hub and end user site, the applicant must identify and provide reasonable evidence of each source of revenue. If the projection relies on cost sharing arrangements among hub and end user sites, the applicant must provide evidence of agreements made among project participants.

(4) For applicants eligible under § 1703.103(a)(3), an explanation of the economic analysis justifying the rate structure to ensure that the benefit of the financial assistance is passed through to the other persons receiving telemedicine or distance learning services.

(f) *A statement of experience.* The applicant must provide a written narrative (not exceeding three single spaced pages) describing its demonstrated capability and experience, if any, in operating an educational or health care endeavor and any project similar to the proposed project. Experience in a similar project is desirable but not required.

(g) *Funding commitment from other sources.* The applicant must provide evidence of the commitment of funds for the project in addition to the funds requested under this subpart. Evidence should be from an authorized

representative of the source organization that the funds are available and will be used for the proposed project.

(h) *Proposed evaluation methodology.* The applicant must provide a proposed method of evaluating the success of the project in meeting the objectives of the program as set forth in §§ 1703.100 and 1703.101 and the proposed scope of work.

(i) *Compliance with other Federal statutes and regulations.* The applicant is required to submit evidence that it is in compliance with other Federal statutes and regulations, as detailed in § 1703.33 as follows:

(1) Equal opportunity and nondiscrimination requirements;

(2) Architectural barriers;

(3) Flood hazard area precautions;

(4) Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs;

(5) Drug-free workplace;

(6) Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transaction (See 7 CFR 3017.510);

(7) Intergovernmental review of Federal programs; and

(8) Restrictions on lobbying. For an application for a grant in excess of $100,000, a certification statement, ''Certification Regarding Lobbying:'' is required. If the applicant is engaged in lobbying activities, the applicant must submit a completed disclosure form, ''Disclosure of Lobbying Activities'' (see 7 CFR part 3018).

(j) *Environmental impact and historic preservation.* The applicant must provide details of the project's impact on the environment and historic preservation. Grants made under this part are subject to Part 1794 of this chapter which contains the policies and procedures of RUS for implementing a variety of Federal statues, regulations and executive orders generally pertaining to protection of the quality of the human environment that are listed in § 1794.1 of this chapter. The application shall contain a separate section entitled ''Environmental Impact of the Project.''

(1) *Environmental information.* An ''Environmental Questionnaire,'' Appendix C to this subpart, may be used by applicants to assist in complying with the requirements of this section. Copies of the Environmental Questionnaire are available from RUS.

(2) *Grants for technical assistance projects.* For a proposal to fund a technical assistance project, the only environmental information normally required is whether or not the proposed project being studied or analyzed will be located within an area protected under the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*). Generally, the use of Federal funds to promote development on coastal barriers is strictly limited by the Coastal Barrier Resources Act.

(3) *Grants for all other projects.* Applications for a grant to fund a project that is not subject to paragraph (j)(2) of this section must be accompanied by the information described in this paragraph. The Administrator will review supporting materials in the application and initiate an environmental review process pursuant to part 1794 of this chapter. This process will focus on any environmental concerns or problems that are associated with the project. The level and scope of the environmental review will be determined in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, (42 U.S.C. 4321 *et seq.*), the Council on Environmental Policy for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), RUS's Environmental Policies and Procedures (part 1794 of this chapter) and other relevant Federal environmental laws, regulations and Executive orders. Activity related to the project that may adversely affect the environment or limit the choice of reasonable alternatives shall not be undertaken prior to completion of RUS's environmental review process.

(4) For a proposed project that only involves internal modifications or equipment additions to buildings or other structures (for example, relocating interior walls or adding computer facilities) and/or external changes or additions to existing buildings, structures or facilities requiring physical disturbance of less than 0.4 hectare (0.99 acre) the environmental information normally required is:

(i) A description of the internal modifications or equipment additions, and the external changes or additions to existing buildings, structures or facilities being proposed, the size of the site in hectares, and the general nature of the proposed use of the facilities once the project is completed, including any hazardous materials to be used, created or discharged, any substantial amount of air emissions, wastewater discharge, or solid waste that will be generated.

(k) A completed Standard Form 424, ''Application for Federal Assistance,'' along with a board of directors resolution authorizing the grant request.

(l) Evidence of the applicant's legal existence and authority to enter into a grant agreement with RUS and perform activities proposed under the grant application.

(m) Evidence that the applicant is not delinquent on any obligation owed to the Federal government (7 CFR 3015 and 3016).

(n) Evidence that the applicant has consulted with the state director, RECD, concerning the availability of other sources of funding available at the state or local level.

(o) *Supplemental information.* The applicant should provide any additional information it considers relevant to the project and likely to be helpful in determining the extent to which the proposed project would further the purposes of this subpart. This includes RUS Form 479–A, ''Distance Learning and Telemedicine Technical Questionnaire.''

(p) *Additional information requested by RUS.* The applicant must provide any additional information the Administrator may consider relevant to the application and necessary to adequately evaluate the application and make grant decisions. The Administrator may also request modifications or changes, including changes in the amount of funds requested, in any proposal described in a grant application submitted under this part.

§ 1703.108 Conflict of interest.

At any time prior to the disbursement of a grant awarded under this subpart, the Administrator may disqualify an otherwise eligible project whenever, in the judgment of the Administrator, the project would create a conflict of interest or the appearance of a conflict of interest. The Administrator will notify the applicant in writing of his/her intention to disqualify the project under this section and set forth the basis for his/her determination that a conflict of interest or appearance exists. Thereafter, the applicant will have 30 days from the date of such notice to file a written response with the Administrator. If the Administrator receives the applicant's response within the 30-day period, the Administrator will consider the information contained therein before making a final determination whether to disqualify the project. The Administrator will promptly notify the applicant of the final determination whether a conflict of interest or appearance of a conflict exists. If the determination is affirmative, the notice will also advise the applicant whether the project is disqualified or conditionally disqualified. If the project is conditionally disqualified, the notice will state under what circumstances the project may continue to be eligible for

assistance under this subpart. The Administrator's decision under this section will be final.

§ 1703.109 Determining what is rural.

The RUS Administrator shall determine whether a project service area possesses sufficient characteristics to be considered a rural area for purposes of this subpart. The Administrator shall make such determination on the following basis:

(a) The project service area is located within nonmetropolitan counties included in one of the lowest four categories (6–9) of the ERS Rural-Urban Continuum Scale (rural-urban continuum) as set forth in Appendix A to this subpart. Those categories are as follows:

(1) Aggregate urban population (sum of cities, towns, villages or other incorporated communities of 2,500 or more) of less than 20,000, adjacent to a metropolitan area (category 6);

(2) Urban population of less than 20,000, not adjacent to a metropolitan area (category 7);

(3) Completely rural (no cities, towns, villages or other incorporated areas of 2,500 or greater) adjacent to a metropolitan area (category 8);

(4) Completely rural, not adjacent to a metropolitan area (category 9).

(b) In the case of project service areas not categorized as rural areas under paragraph (a) of this section, consideration will be given to the degree of rurality the area possesses taking into account such factors as:

(1) Whether the project service area is located within the boundaries of an incorporated community of 2,500 persons or more as determined by the U.S. Census Bureau;

(2) Where the county or counties in which the project service area is located rank on the rural-urban continuum;

(3) Whether natural geographic barriers or an absence of roads may impede access from the project service area to metropolitan areas;

(4) Whether the county is a spatially large county and the project service area is not within the commuting area of an urbanized area; and

(5) Whether the economy of the project service area centers on natural resource-based activities such as farming, ranching, mining, or timber production, or is highly specialized.

(c) In the case of a project that will serve end users located in more than one county, at least one of which is not categorized as rural under paragraph (a) of this section, RUS will determine the rurality of the project service area case-by-case using factors such as those identified in paragraph (b) of this section. To the extent practicable, in the case of a project that is expected to benefit residents of urban areas as well as residents of rural areas, instead of rejecting an application because it benefits areas that are not rural, RUS may allocate the grant accordingly to assure that grant funds primarily benefit only residents of rural areas.

(d) If a determination made under this section results in the denial of an application, the applicant may appeal such determination to the Administrator in writing setting forth the reasons why it disagrees. Thereafter, the Administrator will review the determination and decide in writing whether to sustain, reverse or modify the original determination. The Administrator's determination will be final. A copy of the Administrator's decision will be furnished promptly to the applicant.

§§ 1703.110–1703.112 [Reserved]

§ 1703.113 Application filing dates, location, processing, and public notification.

(a) Applications for funding under this subpart shall be submitted to the Administrator, Rural Utilities Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250–1500. Applications should be marked ''Attention: Assistant Administrator, Telecommunications Program''.

(b) Applications will be reviewed for eligibility and considered for funding on a quarterly or annual basis. The Administrator will publish a notice in the Federal Register indicating the deadline(s) for application submissions and the amount of available grant funds.

(c) RUS will review each application for completeness in accordance with §§ 1703.107 and 1703.114, and notify the applicant, within 15 working days of the receipt of the application, of the results of this review, citing any information which is incomplete. To be considered, the applicant must submit the remaining information postmarked no later than the application filing deadline set forth in paragraph (b) of this section, or 15 working days from the receipt of RUS's letter, whichever is the later date. If the applicant fails to submit such information to complete the application in accordance with § 1703.107, the application shall be denied and returned to the applicant.

(d) After receipt of all completed applications, the Administrator will publish notice in the Federal Register of all completed applications received for funding under this subpart. The Administrator will also make those applications available for public inspection at the U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC. For purposes of this paragraph, applications include any information not protected by the Privacy Act of 1974, 5 U.S.C. 552a, and any other information that has not been designated as proprietary information by the applicant.

(e) For instances where multiple applicants are necessary to carry out a project due to project feasibility or applicant authorities, multiple applications may be submitted jointly by the applicants. The applicants must clearly mark or otherwise identify any information in the application it deems proprietary.

(f) The applicant must submit an original and three copies of a completed application. The applicant must also submit a copy of the application to the State government point of contact at the same time it submits an application to RUS. All applications must include the information described in § 1703.107.

§§ 1703.114–1703.116 [Reserved]

§ 1703.117 Criteria for scoring applications.

(a) *Criteria.* The criteria in this section will be used by the Administrator to score applications that have been determined to be in compliance with the requirements of this subpart. There are six major criteria for scoring applications:

(1) the financial need of the community and the project;

(2) the financial composition of the project;

(3) the comparative rurality of the proposed project service area;

(4) the documented need for services;

(5) connectivity with outside networks; and

(6) the cost effectiveness of the design.

(b) *Selection.* Applications will be selected for funding based on scores, availability of funds, and the provisions of § 1703.118. The Administrator will make determinations regarding the reasonableness of all numbers; dollar levels; rates; the nature of the project; cost; location; and other characteristics of the application and the proposed project to determine the number of points assigned to an application for all selection criteria. Joint applications submitted by multiple applicants as set forth in § 1703.114 will be rated as a single application.

(c) *Financial need of community and project.* A comparison of the per capita personal income in the county or counties where the project or the beneficiaries are located to the national

per capita personal income levels—up to 80 points.

(1) If the per capita personal income level in the county where the grant beneficiaries will be located:

(i) Is less than or equal to 80 percent of the national per capita personal income level, 80 points, the maximum number of points;

(ii) Is greater than 80 percent and less than or equal to 90 percent of the national per capita personal income level—60 points;

(iii) Is greater than 90 percent and less than or equal to 100 percent of the national per capita personal income level—30 points;

(iv) Is greater than 100 percent and less than or equal to 110 percent of the national per capita personal income level—5 points;

(v) Exceeds the national per capita personal income level by 110 percent—0 points.

(2) If the project will serve grant beneficiaries in several counties, the Administrator will use an unweighted mean of the counties for the comparison.

(3) RUS will use the most recent annual per capita personal income levels it has obtained from the Bureau of Economic Analysis, U. S. Department of Commerce, or other government sources and processed into a suitable format.

(d) *Financial composition of project.* A comparison of the ability of the applicant to contribute financially to the project, and to secure other non-Federal sources of funding. Criteria include:

(1) Evidence of additional financial support for the project from non-Federal sources above the applicant's required 42.85 percent matching of the RUS grant as set forth in § 1703.104; the applicant must include evidence from authorized representatives of the sources that the funds are available and will be used for the proposed project—up to 60 points.

(i) Matching for allowable grant purposes less than or equal to 50 percent of the RUS grant—0 points;

(ii) Matching for allowable grant purposes greater than 50 percent, but less than or equal to 100 percent of the RUS grant—10 points;

(iii) Matching for allowable grant purposes greater than 100 percent, but less than or equal to 150 percent of the RUS grant—20 points;

(iv) Matching for allowable grant purposes greater than 150 percent, but less than or equal to 200 percent of the RUS grant—30 points;

(v) Matching for allowable grant purposes greater than 200 percent, but less than or equal to 250 percent of the RUS grant—40 points;

(vi) Matching for allowable grant purposes greater than 250 percent, but less than or equal to 300 percent of the RUS grant—50 points;

(vii) Matching for allowable grant purposes greater than 300 percent of the RUS grant—60 points;

(2) Bonus Points For Community Involvement. In addition to the points allocated under § 1703.117(d)(1), bonus points will be scored for funding supplied by local sources. Criteria include:

(i) Proportion of non-Federal sources of funding supplied by local sources above the applicant's required 42.85 percent matching of the RUS grant. For purposes of this paragraph, local funding sources shall constitute any for-profit or non-profit entity or entities which derive income from the area to be served by the proposed project, and any village, town, county, regional, or other local governmental or public entity whose jurisdiction includes at least part of the proposed project service area. A local funding source shall not include a state or Federal governmental entity. The applicant shall provide evidence from authorized local representatives that the funds are available and will be used for the proposed project—up to 20 points.

(A) Less than or equal to 50 percent of the RUS grant supplied by local funding sources—0 points;

(B) Greater than 50 percent, but less than or equal to 100 percent of the RUS grant supplied by local funding sources—5 points;

(C) Greater than 100 percent, but less than or equal to 150 percent of the RUS grant supplied by local funding sources—10 points;

(D) Greater than 150 percent, but less than or equal to 200 percent of the RUS grant supplied by local funding sources—15 points;

(E) Greater than 200 percent of the RUS grant supplied by local funding sources—20 points, the maximum number of points;

(e) The Comparative Rurality of the Proposed Project Service Area. (1) This criterion is used after a project service area has been determined eligible in accordance with § 1703.109. The methodology contained in this section is used to evaluate the relative rurality (i.e., population and isolation) of service areas for various projects. Under this system, the end user sites and hubs (as defined in § 1703.102) contained within the proposed project service area are identified. Then, that service area is given a score according to the characteristics of the county(ies) in which the end user sites are located. Evaluation is based on the population of the county or counties, and the location of the county or counties relative to metropolitan statistical areas. This system incorporates a framework based on the classification of nonmetropolitan counties by urbanization and proximity to metropolitan areas, developed by analysts and demographers at the USDA Economic Research Service (ERS), as set forth in Appendix A to this subpart.

(2) The following definitions are used in the evaluation of rurality:

(i) Metropolitan statistical area (MSA)—as defined by the Office of Management and Budget (OMB), an MSA includes core counties containing a city of 50,000 or greater population or containing several smaller cities totaling 50,000 or greater population in an urbanized area and a total population of at least 100,000. Additional contiguous counties are included in the MSA if they are economically and socially integrated with the core county.

(ii) Metropolitan County—as defined by OMB, a metropolitan county is part of an MSA and contains a place, or two adjoining places, totaling at least 50,000 in population, and has residents who are economically and socially integrated with a metropolitan core.

(iii) Adjacency to Metropolitan area—the proximity of a county to an MSA measured by a shared boundary with an MSA, and having at least 2 percent of employed county residents commuting to MSA's for employment.

(3) If the end user site(s) for the project are located in a nonmetropolitan county or counties (ERS Rural—Urban Continuum Scale categories 4–9 as set forth in Appendix A to this subpart), the applicant will receive points as follows:

(i) With an ERS category of 9—60 points, the maximum number of points;

(ii) With an ERS category of 8—55 points;

(iii) With an ERS category of 7—40 points;

(iv) With an ERS category of 6—35 points;

(v) With an ERS category of 5—20 points;

(vi) With an ERS category of 4—15 points; or

(vii) With an ERS category of 0 through 3 (metropolitan counties)—0 points.

(4) If all the end user sites in a proposed network or system are located in a single county or in multiple counties which have the same characteristics, a score will be assigned directly from one of the categories set forth in § 1703.117(e).

(5) If end user sites are located in multiple counties with different characteristics, a weighted average will

be calculated using the methodology set forth in Appendix B to this subpart.

(6) The applicant shall use the ''Rurality Calculation Table,'' a facsimile of which is attached as Appendix B to this subpart. Copies of the Rurality Calculation Table may be obtained from the Assistant Administrator, Telecommunications Program, RUS, in Washington, DC, or at the RECD state office. The ERS Rural—Urban Continuum Scale is available on the Internet; see the address in Appendix B to this subpart.

(f) *Documented need for services.* (1) This criterion will be used by the Administrator to score applications based on the documentation submitted in the support of the grant application that reflects the need for the services proposed by the project. The applicant should indicate whether or not the proposed services could be provided if RUS grant funds were not available. Up to 60 points can be assigned to this criterion.

(2) The Administrator will consider the extent to which the need for improved educational or medical services in the proposed rural area compares to other regions. RUS will also consider any support by recognized experts in the related educational or medical field, and documentation substantiating the educationally and/or medically underserved nature of the applicant's proposed service area. The Administrator will consider the extent of the applicant's documentation showing:

(i) the justification for specific educational and/or medical services which are needed and will provide direct benefits to rural residents;

(ii) that rural residents, and other beneficiaries, desire the educational and/or medical services to be provided by the project (a strong indication of need is the willingness of local end users or institutions to pay, to the extent possible, for proposed services);

(iii) the applicant's inability to pay for the proposed project without grant funds, given the financial strength of the applicant, its partners, or subsidiaries, as described in § 1703.107(e)(1);

(iv) the projected outcomes as set forth in the Executive Summary detailed in § 1703.107; and

(v) the project's development and support based on input from the local residents and institutions.

(vi) the extent to which the application is consistent with the State strategic plan prepared by the Rural Development State Director of the United States Department of Agriculture.

(3) Examples of the need for medical services could include rural physicians and medical professionals inability to access support functions, such as consulting with others on a diagnosis or access to the latest recommendations in treatment procedures and techniques, up-to-date health-care research, or continuing medical studies. Other medical needs could be to retain more patients at the local hospital or medical facility in order to prevent the closure of the rural hospital or medical facility.

(g) *Connectivity with outside networks.* (1) This criterion will be used by the Administrator to score applications based on the documentation submitted in support of the grant application that reflects the connectivity of the proposed projects with other educational and/or medical networks. Up to 25 points can be assigned to this criterion.

(2) Consideration will be given to the extent that the proposed project will interconnect with other existing networks at the regional, statewide or national levels. RUS believes that to the extent possible, educational and medical networks should be designed to connect to the widest practicable number of other networks that expand the capabilities of the proposed project, thereby affording rural residents opportunities that may not be available at the local level.

(3) Consideration will also be given to facilities constructed with federal financial assistance, particularly financial assistance under this Chapter provided to entities other than the applicant, will be utilized to extend or enhance the benefits of the proposed project.

(h) *Cost effective design.* (1) This criterion will be used by the Administrator to score applications based on the documentation submitted in the support of the grant application that reflects the cost efficiency of the project design. Up to 15 points can be assigned to this criterion.

(2) Consideration will be given to the extent that the proposed technology or technologies for delivering the proposed educational and/or medical services for the project service area are the most cost effective for the type of project proposed. The Administrator will consider the applicant's documentation comparing various systems and technologies, and the choice of the applicant's system as being the most cost-effective system. The Administrator will also consider the applicant's documentation relating to buying or leasing options for specific equipment. The application must contain information necessary for the Administrator to use accepted analytical and financial methodologies to determine whether the applicant is proposing the most cost-effective option.

§ 1703.118 Other application selection and appeal provisions.

(a) Regardless of the number of points an application receives in accordance with § 1703.117, the Administrator may, based on his/her review of the applications in accordance with the requirements of this part:

(1) Limit the number of applications selected for projects located in any one state during a fiscal year;

(2) Limit the number of selected applications for a particular project; and

(3) Select an application receiving fewer points than another higher scoring application if there are insufficient funds during a particular funding period to select the higher scoring application; provided, however, the Administrator may ask the applicant of the higher scoring application if it desires to reduce the amount of its application to the amount of funds available if, notwithstanding the lower grant amount, the Administrator determines the project is financially feasible in accordance with § 1703.107(h) at the lower amount.

(b) The Administrator will not approve a grant application if he/she determines that:

(1) The applicant's proposal does not indicate financial feasibility or is not sustainable in accordance with the requirements of § 1703.107(e)(1) and (2);

(2) The applicant's proposal indicates technical flaws, which, in the opinion of the Administrator, would prevent successful implementation, operation, or sustainability of the proposed project; or

(3) Any other aspects of the applicant's proposal fails to adequately address any requirements of this subpart or contains inadequacies which would, in the opinion of the Administrator, undermine the ability of the project to meet the general purpose of this part or comply with policies of the Distance Learning and Telemedicine Grant Program set forth in § 1703.101.

(c) The Administrator may reduce the amount of the applicant's grant award based on insufficient program funding for the fiscal year in which the project is reviewed if the Administrator determines that, notwithstanding a lower grant award, the project will show financial feasibility in accordance with § 1703.107(e), and the program purposes set forth in § 1703.100 can be met. RUS will discuss its findings informally with the applicant and make every effort to

reach a mutually acceptable agreement with the applicant. Any discussions with the applicant and agreements made with regard to a reduced grant amount will be confirmed in writing, and these actions shall be deemed to have met the notification requirements set forth in paragraph (d) of this section.

(d) The Administrator will provide the applicant an explanation of any determinations made with regard to paragraphs (b)(1) through (b)(3) of this section prior to making final project funding selections for the year. The applicant will be provided 15 days from the date of the Administrator's letter to respond, provide clarification, or make any adjustments or corrections to the project. If, in the opinion of the Administrator, the applicant fails to adequately respond to any determinations or other findings made by the Administrator, the project will not be funded, and the applicant will be notified of this determination.

(e) For Fiscal Year 1996 grant applications, RUS will notify all grant applicants of the numerical scoring each complete grant application received and the cutoff points needed to receive funding for Fiscal Year 1996. If the grant application numerical scoring is below the score necessary to obtain funding, the applicant may appeal the numerical scoring to the Secretary in writing not later than 10 days after the applicant is notified of the scoring level. The applicant must state the reason it is appealing the numerical scoring and submit the reasons the application should be reconsidered. RUS will allow 14 days after the close of the appeal period to make the final grant selections for Fiscal Year 1996.

(f) RUS reserves the right to use other data it considers most appropriate if ''county'' data is unavailable for a particular area. In those cases, the Administrator will use data compiled on a basis of the equivalent of a county in the state, such as a parish, or on another basis that most approximates ''county'' level data.

§§ 1703.119–1703.121 [Reserved]

§ 1703.122 Further processing of selected applications.

(a) During the period between the selection of the application and the execution of implementing documents, the applicant must inform the Administrator if the project is no longer viable or the applicant no longer desires a grant for the project. If the applicant so informs the Administrator, the selection will be rescinded and written notice to that effect shall be sent promptly to the applicant.

(b) If an application has been selected and the nature of the project changes, the applicant may be required to submit a new application to the Administrator for consideration depending on the degree of change. A new application will be subject to review in accordance with this subpart. The selection may not be transferred to another project.

(c) If state or local governments raise objections to a proposed project under the intergovernmental review process that are not resolved within 3 months of the Administrator's selection of the application, the Administrator may rescind the selection and written notice to that effect will be sent promptly to the applicant.

(d) After an applicant has submitted such additional information, if any, the Administrator determines is necessary for completing the grant documents, the Administrator will send the documents to the applicant to execute and return to RUS.

(1) The grant documents will include a letter of agreement and any other legal documents the Administrator deems appropriate, including suggested forms of certifications and legal opinions.

(2) The letter of agreement will, among other things, constitute the Administrator's approval of funds for the project subject to certain terms and conditions and include at a minimum, a project description, approved purposes of the grant, the maximum amount of the grant, supplemental funds to be provided to the project and certain agreements or commitments the applicant may have proposed in its application.

(e) Until the letter of agreement has been executed and delivered by RUS and by the applicant, the Administrator reserves the right to require any changes in the project or legal documents covering the project to protect the integrity of the program and the interests of the United States Government.

(f) If the applicant fails to submit, within 120 calendar days from the date of the Administrator's selection of an application, all of the information that the Administrator determines to be necessary to prepare legal documents and satisfy other requirements of this subpart, the Administrator may rescind the selection of the application and written notice to that effect will be sent promptly to the applicant.

§§ 1703.123–1703.125 [Reserved]

§ 1703.126 Disbursement of grant funds.

(a) For grants of $100,000 or greater, prior to the disbursement of funds, the grantee, if it is not a unit of government, will provide evidence of fidelity bond coverage as required by § 3015.17 of this title.

(b) Grant funds will be disbursed to grantees on a reimbursement basis, or with unpaid invoices for the eligible purposes set forth in this subpart, by the following process:

(1) An SF 270, ''Request for Advance or Reimbursement,'' will be completed by the applicant and submitted to RUS not more frequently than once a month; and

(2) After receipt of a properly completed SF 270, payment will ordinarily be made within 30 days.

(c) The grantee's share in the cost of the project will be disbursed in advance of grant funds, or if the grantee agrees, on a pro rata distribution basis with grant funds during the disbursement period. Grantee will not be permitted to provide its contribution at the end of the project.

§ 1703.127 Reporting and oversight requirements.

(a) A project performance activity report will be required of all grantees on a semi-annual basis.

(b) A final project performance report will be required. It must provide an evaluation of the success of the project in meeting the objectives of the program. The final report may serve as the last semi-annual report.

(c) RUS will monitor grant recipients as necessary to assure that projects are completed in accordance with the approved scope of work and that funds are expended for approved purposes. Grants made under this part will be administered under, and are subject to parts 3015 through 3018 of this title.

(d) Grantees shall diligently monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees are to submit an original and one copy of each report to RUS. The project performance reports shall include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Reasons why established objectives were not met;

(3) A description of any problems, delays, or adverse conditions which have occurred, or are anticipated, and which may affect the attainment of overall project objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a

statement of the action taken or planned to resolve the situation; and

(4) Objectives and timetable established for the next reporting period.

§ 1703.128 Audit requirements.

The grantee will provide an audit report in accordance with part 3015, subpart I, of this title. The audit requirements only apply to the year(s) in which grant funds are received. Audits must be prepared in accordance with generally accepted government auditing standards (GAGAS) using publication, ''Standards for Audit of Governmental Organization, Programs, Activities and Functions.''

§§ 1703.129–1703.134 [Reserved]

§ 1703.135 Grant administration.

(a) The Administrator will review grantees, as necessary, to determine whether funds were expended for approved purposes. The grantee is responsible for ensuring that the project complies with all applicable regulations, and that the grant funds are expended only for approved purposes. The grantee is responsible for ensuring that disbursements and expenditures of funds are properly supported by invoices, contracts, bills of sale, canceled checks, or other appropriate forms of evidence, and that such supporting material is provided to the Administrator, upon request, and is otherwise made available, at the grantee's premises, for review by the RUS representatives, grantee's certified public accountant, the office of Inspector General, U.S. Department of Agriculture, the General Accounting Office and any other officials conducting an audit of the grantee's financial statements or records, and program performance under the grant awarded under this subpart. Grantees will be required to permit RUS to inspect and copy any records and documents that pertain to the project.

(b) Grants provided under this program will be administered under, and are subject to parts 3015 and 3016 of this title, as appropriate. Parts 3015 and 3016 of this title subject grantees to a number of requirements which cover, among other things, financial reporting, accounting records, budget controls, record retention and audits, bonding and insurance, cash depositories for grant funds, grant related income, use and disposition of real property and/or equipment purchased with grant funds, procurement standards, allowable costs for grant related activities, and grant close-out procedures.

§ 1703.136 Changes in project objectives or scope.

The grantee will obtain prior approval for any material change to the scope or objectives of the approved project, including changes to the scope of work or budget. Failure to obtain prior approval of changes can result in suspension or termination of grant funds.

§ 1703.137 Grant termination provisions.

(a) *Termination for cause.* The Administrator may terminate any grant in whole, or in part, at any time before the date of completion of grant disbursement, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Administrator will promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) *Termination for convenience.* The Administrator or the grantee may terminate a grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with further expenditure of funds. The two parties will agree upon termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated. The grantee will not incur new obligations for the terminated portion after the effective date, and will cancel as many outstanding obligations as possible. The Administrator will allow full credit to the grantee for the Federal share of the noncancelable obligations, properly incurred by the grantee prior to termination.

§§ 1703.138–1703.139 [Reserved]

§ 1703.140 Expedited telecommunications loans.

(a) *General.* (1) The Administrator will afford expedited consideration and determination to an application for a loan or a request for advance of funds submitted by a local exchange carrier pursuant to section 2334(h) of the Act (7 U.S.C. 950aaa *et seq.*).

(2) Funds obtained through the expedited procedures established by this section must be used primarily to provide advanced telecommunications services in rural areas using a telecommunications project that the Administrator has approved under this subpart.

(3) Only those elements of a telecommunications project that have not been funded in whole, or in part, with a grant made under this subpart are eligible for expedited consideration or determination under this section.

(b) *Expedited loan applications.* (1) In order to qualify for expedited consideration or determination under paragraph (a)(1) of this section, the loan application must:

(i) Be from a local exchange carrier that will use the requested funds for the purpose set forth in paragraph (a)(2) of this section;

(ii) Be a completed one that complies with the requirements of part 1737, subpart C, of this chapter; and

(iii) Be received concurrently with the related grant application or within 14 days of the date notice of such application is published in the Federal Register as set forth in § 1703.113(d).113.

(2) Expedited consideration and determination of a qualifying application for a loan under this section means that within 45 days of receipt or 45 days of selection of the related grant application, whichever occurs later, the Administrator will:

(i) Issue a characteristics letter, as set forth in part 1737, subpart I, of this chapter, to the loan applicant; or

(ii) Inform the loan applicant that its application for a loan has been denied.

(c) *Expedited advances.* (1) In order to qualify for expedited consideration or determination under paragraph (a)(1) of this section, the request for advance of funds must:

(i) Be from a local exchange carrier that will use the funds for the purpose set forth in paragraph (a)(2) of this section;

(ii) Be for all or part of a loan which has received release approval pursuant to part 1737, subpart K, of this chapter; and

(iii) Be in compliance with the requirements of part 1744 of this chapter.

(2) Expedited consideration and determination of a qualifying request for advance of loan funds under this section means that the Administrator will advance funds to the borrower within 45 days of receiving a request which complies with the provision of this section.

Appendix A to Subpart D of Part 1703—ERS Rural—Urban Continuum Scale

ERS Rural—Urban Continuum Codes:

Metropolitan Counties

0—Central counties of metropolitan areas of 1 million population or more.

1—Fringe counties of metropolitan areas of 1 million population or more.

2—Counties in metropolitan areas of 250 thousand to 1 million population.

3—Counties in metropolitan areas of less than 250 thousand population.

Nonmetropolitan Counties:

4—Aggregate urban population (sum of cities, towns, villages or other incorporated communities of 2,500 or more) of 20,000 or more, adjacent to metropolitan area.

5—Aggregate urban population of 20,000 or more, not adjacent to a metropolitan area.

6—Aggregate urban population of 2,500 to 19,999, adjacent to a metropolitan area.

7—Aggregate urban population of 2,500 to 19,999, not adjacent to a metropolitan area.

8—Completely rural (no cities, towns, villages or other incorporated areas of 2,500 or greater) adjacent to a metropolitan area.

9—Completely rural, not adjacent to a metropolitan area.

Notes: Metropolitan status is that announced by the Office of Management and Budget in June 1993, when the current population criteria were first applied to results of the 1990 Census. Adjacency was determined by physical boundary adjacency and a finding that at least 2 percent of the employed labor force in the nonmetropolitan county commuted to metropolitan central counties.

Codes prepared in Rural Economy Division, Economic Research Service, USDA. A listing of counties and corresponding codes are available from ERS at the following address: Room 337, 1301 New York Avenue, NW., Washington, DC 20005–4788, Phone: (202) 219–0534, or through the Internet via the ERS Home Page or directly at the following Internet address: gopher://usda.mannlib.cornell.edu:70/11/data-sets/rural/89021

Appendix B to Subpart D of Part 1703—Rurality Calculation Table

Use the following table or similar worksheet to calculate rurality if end user sites are located in multiple counties with different characteristics. If more space is needed, use a separate sheet of paper and attach it to this worksheet. For complete instructions see § 1703.117(e).

Abbreviations used in this Appendix:

RUCS=Rural—Urban Continuum Scale, as described in § 1703.109 and Appendix A of this subpart

EUS = End user site

1. List the specific location (city, village, township, etc.) of each end user site to be funded using the RUS grant. List sites separately even if sites are located in the same county. (A hub that serves as an end user site is considered an end user site for purposes of this rurality calculation. Only under that circumstance will a hub be counted in the weighted average.)

2. Show the total number of residents to be served by the project for each of the end user sites indicated above.

3. Divide the number of rural residents served at each end user site by the total number of rural residents to be served by the project. Show the result, rounded to the nearest two decimal places.

4. Enter the name of the county in which each end user site is located.

5. Enter the RUCS code for each end user site. Note: RUCS codes may be obtained from a variety of sources, including RUS, ERS, the state office of RECD, the cooperative extension service at the land grant university in your state, or through the Internet via the ERS Home Page or directly at the following Internet address: gopher://usda.mannlib.cornell.edu:70/11/data-sets/rural/89021.

6. Enter the number of points for each RUCS code: RUCS code 9=60 points, 8=55,7=40, 6=35, 5=20, 4=15, 3=0, 2=0, 1=0, 0=0.

7. Multiply the number calculated in step 3 by the points from step 6. Enter this new number on the worksheet. Show the result, rounded to the nearest two decimal places.

8. Total the results on line 7 across the end user site columns. (I.e., add the amounts on line 7 for EUS 1, EUS 2, EUS 3, etc.). This is the project's weighted average comparative rurality score.

	EUS 1	EUS 2	EUS 3	EUS 4	EUS 5	EUS 6
1. Location of each end user site, listed separately even if sites are located in the same county						
2. Total number of residents to be served by the project for each end user site						
3. Number of residents at end user site divided by total number of residents served by the project; rounded to nearest two decimal places						
4. County in which end user site is located						
5. RUCS code for end user site						
6. Points for each RUCS code: 9=60, 8=55, 7=40, 6=35, 5=20, 4=15, 3=0, 2=0 1=O, 0=0						
7. Multiply line 3 by line 6 for each end user site; rounded to nearest two decimal places						

8. Total the results on line 7 across the end user site columns. This is the project's weighted average comparative rurality score.

Example of Rurality Calculation:

Greenbriar Valley Development Authority has submitted an application for an interactive classroom network which includes a hub in a metropolitan area and 3 end user sites, located in 3 rural counties. The hub is located in a large city and is not utilized as an end user site, so the hub will not be considered in the calculation. The project serves a total of 9,000 residents at the 3 end user sites.

The first end user site is located in the town of Midway, in Greenbriar County, which has an aggregate urban population of less than 20,000, adjacent to a metropolitan area. Thus, it has a category of 6 on the ERS Rural—Urban Continuum Scale. This site serves 1,000 residents.

The second end user site is in Lewistown, in Lewis County, which has an aggregate urban population of less than 20,000, not adjacent to a metropolitan area. Thus, it has a category of 7 on the ERS Rural—Urban Continuum Scale. This site serves 3,000 residents.

The third end user site is in the town of Rocky Creek, in Fayette County, which has an aggregate urban population of 20,000 or more, but not adjacent to a metropolitan area. Thus, it has a category of 5 on the ERS Rural—Urban Continuum Scale. This site serves 5,000 residents.

Step (1). Calculate the weighted average for each end user site. Site 1 (Midway site), 1,000/9,000=''.11''; site 2 (Lewistown site), 3,000/9000=''.33''; and site 3 (Rocky Creek site), 5,000/9,000=''.56'' (rounded to the nearest two decimal places).

Step (2). The counties identified are Greenbriar, Lewis and Fayette.

Step (3). Greenbriar County, ERS Rural—Urban Continuum Scale category 6=35 points; Lewis County, ERS Rural—Urban Continuum Scale category 7=40 points; Fayette County, ERS Rural—Urban Continuum Scale category 5=20 points.

Step (4). Midway site (Greenbriar County): 35 points×.11=3.85 points. Lewistown site (Lewis County): 40 points×.33=13.20 points. Rocky Creek (Fayette County) site: 20 points×.56=11.20 points.

Step (5). 3.85+13.20+11.20=28.25 total weighted average score.

Appendix C to Subpart D of Part 1703—Environmental Questionnaire

Note: It is extremely important to respond to *all* questions completely to ensure expeditious processing of the Distance Learning and Telemedicine grant. The information herein is required by Federal law.

Important: *Any activity related to the project that may adversely affect the environment or limit the choice of reasonable development alternatives shall not be undertaken prior to the completion of Rural Utilities Service's environmental review process.*

Legal Name of Applicant _____ _____

Signature (Type/Sign/Date) _____ _____

The applicant's representative certifies, to the best of his/her knowledge and belief, that the information contained herein is accurate. Any false information may result in disqualification for consideration of the grant or rescission of the grant.

I. Project Description—Detailing construction, including, but not limited to, internal or external modifications of existing structures, new building construction, and/or installation of telecommunications transmission facilities (defined in 7 CFR 1703.102), including satellite uplinks or downlinks, microwave transmission towers, and cabling.

1. Describe the portion of the project, and site locations (including legal ownership of real property), involving internal modifications, or equipment additions to buildings or other structures (e.g., relocating interior walls or adding computer facilities) for *each* site.

2. Describe the portion of the project, and site locations (including legal ownership or real property) involving external changes or additions to existing buildings, structures or facilities requiring physical disturbance of less than .99 acres. List the size of *each* individual site in acres and *attach a diagram showing the general layout* of the proposed facilities for *each* site.

3. Describe the portion of the project, and site locations (including legal ownership or real property), involving construction of transmission facilities, including cabling, microwave towers, satellite dishes; or, new construction of buildings; or, disturbance of property of .99 acres or greater for *each* project site.

4. Describe the nature of the proposed use of the facilities, and whether any hazardous materials, air emissions, wastewater discharge or solid waste will result.

5. State whether or not any project site(s) contain or are near properties listed or eligible for listing in the National Register of Historic Places, and identify any historic properties (The grantee must supply evidence that the State Historic Preservation Officer (SHPO) has cleared development regarding any historical properties).

6. Provide information whether or not any facility(ies) or site(s) are located in a 100-year floodplain. A National Flood Insurance Map should be included reflecting the location of the project site(s).

II. For projects which involve construction of transmission facilities, including cabling, microwave towers, satellite dishes, new construction of buildings, or physical disturbance of real property of .99 acres or greater, the following information *must* be submitted (7 CFR 1703.138(b)(2)).

1. A map (preferably a U.S. Geological Survey map) of the area for each site affected by construction (include as an attachment).

2. A description of the amount of property to be cleared, excavated, fenced or otherwise disturbed by the project and a description of the current land use and zoning and any vegetation for each project site affected by construction.

3. A description of buildings or other structures (i.e., transmission facilities), including dimensions, to be constructed or modified.

4. A description of the presence of wetlands or existing agricultural operations and/or threatened or endangered species or critical habitats on or near the project site(s) affected by construction.

5. Describe any actions taken to mitigate any environmental impacts resulting from the proposed project (use attachment if necessary).

Note: The applicant may submit a copy of any environmental review, study, assessment, report or other document that has been prepared in connection with obtaining permits, approvals or other financing for the proposed project from State, local or other Federal bodies. Such material, to the extent relevant, may be used to meet the requirements herein.

Dated: March 29, 1996.

Inga Smulkstys,

Acting Under Secretary, Rural Economic and Community Development.

[FR Doc. 96–9294 Filed 4–15–96; 8:45 am]

BILLING CODE 3410–15–P

Federal Register

Tuesday
April 16, 1996

Part V

Department of Education

Vending Facility Program for the Blind on Federal and Other Property; Notice

DEPARTMENT OF EDUCATION

Vending Facility Program for the Blind on Federal and Other Property

AGENCY: Department of Education.

ACTION: Notice of final schedule of arbitration fees and expenses under the Randolph-Sheppard Act.

SUMMARY: The Secretary presents a schedule of fees and expenses associated with arbitration proceedings conducted under the Randolph-Sheppard Act (Act) that will be paid by the Department. The schedule lists the reasonable costs of arbitration and describes the standards by which the Secretary will support those costs.

EFFECTIVE DATE: This schedule takes effect on May 16, 1996.

FOR FURTHER INFORMATION CONTACT: George Arsnow, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3230, Mary E. Switzer Building, Washington, D.C. 20202–2531. Telephone: (202) 205–9317. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*, gives blind persons who are trained and licensed by State vocational rehabilitation agencies (called ''State licensing agencies'' or SLAs) a priority to operate vending facilities on Federal property. The Act further provides for arbitration to resolve disputes that arise under the program between individual vendors and SLAs and between SLAs and Federal agencies. 20 U.S.C. 107d–1(a) and (b). For each of these two categories of arbitrations, the Secretary authorizes the convening of an arbitration panel upon receipt of a complaint filed by either a vendor against an SLA or by an SLA against a Federal agency. 20 U.S.C. 107d–2(a).

The Act directs each of the parties to an arbitration to appoint one arbitrator (or panel member) and directs the two party-appointed arbitrators to select a neutral chairperson. 20 U.S.C. 107d–2(b)(1) and (2). In order to facilitate this process, the Department sends to the parties names of potential chairpersons from the Roster of Arbitrators maintained by the Federal Mediation and Conciliation Service (FMCS). If the parties seek to appoint a chairperson who is not listed on the FMCS roster, a biographical sketch of that chairperson is to be sent to the Department. Once selected, the panel conducts a hearing and renders a decision, which is subject to appeal and review as a ''final agency action'' for purposes of the Administrative Procedure Act. 20 U.S.C. 107d–2(a).

The Act, in 20 U.S.C. 107d–2(d), requires the Secretary to pay all reasonable costs of arbitration in accordance with a schedule of fees and expenses that the Secretary publishes in the Federal Register. Pursuant to this requirement, the Department has continued to pay certain costs associated with arbitration proceedings authorized by the Secretary in the absence of an established schedule, but has not published the schedule referred to in the statute.

On August 19, 1994 the Secretary published a notice of proposed schedule of arbitration fees and expenses under the Act in the Federal Register (59 FR 42824).

In accordance with 107d–2(d) of the Act, this final schedule outlines the types of costs that the Secretary considers reasonable costs of arbitration and the standards by which the Secretary will determine the rate of payment for these costs. Generally, the Secretary considers reasonable costs of arbitration to include the cost of preparing the official record of arbitration proceedings, professional fees for arbitration panel members, and food, travel, and lodging expenses of panel members and essential witnesses. The Secretary does not consider attorney's fees to be part of the reasonable costs of arbitration supported by the Secretary.

The Department has drawn guidance from information and data supplied by the FMCS in formulating these standards.

There are no substantive differences between the proposed schedule and this final schedule other than the authorization of postponement or cancellation fees for panel members if an arbitration proceeding is postponed or canceled within 72 hours of its scheduled date and time. The proposed schedule would have authorized these fees for panel members only if an arbitration proceeding is postponed or canceled within 48 hours of its scheduled date and time.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed schedule, two parties submitted comments on the proposed schedule. An analysis of the comments and of the changes in the schedule since publication of the notice of proposed schedule follows.

Major issues are grouped according to subject. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Postponement or Cancellation Fees

Comments: None.

Discussion: The proposed schedule would have authorized payment of postponement or cancellation fees for arbitrators if arbitration proceedings are postponed or canceled within 48 hours of their scheduled date and time. During the Department's review of the proposed schedule, it was determined that basing these fees on a two-day standard is unduly restrictive. The Secretary believes that authorization of fees for postponements or cancellations made within three days of a proceeding's scheduled date and time is a fairer basis for compensating arbitrators if schedule changes arise. Arbitrators also may receive a portion of their per diem fee that is proportional to the actual time that they expended in preparing for a postponed or canceled proceeding regardless of whether the panel member is entitled to a postponement or cancellation fee.

Changes: The Secretary has revised paragraph (b) of the proposed schedule to authorize payment of a predetermined, customary, and reasonable postponement or cancellation fee to panel members if a scheduled arbitration proceeding is postponed or canceled within 72 hours of its scheduled date and time.

Attorney's Fees

Comments: One commenter opposed the exclusion of attorney's fees from the reasonable costs of arbitration that are paid by the Department. This commenter asserted that the Department should pay the attorney's fees incurred by the parties to an arbitration proceeding so as not to put blind vendors, who have limited financial resources and cannot afford to retain an attorney, at a competitive disadvantage with SLAs, which typically do not have to expend additional resources to retain legal representation. In addition, this commenter stated that the refusal of the Department to pay the attorney's fees incurred by blind vendors during arbitration is inconsistent with the purposes of the Act and contrary to other statutory authorities such as the Equal Access to Justice Act, which requires the Department to pay the fees and other expenses of a prevailing party to certain adjudicative proceedings held before the Department. This commenter asserted that Congress intended that the Department pay ''all'' costs incurred during arbitration proceedings

conducted under the Act and questions the basis for excluding attorney's fees from the reasonable costs of arbitration supported by the Department.

Discussion: Pursuant to the requirements of the Act, the Department pays the reasonable costs of arbitration from its salaries and expenses account. Because the Department's financial resources are limited and because neither the Act nor its legislative history specifies the scope of the term ''all reasonable costs of arbitration,'' it has been the Department's longstanding policy to support only the types of costs identified in this final schedule even though the schedule has not been published previously in the Federal Register. The Secretary believes that a Department policy to pay arbitration costs not identified in the schedule, such as attorney's fees, would significantly hinder the Department's ability to meet its statutory responsibility to support the reasonable costs associated with each arbitration that arises under the Act. Accordingly, the schedule is limited to the general costs necessary to ensure access to the arbitration process (i.e., the costs of convening the arbitration panel, developing the written record, and assembling essential witnesses).

The Secretary emphasizes that the Department plays a very limited role in arbitration proceedings under the Act, regardless of whether the arbitration is initiated by a blind vendor against an SLA or an SLA against another Federal agency. A requirement that the Department pay the attorney's fees of any party to an arbitration, therefore, would be inconsistent with the general understanding that only parties to the litigation can be held liable for damages or attorney's fees. This same view was advanced recently by the 8th Circuit Court of Appeals in *McNabb* v. *U.S. Department of Education*, 29 F.3d 1303 (8th Cir. 1994), when it held that the Secretary is not responsible for paying attorney's fees as part of the reasonable costs of arbitration under section 107d–2(d) of the Act. Finally, the Secretary notes that the Equal Access to Justice Act referred to by the commenter is unrelated to the Randolph-Sheppard program and authorizes Department support of fees and expenses only in certain adjudicative proceedings to which the Department is a party (See 34 CFR Part 21).

Changes: None.

Additional costs

Comments: One commenter suggested that the schedule be expanded to include additional expenses incurred by parties to an arbitration, such as the costs of conducting depositions or other forms of discovery.

Discussion: The Secretary emphasizes that the schedule limits Department support to those costs that are incident to arbitrations conducted under the Act and are necessary to ensure that each grievant has access to the arbitration process. Thus, the Secretary believes that expenses incurred by exchanging information between parties (i.e., discovery costs), which often are considered part of attorney's fees, fall outside the scope of the reasonable costs of arbitration for which the Department is responsible. In addition, the Secretary notes that Department support of the expenses of witnesses whose testimony is deemed by the arbitration panel chairperson to be essential to the proper resolution of the dispute may lessen the need for parties to conduct certain depositions.

Changes: None.

Dated: April 10, 1996.

(Catalog of Federal Domestic Assistance Number does not apply.)

Richard W. Riley,

Secretary of Education.

Reasonable Costs of Arbitration Under the Randolph-Sheppard Act

The Secretary states that the reasonable costs of arbitration under 20 U.S.C. 107d–2(d) are the following:

(a) *Stenographic Record*—(1) *General Provisions.* The Department will pay the costs of the services of the official reporter assigned to the arbitration, including preparation of the official transcript of the hearing and six copies thereof. The official transcript and one copy thereof must be submitted to the Department. The remaining five copies of the transcript must be distributed among the parties as determined by the arbitration panel chairperson. Costs of the services of the official reporter may not exceed the reasonable and customary costs for those services in the locality in which the services are furnished.

(2) *Cancellation.* The official reporter may charge the Department its customary fee for cancellation of an arbitration proceeding in situations in which a proceeding is canceled within 24 hours of its scheduled date and time.

(b) *Fees of Arbitrators*—(1) *Per Diem.* The Department will pay a per diem fee to arbitration panel members who are not otherwise employed by the Federal or State Government for their services during the course of the arbitration. The per diem fee to be paid by the Department must be the lesser of—

(i) The customary fee charged by the individual panel member; or

(ii) The reasonable and customary fee charged by arbitrators in the locality where the arbitration will be held.

(2) *Postponement or Cancellation within 72 hours.* If a scheduled arbitration proceeding is postponed or canceled within 72 hours of its scheduled date and time, panel members may charge the Department—

(i) A predetermined, customary, and reasonable postponement or cancellation fee; and

(ii) That portion of the arbitrator's per diem fee proportional to the actual time the panel member expended in preparing for the proceeding.

(3) *Other Postponements or Cancellations.* If a scheduled arbitration proceeding is postponed or canceled more than 72 hours prior to its scheduled date, panel members may charge the Department only that portion of the per diem fee proportional to the actual time expended in preparing for the proceeding.

(4) *Notice.* The customary per diem and predetermined fees charged by a panel member must be included in a biographical sketch that is to be sent to the Department following his or her appointment to the panel.

(c) *Travel, Lodging, and Meal Expenses of Arbitrators and Witnesses*—(1) *Arbitrators.* Notwithstanding that the Secretary urges the parties to appoint panel representatives from the locality in which the dispute arose and the hearing is to be held, the Department will reimburse the travel, lodging, and food expenses of the arbitration panel members incurred for the purpose of attending hearings and for the purpose of attending any pre- or post-hearing conferences that cannot be conducted by telephone. These expenses will be reimbursed at the rate applicable to Federal Government employees traveling on government business to the hearing location. The Secretary urges the two panel representatives appointed by the parties to select a neutral chairperson from the locality in which the dispute arose and the hearing is to be held.

(2) *Witnesses.* The Department will reimburse the travel, lodging, and food expenses of witnesses for the purpose of testifying at hearings, if the witness does not reside at the locality of the arbitration proceeding and the testimony of the witness is deemed by the arbitration panel chairperson to be essential to the proper resolution of the dispute. These expenses will be reimbursed at the rate applicable to Federal Government employees traveling on government business to the hearing location.

(d) *Unsupported Costs.* Attorney's fees are not considered the responsibility of the Department and are not included in the reasonable costs of arbitration supported by the Department.

(Authority: 20 U.S.C. 107d–2(d))

[FR Doc. 96–9335 Filed 4–15–96; 8:45 am]

BILLING CODE 4000–01–P

Reader Aids

Federal Register

Vol. 61, No. 74

Tuesday, April 16, 1996

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids — **202–523–5227**

Public inspection announcement line — **523–5215**

Laws

Public Laws Update Services (numbers, dates, etc.) — **523–6641**

For additional information — **523–5227**

Presidential Documents

Executive orders and proclamations — **523–5227**

The United States Government Manual — **523–5227**

Other Services

Electronic and on-line services (voice) — **523–4534**

Privacy Act Compilation — **523–3187**

TDD for the hearing impaired — **523–5229**

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, APRIL

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

21 CFR

Ch. I.....14478, 16422
1.....14244
2.....15699
5.....14375
101.....16423
172.....14481
173.....14481
175.....14481
176.....14481
177.....14481, 14964
178.....14481
180.....14481
181.....14481
189.....14481
341.....15700
510.....15703
520.....15185
522.....14482
558.....14483
573.....15703
803.....16043
807.....16043
814.....15186

Proposed Rules:

25.....14922
71.....14690
170.....14690
171.....14690
510.....15003
886.....14277
900 .....14856, 14870, 14884, 14898, 14908

22 CFR

92.....14375
514.....15372

23 CFR

230.....14615

24 CFR

0.....15350
4.....14448
12.....14448
100.....14378
103.....14378
109.....14378
200.....14396, 14410
207.....14396
213.....14396
215.....14396, 16172
219.....14396
220.....14396
221.....14396
222.....14396
231.....14396
232.....14396, 14410
233.....14396
234.....14396
236.....14396, 16172
237.....14396
241.....14396, 14410
242.....14396
244.....14396
248.....14396
265.....14396
267.....14396
811.....14456, 16045
813.....16172
913.....16172
950.....16172
3500.....14617

Proposed Rules:

50.....15340

26 CFR

1 .....14247, 14248, 15891
602.....14248

Proposed Rules:

1 .....14517, 15204, 15743
25.....16623

28 CFR

547.....16374

Proposed Rules:

36.....16232, 16233
553.....14440

29 CFR

1625.....15374

Proposed Rules:

1904.....15435
1910.....15205
1915.....15205
1926.....15205
1952.....15435
2509.....14690
2520.....14690
2550.....14690
2610.....16387
2619.....16388
2622.....16387
2644.....16391
2676.....16388

30 CFR

914.....15378, 15891
943.....15380

Proposed Rules:

6.....15743
18.....15743
19.....15743
20.....15743
21.....15743
22.....15743
23.....15743
26.....15743
27.....15743
29.....15743
33.....15743
35.....15743
745.....15005
900.....15005
901.....15005
906.....15005
913.....15005
914.....15435
925.....14517
926.....15005, 15910
931.....15005
934.....15005
935.....15005
936.....15005, 15435
944.....15005
946.....15005
948.....15005
950.....15005

31 CFR

103 .....14248, 14382, 14383, 14386
535.....15382

Proposed Rules:

321.....14444

32 CFR

706 .....14966, 14967, 14968, 14969
865.....16046

Proposed Rules:

117.....15437
619.....15010

33 CFR

100.....14249
117.....14970
175.....15162
179.....15162
181.....15162

Proposed Rules:

165.....14518

34 CFR

76.....14483
81.....14483

36 CFR

7.....14617
223.....14618
292.....14621
1253.....14971

Proposed Rules:

242.....15014
1191.....16232, 16233

38 CFR

1.....14596
21.....15190

39 CFR

Proposed Rules:

111.....15205

40 CFR

9.....16290
51.....16050
52 .....14484, 14487, 14489, 14491, 14493, 14634, 14972, 14974, 14975, 15704, 15706, 15709, 15713, 15715, 15717, 15719, 16050, 16229
60.....14634, 15721
70.....16063
80.....16391
81.....14496
148.....15566, 15660
167.....14497
180 .....14637, 15192, 15895, 15896, 15900
185.....15893
186.....15192, 15900
260.....16290
261.....16290
262.....16290
263.....16290
264.....16290
265.....16290
266.....16290
268.....15566, 15660
271.....15566
273.....16290
300.....15902
403.....15566, 15660
716.....14596

Proposed Rules:

51.....16068
52 .....14520, 14521, 14522, 14694, 15020, 15744, 15745, 15751, 15752, 16050
59.....14531
68.....16598, 16606
80.....16432
81.....14522
141.....16348
142.....16348
180 .....14694, 15911, 15913
261.....14696
300 .....14280, 16068, 16229
440.....15917

41 CFR

101–25.....14978
Ch. 301 16620

42 CFR

405.....14640
491.....14640

43 CFR

Group 8400.....15722

Proposed Rules

8000.....15753
8300.....15753

44 CFR

64.....14497, 15723
65.....14658, 14661
67.....14665

Proposed Rules:

62.....14709
67.....14715

45 CFR

74.....15564
1633.....14250
1634.....14252
1635.....14261

46 CFR

2.....15162
159.....15162, 15868
160.....15162, 15868
514.....14979

Proposed Rules:

10.....15438
12.....15438
15.....15438

47 CFR

Ch. I.....14672
0.....14499, 16229
1.....15724
2.....14500, 15382
15.....14500
21.....115387
61.....15724
63.....15724
64.....14979
73 .....14503, 14676, 14981
76 .....15387, 15388, 16396
97.....15382

Proposed Rules:

Ch. I.....14717, 16432
0.....16424
1.....15439
2.....15206
15.....15206
20.....15753
36.....15208
64.....15020
68.....15441
69.....15208
73 .....14733, 15022, 15439, 15442, 15443
74.....15439
76.....16447

48 CFR

1425.....15389
1452.....15389
1516.....14504

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Cooked roast beef products; sorbitol use

Withdrawn; published 4-16-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

South Carolina; published 2-16-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 4-1-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Honey research, promotion, and consumer information order; comments due by 4-26-96; published 3-27-96

Nectarines and peaches grown in California; comments due by 4-26-96; published 3-27-96

Pork promotion, research, and consumer information; comments due by 4-22-96; published 3-22-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Cattle exportations; tuberculosis and brucellosis test requirements; comments due by 4-23-96; published 2-23-96

Pork and pork products from Mexico transiting United States; comments due by 4-23-96; published 2-23-96

Exportaton and importation of animals and animal products:

Horse quarantine facility standards; fees collection at animal quarantine facilities; request for comments and withdrawal; comments due by 4-26-96; published 2-26-96

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Program regulations:

Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

AGRICULTURE DEPARTMENT

Rural Housing Service

Program regulations:

Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

AGRICULTURE DEPARTMENT

Rural Utilities Service

Program regulations:

Intermediary relending program loan limits; loan limit increase; comments due by 4-22-96; published 2-22-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Bering Sea and Aleutian Islands groundfish; comments due by 4-26-96; published 4-11-96

Gulf of Alaska groundfish; comments due by 4-22-96; published 3-12-96

Gulf of Alaska groundfish; correction; comments due by 4-26-96; published 3-20-96

South Atlantic Region golden crab; comments due by 4-25-96; published 3-5-96

Western Pacific crustacean; comments due by 4-26-96; published 2-29-96

Ocean and coastal resource management:

Coastal zone management program regulations; Federal regulatory review; comments due by 4-25-96; published 3-11-96

DEFENSE DEPARTMENT

Acquisition regulations:

Contract cost principles and procedures--

Compensation for personal services; comments due by 4-26-96; published 2-26-96

Federal Acquisition Regulation (FAR):

Foreign purchases; restrictions; comments due by 4-22-96; published 2-22-96

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control; new motor vehicles and engines:

Gasoline spark-ignition and diesel compression-ignition marine engines; emission standards; comment period extension; comments due by 4-24-96; published 3-25-96

Air programs:

National emission standards for hazardous air pollutants--

Owners or operators who construct, reconstruct, or modify major sources; control technology requirements; comments due by 4-25-96; published 3-26-96

Air quality implementation plans; approval and promulgation; various States:

Illinois; comments due by 4-22-96; published 3-21-96

Indiana; comments due by 4-22-96; published 3-21-96

Massachusetts; comments due by 4-22-96; published 3-21-96

Rhode Island; comments due by 4-22-96; published 3-22-96

Wisconsin; comments due by 4-22-96; published 3-22-96

Hazardous waste:

Identification and listing--

Constituent-specific exit levels for low-risk solid wastes; comment period extension; comments due by 4-22-96; published 2-22-96

Solid waste; definition; comments due by 4-25-96; published 3-26-96

Land disposal restrictions--

Mineral processing wastes, etc.; comment period extension; comments due by 4-24-96; published 3-25-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Diquat; comments due by 4-26-96; published 3-27-96

Oxidized pine lignin, sodium salt; comments due by 4-26-96; published 3-27-96

Superfund program:

National oil and hazardous substances contingency plan--

National priorities list update; comments due by 4-22-96; published 3-21-96

National priorities list update; comments due by 4-25-96; published 3-26-96

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Conflict of interests; comments due by 4-26-96; published 2-26-96

FEDERAL COMMUNICATIONS COMMISSION

Radio and television broadcasting:

Flexible standards for directional microwave antennas; comments due by 4-26-96; published 3-22-96

Radio stations; table of assignments:

Kentucky; comments due by 4-25-96; published 3-8-96

South Carolina; comments due by 4-25-96; published 3-8-96

Washington; comments due by 4-25-96; published 3-8-96

Wisconsin; comments due by 4-22-96; published 3-4-96

Television broadcasting:

Telecommunications Act of 1996--

Sexually explicit adult programming; scrambling or blocking; comments due by 4-26-96; published 3-11-96

Television stations; table of assignments:

Tennessee; comments due by 4-22-96; published 3-4-96