

Federal Register



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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 95-088-1]

The Application of Irradiation to Phytosanitary Problems

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of policy.

SUMMARY: This document sets forth a policy statement that shares positions and policies of the Animal and Plant Health Inspection Service (APHIS) concerning the use of irradiation as a treatment for plant pests of quarantine significance.

In preparing this document, we have reviewed and evaluated pertinent and contemporary information concerning irradiation as a phytosanitary treatment or potential treatment. We have examined this information against the background of regulatory and operational parameters associated with APHIS, Plant Protection and Quarantine's (PPQ's) mission and authority. The objective of this effort has been to generate a reference document that describes policies, procedures, and regulations specifically related to irradiation as a phytosanitary treatment. This document is designed for review and comment.

ADDRESSES: There are several ways to comment on this document. Because we hope to develop a dialogue among persons interested in contributing to the improvement of these policies, the preferred method of commenting is to subscribe to an e-mail mailing list we are establishing for the discussion of the policy issues. After you subscribe, on an ongoing basis you will receive e-mail copies of all comments submitted to the mailing list. Those wishing to subscribe

to this service should send an e-mail message to "majordomo@info.aphis.usda.gov"—without the quotation marks—and leave the subject area empty. In the body of the message, type "subscribe irradi"—again without the quotes—and then send the message.

You can also subscribe to this mailing list or file individual e-mail comments using a form contained in a World Wide Web site devoted to this document. The site also contains downloadable copies of this document and may also have additional background documents on irradiation, and links to other sites concerning radiation and the irradiation of products. The address (URL) of the World Wide Web site is:

www.aphis.usda.gov/ppd/irrad.

You may also submit comments by postal mail. To do so, please send an original and three copies of your comments to Docket No. 95-088-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-046-1. Postal and e-mail comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Griffin, Senior Plant Pathologist, USDA, APHIS, PPD, 4700 River Road Unit 117, Riverdale, MD 20737-1228; (301) 734-3576; e-mail rgriffin@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Development of Policy Statement

The first draft of these positions and policies was introduced in October 1994 during the annual meeting of the North American Plant Protection Organization (NAPPO). Subsequent review has included NAPPO participants and a broadening circle of individual experts, organizations, and agencies interested in, involved in, or impacted by irradiation as a phytosanitary treatment. Numerous modifications have been made as additional information has been collected and reviewed. This document is not final or authoritative,

and does not establish any agency requirements. Any requirements concerning irradiation that APHIS develops will be promulgated through rulemaking published in the Federal Register.

Since 1989, the only formally adopted regulatory policy for irradiation as a phytosanitary treatment in the United States has been based on Title 7 of the Code of Federal Regulations (7 CFR 318.13-4f, "Administrative instructions for approving an irradiation treatment as a condition for certification of papayas for movement from Hawaii"). This authorization is specific for a commodity, place of origin, and program, but is designed for a complex of fruit flies rather than a single pest. While routine commercial shipments were never realized under this regulation due to the lack of a treatment facility in Hawaii, the authorization has proven useful from the standpoint of beginning to establish policies for irradiation as a phytosanitary treatment in the United States.

Six years later, PPQ remains dedicated to using the most up-to-date, appropriate and least intrusive technology to provide quarantine security, and the need for alternative treatments and pest mitigation systems is greater than ever. Global trade pressures and the possible loss of methyl bromide as a fumigant for regulatory pest treatments make it imperative that practical treatment options be explored.

At the same time, irradiation treatment has matured significantly. Technological advances, greater experience, and an increasingly larger body of research indicate that irradiation has important potential as a treatment for quarantine pest problems.

It is in this light that PPQ now seeks to expand the regulatory framework addressing irradiation treatment and develop comprehensive policy statements that will facilitate the development and formalization of new treatments for phytosanitary applications. This policy statement provides a sketch from which final policies can be codified after broad review and input.

Position Summary

The regulations at 7 CFR 318.13-4f provide administrative instructions for an irradiation treatment as a condition for the certification of fresh papayas

moving to the mainland States from Hawaii. These were the first regulations authorizing the use of irradiation as a quarantine treatment, and the regulations set a number of policy precedents. The regulations included the following five basic principles or policies for irradiation:

1. Requirement that irradiation facilities meet certain APHIS standards;
2. Monitoring based on inspection of treatment records and unannounced visits;
3. Policy that the Department is not responsible for damage resulting from intolerance to the prescribed dose;
4. Reliance on the authority and regulations of the United States Nuclear Regulatory Commission to ensure U.S. facilities are constructed and operated in a safe manner; and
5. Reliance on the authority and regulations of the United States Food and Drug Administration (FDA) to ensure irradiated foods are wholesome for human consumption.

The precedents described above remain valid to the extent that the same would apply to any new regulations developed by PPQ for the authorization of other treatments. However, additional clarity and completeness are necessary to address the range of commodity, pest, treatment, and operational issues potentially involved with the approval of irradiation treatments for phytosanitary problems. In addition, new information needs to be considered in adjusting existing policies, and program designs must be adapted to address the unique situations created by authorizing treatments conducted outside the United States. Therefore, in addition to the five policy precedents established by the existing regulations, APHIS has identified 28 additional policies, for a total of 33 policies relevant to irradiation.

The following are summary statements of the 28 additional policies and positions:

6. PPQ does not endorse the position that irradiation treatment should be the only replacement for methyl bromide. PPQ believes that there is adequate scientific evidence to show that irradiation provides an alternative treatment to be explored and developed, and PPQ recognizes that irradiation has potentially broad applications in the treatment of quarantine plant pests.

7. The highest priority for treatment approval is generally given to treatments deemed by PPQ to have the greatest potential immediate need, use, and benefit.

8. Treatment schedules approved by PPQ must have been demonstrated experimentally to achieve the level of

efficacy required for a defined level of quarantine security.

9. To the extent possible, PPQ will ensure consistent requirements for both import and export authorizations, and align domestic requirements with foreign requirements as fairly as possible.

10. Specific authorizations for the use of irradiation as a phytosanitary treatment will initially be provided by PPQ on a case by case basis following a pest risk analysis, the evaluation of efficacy data, and the approval of operational protocols.

11. Irradiation may be used as a single treatment achieving quarantine security, or as part of a multiple treatment, or as a component in a pest mitigation system (systems approach).

12. Measures aimed at reducing pest presence prior to treatment are encouraged but will not be required for treatments achieving quarantine security. However, a very low initial infestation rate is important for enhancing the acceptance and use of irradiation as a treatment and for alleviating regulatory concerns arising from the detection of living pests in the irradiated product.

13. In those instances where pest organisms survive treatment, it is essential for quarantine purposes that the organism is unable to reproduce, and it is desirable for the organism to be unable to emerge from the commodity unless it can be easily distinguished from a non-irradiated pest of the same species.

14. Live stages of pest organisms, or their signs or symptoms, found in a commodity following a PPQ prescribed and approved irradiation treatment will be presumed by PPQ to have been effectively treated unless evidence exists to indicate that the integrity of the treatment was inadequate. PPQ may perform or require laboratory or other analyses on surviving pest organisms, or employ any available technology to verify efficacy. Authorizations may be suspended or modified and the requirements for system integrity may be adjusted based upon the results of such studies.

15. Ionizing energy (radiation) may be provided by radionuclides (gamma rays from cobalt-60 or cesium-137), electrons generated from machine sources, or by x-rays. PPQ is not concerned with specifically describing the requirements for equipment except to the extent that equipment used for plant quarantine treatments is capable of irradiating commodities to the specifications required for approved treatments.

16. Irradiation treatment must be carried out to ensure that the minimum

absorbed dose (D_{min}) required to assure quarantine security is fully attained throughout the commodity. The schedule process for D_{min} must account for uncertainty associated with the dosimetry system employed.

17. Definition of the lower dose limit is essential to the approval of irradiation treatments for quarantine purposes. Definition of the upper dose limit is not critical to determining quarantine security, but is important from a quality standpoint and to identify potential problems with the FDA limit for the maximum dose for food (currently 1 kilogray - see 21 CFR 179.26). PPQ will not be concerned with defining the upper dose limit except to the extent that it is necessary to determine the feasibility of a particular treatment.

18. Treatments must be proven with adequate dosimetry in accordance with relevant internationally accepted standards, such as those published by the American Society for Testing and Materials (ASTM) or similar organizations. The dosimetry systems must be completely described, including records related to identifying specific suppliers, batches, processing dates, locations, and procedures as well as the means of calibration (reference dosimetry) used.

19. PPQ will confer with the Agricultural Research Service (ARS), United States Department of Agriculture (USDA) concerning the adequacy of treatment data, research protocols, and treatment design. ARS will identify or concur with the minimum dose for efficacy at the level defined by PPQ as providing quarantine security for a pest or complex of pests. Other experts may also be asked to provide input.

20. Dosages may be generic relative to a pest group or to a commodity.

21. PPQ may prescribe treatments with doses higher than what is indicated as effective by available data. This will be done to expedite the incorporation of new treatments while providing a measure of safety when PPQ and ARS judge the data to be inconclusive to the extent necessary for approving a less rigorous treatment. All treatments will be subject to amendment as new information is evaluated. PPQ expects that modifications to an existing treatment will be more easily and quickly accomplished than approval of a new treatment.

22. An irradiation program protocol, describing the details of a program surrounding a specific commodity treatment and facility processes (import or export, domestic or foreign), will be developed prior to the approval of a new facility or a new commodity for an existing facility.

23. Treatment facilities must be licensed by relevant national authorities. When not conflicting with national authority, compliance with the criteria of the International Inventory of Authorized Food Irradiation Facilities, established by the International Consultative Group on Food Irradiation (ICGFI), is also recommended for facilities treating food items.

24. Treatment facilities will be subject to the prior approval of PPQ and will be subject to periodic unannounced monitoring. Recertification by PPQ will be done on an annual basis or following repairs, modifications, or adjustments in equipment affecting the delivery of treatments. Source replenishment (in the case of radionuclide facilities) will require additional dose mapping.

25. Dose mapping of the product in every geometric packing configuration, arrangement, and product density that will be used during routine treatments will be required prior to PPQ approval of a facility. Dose mapping must be performed in accordance with relevant internationally accepted standards such as those published by ASTM or similar organizations.

26. The irradiation treatment can be applied as an integral part of packing operations, or it may be done at a central location such as the port of embarkation after packing or packaging. Treatment may also be performed at the port of arrival or a designated location in the destination country when safeguards are deemed by PPQ to be adequate and operationally feasible.

27. The irradiation treatment may be applied to bulk or continuous unpackaged commodities, or the commodities may be packaged at the time of treatment. If unpackaged or exposed in packaging,¹ commodities will require safeguarding immediately following treatment to ensure that they do not become reinfested or contaminated after treatment.

28. Treated and untreated commodities must be adequately segregated and handled under conditions that will safeguard against cross-infestation or mistaken identity. Appropriate procedures specific to each facility and commodity treatment program must be approved by PPQ in advance.

29. Direct PPQ supervision of treatment programs may not be necessary for programs deemed by PPQ to provide adequate system integrity. Minimum criteria include PPQ approval of the treatment facility, National Plant Protection Organization (NPPO)

certification of treatments, and PPQ approval of a program protocol for system integrity. PPQ will directly and routinely verify the adequacy of treatment facilities. PPQ presence may also be necessary for the monitoring of related program activities and system integrity.

30. Requirements for program protocols and system integrity will be harmonized with FDA, the USDA Food Safety Inspection Service (FSIS), and other regulatory authorities to the extent possible.

31. Phytosanitary certificates issued in accordance with the International Plant Protection Convention (IPPC) may be used as official documentation verifying the successful completion of a treatment. Certificates must specifically identify the treated lot and record the prescribed minimum dose and the verified minimum dose. The maximum dose may also be required in order to comply with FDA requirements for some commodities.

32. PPQ is committed to harmonizing with other U.S. agencies, States, foreign counterparts, and regulatory bodies involved with the development, approval, and application of irradiation treatments for phytosanitary problems. PPQ will make every attempt to avoid overlap, conflict, and ambiguity associated with the relationship of PPQ regulations to those of other authorities.

33. PPQ is committed to increasing its own depth of understanding concerning irradiation as a treatment for phytosanitary problems and expanding its expertise for the approval of treatments and the certification of facilities.

Research Protocols

General PPQ Requirements for the Acceptance of Irradiation as a Quarantine Treatment

Irradiation as a single treatment, part of a multiple treatment, or combined with other pest mitigation measures as a component of a systems approach, must have a scientifically demonstrated level of efficacy. The research necessary to demonstrate efficacy for PPQ begins with laboratory scale tests designed to provide results that can be analyzed statistically to hypothesize the parameters necessary to attain a defined level of quarantine security.

Unlike most other PPQ treatment approvals, irradiation treatments may not always require a second level of confirmatory testing to demonstrate that the treatment is efficacious under the conditions associated with the commercial treatment of the commodity. However, the equipment,

processes, and dosimetry for any specific treatment facility must be approved and monitored by PPQ to ensure that commercial treatments comply with the parameters for approved treatments.

Judging the feasibility of treatments for commercial applications is outside the scope of PPQ's authority and responsibility. Likewise, concerns related to phytotoxicity and issues of quality are not the responsibility of PPQ. Therefore, primary responsibility falls upon the research and commercial sectors to ensure that treatments demonstrated to be efficacious against pests of quarantine concern are also practical for commercial use.

The efficacy of the treatment as demonstrated against naked pests *in vitro* is the primary criterion for approval in most cases,² but concurrent phytotoxicity studies are important and appropriate in order to determine the commercial feasibility of proposed treatments even though data of this nature will not normally be required by PPQ to demonstrate efficacy.

General Research Protocol

If Unknown, Determine the Pest or Pests That Are of Quarantine Significance and Would be Expected to be Found on or Within the Commodity at the Time of Export

Submit this information to PPQ for concurrence. PPQ will assess the risks associated with any quarantine significant pest or pests. Irradiation may serve as the means of mitigating the risks identified in the risk analysis process.

Determine the Most Tolerant Life-stage of the Pest(s) of Concern That Would be Encountered at the Time of Treatment

If not documented in the literature, this must be determined through research. Research to determine the most tolerant life-stage may be done with naked organisms outside the commodity. Submit this information to PPQ for concurrence.

Determine the Minimum Absorbed Dosage (D_{min}) and the Type of Radiation Required to Maintain Quarantine Security

Experimental design must utilize sampling methods and sample sizes appropriate for statistical tests to be used. In some instances, efficacy may be

¹ Note: Packaging materials may require FDA approval.

² The FDA establishes the maximum absorbed ionizing radiation dose for food (currently established at 1 kilogray for the disinfestation of food for arthropods—21 CFR 179.26). Irradiation treatments designed for the treatment of other than arthropods *in food* must receive FDA approval as well.

inferred from the literature for related species and commodities when complete laboratory investigations are not possible.³ The means of calibration (reference dosimetry) must be described in detail and should be developed in accordance with relevant accepted standards, such as those published by ASTM or similar organizations. Submit the proposed experimental design to PPQ for concurrence.

Confirm That the Proposed Irradiation Dosage Will Provide Quarantine Security by Testing Large Numbers of Organisms

Submit the proposed experimental design to PPQ for concurrence. Analyze data statistically.

Analyze data statistically

Submit the proposed statistical methodology to PPQ for concurrence.

Describe Specific Conditions Necessary for Commercial Application of the Proposed Treatment Methodology. Specify Maximum and Minimum Absorbed Dose

Submit proposed treatment regime and conditions necessary for commercial-scale treatment to PPQ for review. This does not mean that commercial-scale testing is necessary, only that the conditions for commercial-scale treatments be described to PPQ prior to building a facility or configuring existing facilities for quarantine treatments. This provides PPQ the opportunity to address components of design, monitoring, safeguarding, and commodity handling that will be essential for the ultimate approval of a specific facility.

Specific Research Protocol: Quarantine Significant Fruit Flies

Quarantine security for a single treatment protocol will be defined as the prevention of adult emergence at the 99.9968 percent level with 95 percent confidence as demonstrated by a valid statistical method.

Specific Research Protocol: Quarantine Significant External Feeders, Hitchhikers, and Surface Contaminants

Quarantine security for a single treatment protocol will be defined as achieving 99.9968 percent sterility or mortality at the 95 percent confidence

level, depending on the pest. Large scale or commercial confirmatory testing may be waived if satisfactory evidence can be presented showing that conditions in small scale testing are representative of commercial practices.

Specific Research Protocol: Quarantine Significant Systemic Organisms

Quarantine security for a single treatment protocol will be defined as achieving 99.9968 percent sterility or mortality⁴ at the 95 percent confidence level, depending on the pest. Efficacy must be demonstrated with lab scale testing of organisms in host material.

System Integrity (Quality Assurance/Quality Control)

Post-treatment safeguard methods are critical for irradiation treatments, as they are for many other commodity treatments, because the pest may continue to live and develop following treatment. As a result, confidence in the adequacy of irradiation treatment rests with the assurance that the treatment:

- (a) Is efficacious against the pest under specific conditions, and
- (b) Has been properly conducted and the commodity safeguarded.

To ensure condition (a) is met, strict research protocols and dosimetry requirements prevent lack of efficacy that would lead to treatment failure. Condition (b) is assured by well designed and closely monitored systems for treatment delivery and safeguards that assure system integrity.

This section addresses the policies being considered by PPQ for ensuring system integrity in the application of irradiation to phytosanitary problems. The focus of these policies is the achievement of quarantine security. Product quality is a commercial responsibility that must also be considered.

A. Pretreatment Conditions

Packers and treatment facility operators must keep complete records concerning sources (growers) supplying commodities for treatment. These records must be available for PPQ review in the event a trace-back is necessary. Trace-back capability is important when pests other than the target pests have been detected.

Untreated commodities and other agricultural products must be stored separately from treated commodities and appropriately marked. A fail-safe

means of moving the commodity from receiving areas to treatment areas in a timely fashion and without mistaken identity or risk of cross-contamination is essential.

Packaging prior to irradiation is desirable to prevent reinfestation if irradiation is done at the export source, and to prevent the accidental escape of target pests at the destination if the treatment is applied at the destination.

B. Treatment Conditions

An accurate measure of absorbed dose is critical to determining and monitoring adequacy. The required number and frequency of these measurements will be prescribed by PPQ based on the specific equipment, processes, configurations, and commodities.

Approved, standardized dosimetry must demonstrate that the absorbed dose range, including areas of the minimum and maximum dose is well mapped, controlled, and recorded for specific pests, commodities, and equipment.

Dosimetry must consider variations due to density and composition of the material treated, variations in shape and size, variations in orientation of the product, stacking, volume, and packaging.

Absorbed dose must be measured using calibrated dosimeters approved in advance by PPQ. Dosimeters must be calibrated to a recognized national or international standard.

The number of dosimeters used shall be in accordance with relevant internationally accepted standards, such as those published by ASTM.

Complete dosimetry records must be kept by the treatment facility for at least 1 year after treatment. These records must be available to PPQ for review at any time.

Facilities and control procedures must have approval and licensing in conformance with local, national, and, where applicable, international regulatory bodies having authority over the particular situation or location. For non-U.S. locations, PPQ must judge these to be adequate and equivalent to U.S. standards.

Facilities must be certified by PPQ for use initially and at least annually. An increase or decrease in radioisotope or major modification to equipment that impacts the delivered dose must be reviewed by PPQ prior to recertification. Approval will be based on a common set of criteria plus those specific to the site and commodity programs. Significant variance in dose delivery (based on PPQ monitoring of dosimetry

³ Quarantine security may be defined in terms of mortality or in terms of other criteria that would ensure that survivors are not able to reproduce and are not confused with untreated pests encountered inside and outside the commodity. In the case of fruit flies, PPQ has established the criterion as "the non-emergence of adults," referring to interruption of the developmental sequence leading to an adult that can emerge from the commodity.

⁴ Note: In general, sterility is more acceptable for organisms that remain in (or on) the host. Demonstrating the efficacy of treating organisms for sterility may be difficult to accomplish without full information on the factors favoring successful reproduction.

records) may provide the basis for requiring recertification.

Products not treated according to required schedules must be removed and discarded or otherwise eliminated from shipments for export. Retreatment is not allowed unless it can be demonstrated that there is a high degree of confidence that retreatment will not result in misidentification or cross-contamination, or conflict with other restrictions.

C. Post-treatment Conditions

Treated commodities must be protected from reinfestation by pest-proof packaging or other safeguards if treated outside the U.S.

Packages must be marked and labeled with treatment lot numbers and other identifying features allowing the identification of treatment lots and trace-back (packing and treatment facility identification and locations, dates of packing and treatment).

D. Documentation and Monitoring

A phytosanitary certificate will be accepted as certification of treatment. Minimum information to provide includes identification of the shipment by treatment lot and certification of the target minimum dose and the verified minimum absorbed dose.

The treatment operator must have reliable and probative evidence of correct treatment for each lot certified.

Regulatory Framework

Existing Regulations

Few PPQ treatments are specifically described within the Code of Federal Regulations (CFR). Most approved treatments are included in the PPQ Treatment Manual, which is incorporated into the CFR by reference.

An irradiation treatment for papayas from Hawaii is the only irradiation treatment currently approved by PPQ. This authorization is specific for a commodity, origin, and program but is designed for a complex of fruit flies rather than a single pest. The authorization has proven useful from the standpoint of beginning to establish policies for irradiation as a phytosanitary treatment in the United States.

Proposed Processes and Structure for New Regulations

The degree of sophisticated work and testing needed to develop and prove an irradiation treatment program make it essential that the criteria for approval be clearly understood in advance. A specific and comprehensive statement of policies combined with a pre-defined strategy for regulatory incorporation are

essential to ensuring that the development and implementation of new treatments is not unduly stifled by regulatory requirements nor too liberal as to allow failures.

PPQ assumes that many additional requests for treatment approvals will be specific for pest-commodity-origin combinations and will include unique provisions for particular program parameters. Single pest treatments as well as broader targets, such as entire groups of pests, are likely to be explored. A number of individual authorizations corresponding to items within regulated commodity groups (such as fruits and vegetables or logs and lumber) will be necessary. There is also the potential for broad spectrum uses resulting in authorizations that cross the lines of existing regulated commodity groups. There is a need to provide general statements of policy and background requirements that pertain to all irradiation treatments. Any requirements concerning irradiation that APHIS develops will be promulgated through rulemaking published in the Federal Register.

The following is offered as a regulatory framework and policy communication strategy for irradiation treatment:

- Use draft position documents to solicit input in the development of policies and the collection of pertinent information.
- Use Federal Register publication and other methods to widely circulate policy statements.
- Use notice and comment rulemaking to propose and ultimately codify new treatments approved by PPQ.
- Commodity specific treatments may be incorporated through additions to the regulations specific to the commodity group (i.e., fruits and vegetables).
- Treatments with broader applications (either crossing the lines of regulated groups, or having broad spectrum pest effectiveness) may be incorporated into the CFR without being associated with an existing regulated group.

Needs and Unresolved Issues

There is a need to develop standards for conducting and reporting the findings of irradiation efficacy research for quarantine decision making, including:

- Confirmatory testing requirements with sufficient numbers to demonstrate quarantine security
- Standardized dosimetry and details concerning the methods used

- Information concerning the condition or viability of test organisms and survivors
- Information concerning the condition of the commodity before and after treatment
- Appropriate number of replications
- Appropriate methods of statistical analysis
- Criteria for combining data for different organisms or species
- Criteria for the substitution of organisms

There is a need for additional research on product tolerance, in order to:

- Establish tolerance ranges for more commodities
- Characterize treatment variables that affect phytotoxicity

There is a need for additional research on the efficacy of irradiation for other pests and diseases, including:

- Data supporting generic doses for commodity and pest groups
- Treatments for other arthropods, diseases, nematodes, noxious weeds
- Coordination with other quarantine and food safety concerns, i.e., animal products

Research is needed to develop methods to verify the adequacy of treatments, particularly a means for verifying that a live pest that has survived treatment has been adequately irradiated. This also requires development of dosimeters appropriate to the relatively low levels of irradiation used for quarantine treatments.

Research is needed to determine the conditions under which *in vitro* efficacy data can be considered acceptable in lieu of *in vivo* or *in situ* data.

There is a need to increase the number of facilities available for treatment research.

A coordinated system is needed for storing and accessing data associated with irradiation treatments for quarantine purposes.

There is a need for integration and coordination with food safety and other authorities involved in regulatory aspects of applying irradiation to agricultural commodities.

There is a need to identify critical control points for purposes of avoiding hazards (process failures) associated with treatment.

There is a need to determine the load required to have statistically meaningful results.

Finally, there is a need to develop estimates of the influence of climate or other environmental effects on the pest's susceptibility to irradiation treatment.

Current Initiatives

1. Generic Doses for Fruit Flies

An exhaustive review of the scientific literature concerning the efficacy of

irradiation treatments for fruit flies in fresh fruits and vegetables has been conducted by ARS with the goal of determining whether generic dosages

could be recommended. An evaluation of the results by ARS and PPQ provided the basis for the commodity-generic dosages listed below.

Tephritid species	Common name	Min. absorbed dose (Gy)
<i>Bactrocera dorsalis</i> ⁵	Oriental fruit fly	250
<i>Ceratitidis capitata</i>	Mediterranean fruit fly	225
<i>Bactrocera cucurbitae</i>	Melon fly	210
<i>Anastrepha suspensa</i>	Caribbean fruit fly	150
<i>Anastrepha ludens</i>	Mexican fruit fly	150
<i>Anastrepha obliqua</i>	West Indian fruit fly	150
<i>Anastrepha serpentina</i>	Sapote fruit fly	150
<i>Bactrocera tryoni</i>	Queensland fruit fly	150
<i>Bactrocera jarvisi</i>	(No common name)	150

⁵ Unless noted as *Bactrocera dorsalis* complex, *B. dorsalis* refers specifically to the species as described by R.A.I. Drew and D.L. Hancock (1994) "The *Bactrocera dorsalis* complex of fruit flies (Diptera: Tephritidae: Dacinae) in Asia." Bulletin of Entomological Research: Supplemental Series Number 2 in Supplement 2. CAB International, pp 68.

These dosages are generic in the sense that the prescribed dose is deemed appropriate regardless of the commodity. In cases where more than one of the listed species is of concern, the prescribed dose would be the dose for the most tolerant species. All doses are subject to adjustment based on the scientific evidence supporting a different dose.

2. Modification of 7 CFR 318.13-4f (Papaya From Hawaii)

The regulations at 7 CFR 318.13-4f have not been used for routine commercial shipments due to the lack of a treatment facility in Hawaii. Recently however, PPQ has been approached concerning the potential for modifying the existing regulations to allow for shipping to northern areas of the mainland U.S. for treatment, and to include tropical fruits such as lychee, rambutan, carambola, and cherimoya under a modification of the existing authorization for papaya.

Pest risk analyses have been done or are underway to determine if quarantine significant pests other than fruit flies are associated with other tropical fruits of interest. At the same time, PPQ has authorized a few experimental shipments from Hawaii to Chicago for treatment at the dose prescribed in the existing regulations.

Test shipments were authorized under strict safeguards and supervision. Each shipment was designed to provide PPQ with information and experience required to determine whether suitable program protocols could be developed and what conditions would be most appropriate. The results may provide sufficient basis for proposing modifications to the existing regulation.

3. Universal Treatment for Logs, Lumber and Unmanufactured Wood Products

Interest is high in exploring the potential to use irradiation as a means to address phytosanitary problems in raw wood products. Logs from Russia are the primary commercial focus at this time.

Russian researchers have conducted research and provided data in support of adopting a generic dose for treating raw logs. PPQ has formed a science panel consisting of scientists from APHIS, ARS, and the Forest Service to establish a research protocol, review data, and oversee the research effort toward a generic dose providing probit 9 mortality for all organisms of concern in logs from Russia. If approved, the treatment will be included among the universal treatment options in 7 CFR 319.40.

Definitions

Absorbed Dose

Quantity of radiation energy imparted per unit of mass of a specified material (D=de/dm). The mathematical relationship is the quotient of de by dm, where de is the mean energy imparted by ionizing radiation to matter of mass dm. The unit of absorbed dose is the gray (Gy) where 1 gray is equivalent to the absorption of 1 joule per kilogram (=100 rad).

Absorbed-Dose Mapping

Measurement of the absorbed-dose distribution within a process load through the use of dosimeters placed at specified locations.

Absorbed-Dose Rate

The absorbed dose in a material per incremental time interval, ie. the quotient of dD by dt (D=dD/dt). The unit

for absorbed-dose rate is gray per second (Gy/s)

Dmax

The maximum absorbed dose within the process load.

Dmin

The minimum absorbed dose within the process load.

Dose Uniformity Ratio

Ratio of the maximum to the minimum absorbed dose within the process load. The concept is also referred to as the max/min dose ratio. U=Dmax/Dmin

Dosimeter

A device that, when irradiated, exhibits a quantifiable change in some property of the device which can be related to absorbed dose in a given material using appropriate analytical instrumentation and techniques.

Dosimetry System

A system used for determining absorbed dose, consisting of dosimeters, measurement instruments and their associated reference standards, and procedures for the system's use.

Efficacy (Treatment)

Capability of a treatment to produce a defined, measurable, and reproducible effect on pests.

Fruit Flies

Quarantine significant species of Tephritidae.

Gray (Gy)

Unit of absorbed dose where 1 Gy is equivalent to the absorption of 1 joule per kilogram. 1 Gy = 1 J/kg

Formerly, the special unit for absorbed dose was the rad 1 rad = .01 J/kg = .01 Gy *Ionizing radiation.*

Any type of radiation consisting of charged particles or uncharged particles, or both, that as a result of physical interaction, creates ions by either primary or secondary processes. Charged particles could be positive or negative electrons, protons, or other heavy ions, and uncharged particles could be X-rays, gamma rays, or neutrons. (Note: positive electrons, protons, heavy ions, or neutrons are not approved for food irradiation.)

Irradiation

The purposeful application of ionizing radiation (gamma rays, x-rays, or electrons) to a product (device or material) to achieve a desired benefit. Gamma rays in commercial irradiation come from radioactive cobalt-60 (⁶⁰Co) or cesium-137 (¹³⁷Cs). X-rays (technically referred to as bremsstrahlung) are obtained using high energy electrons from an electron accelerator striking a target. Electrons from an accelerator can also be used to penetrate the product directly.

Kilogray (kGy)

Measure of absorbed dose. 1kGy = 1,000 Gy

Label Dosimeter

A device that can be affixed to an article to be irradiated, and which exhibits a quantifiable change in property which can be related to absorbed dose. This change in property can be measured in situ. (Note: as of 1994, no such devices that have the properties of a dosimeter are commercially available for the levels appropriate to quarantine treatments.)

Measurement Traceability

The ability to demonstrate and document on a continuing basis that the measurement results from a particular measurement system are in agreement with comparable measurement results obtained with a national standard (or some identifiable and accepted standard) to a specified uncertainty.

Pest (Plant)

Any biotic agent capable of causing damage to plants or plant products.

Phytosanitary Treatment

Subjecting or exposing a plant or plant product to a process, action, chemical or a physical influence proved to have a measurable deleterious effect on pest organisms.

Probit 9 (Mortality)

A statistical estimation of 99.99683 percent mortality in a population of live organisms, corresponding to a survival rate of 32 individuals per million.

Process Load

A volume of material with a specified loading configuration irradiated as a single entity.

Quarantine Security

A management decision concerning the safety of a defined level of pest risk. Additional mitigation is not required when quarantine security is achieved.

Rad (rad or Radiation Absorbed Dose)

Special unit for absorbed dose that is being superseded by the gray (Gy)

1 rad = 0.01 J/kg = 0.01 Gy

1 kilorad (krad) = 10 J/kg = 10 Gy

1 megarad (Mrad) = 1,000 J/kg = 1,000 Gy = 10 kGy

1Gy = 100 rads

1 kilogray = 100,000 rads

Radiation-Sensitive Indicators

Materials such as coated or impregnated adhesive-backed substrates, inks, or coatings that may be affixed to, or printed on the irradiation container and that undergo a visual change when exposed to ionizing radiation. These indicators, sometimes referred to as go/no-go indicators, are not dosimeters and are not a substitute for proper dosimetry.

Systems Approach

A combination of multiple safeguards, treatments or other mitigation measures. At least two mitigation measures must act independently to reduce risk.

Validation

Establishing documented evidence that provides a high degree of assurance that a specific process will consistently produce a product (quarantine security) meeting its predetermined specifications and quality characteristics.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, 371.2(c).

Done in Washington, DC, this 8th day of May 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-12185 Filed 5-14-96; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R-0911]

International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This final rule amends the provisions of Regulation K regarding interstate banking operations of foreign banking organizations. The Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (Interstate Act) removed geographic restrictions on interstate banking by foreign banks effective September 29, 1995, and requires certain foreign banks without U.S. deposit-taking offices to select a home state for the first time. The final rule requires these foreign banks to select a home state by June 30, 1996, and removes outdated restrictions on certain mergers by U.S. bank subsidiaries of foreign banks outside the home state of the foreign bank. Obsolete and superseded provisions of Regulation K concerning home state selection also are deleted.

EFFECTIVE DATE: May 9, 1996.

FOR FURTHER INFORMATION CONTACT: Ann E. Misback, Managing Senior Counsel (202/452-3788), Douglas M. Ely, Senior Attorney (202/452-5289), Andres L. Navarrete, Attorney (202/452-2300), Legal Division; Michael G. Martinson, Assistant Director (202/452-3640), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. For users of Telecommunication Device for the Deaf [TDD] only, please contact Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

The Interstate Act amended section 5 of the International Banking Act of 1978 (IBA), which governs interstate banking and branching operations of foreign banks. The Interstate Act also amended the Bank Holding Company Act of 1956 (BHC Act), the Federal Deposit Insurance Act and several other statutes regarding interstate banking operations of bank holding companies, national banks and state banks. In order to implement certain of these changes, the final rule amends the provisions of Regulation K regarding interstate banking operations of foreign banking organizations (12 CFR 211.22).

On December 26, 1995, the Board of Governors of the Federal Reserve

System (the Board) requested public comment on a proposed rule (the Proposed Rule) that would require foreign banks with only agencies and subsidiary commercial lending companies in the United States to select a home state, or have a home state designated by the Board. 60 FR 67100. The Proposed Rule also would remove a restriction on the ability of foreign banks to effect major bank mergers through U.S. subsidiary banks located outside the foreign banks' home states, and would delete certain outdated rules governing home state selection.

The comment period ended on February 5, 1996. The Board received a single public comment on the Proposed Rule from a trade association. The Board has considered the comment and has made changes to address it in the final rule. Except as discussed below, the Board's final rule remains unchanged from the Proposed Rule. In addition, the Board requested and received comments on other aspects of the Interstate Act as it applies to foreign banks. The Board will consider these comments in connection with future review of the provisions of Regulation K concerning the interstate operation of foreign banks.

The commenter generally supported the provisions of the Proposed Rule, including its provisions requiring certain foreign banks to select a home state as contemplated by the Interstate Act. The commenter suggested, however, that the deadline for home state selection by these banks be 60 days from the publication of the final rule, rather than March 31, 1996, as proposed in the Proposed Rule. The commenter requested this extension in order to give these banks adequate time to assess the consequences of their decision.

Although the Interstate Act removed the geographic restrictions of the IBA on the interstate acquisition of banks by foreign banks, the home state of a foreign bank continues to affect its options for establishing additional branches in the United States under the IBA. In particular, the location of a foreign bank's home state is a factor determining the ability of the foreign bank to establish further interstate branches pursuant to section 5 (a)(1) and 5 (a)(2) of the IBA, as amended by the Interstate Act. 12 U.S.C. § 3103 (a)(1), (a)(2).

Accordingly, the final rule allows additional time for home state selection by establishing June 30, 1996, as the deadline for such selection. This extension affords foreign banks affected by the rule ample time in which to make an informed home state selection.

The proposed rule provided that, in the event a foreign bank required to

select a home state fails to do so, the Board would exercise its authority to determine a foreign bank's home state. In such cases, the Board generally will designate as a foreign bank's home state the state in which the total assets of all its offices, net of claims on affiliates or other offices of the foreign bank, is the largest, as reflected in the foreign bank's most recent report of condition, unless other circumstances warrant designation of a different home state.

Paperwork Reduction Act

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

Regulatory Flexibility Act Analysis

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

List of Subjects in 12 CFR Part 211

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

For the reasons set out in the preamble, the Board amends 12 CFR Part 211 as set forth below:

PART 211—INTERNATIONAL BANKING OPERATIONS (REGULATION K)

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

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

2. In § 211.22, paragraph (a) is revised; paragraph (c) is removed; and paragraph (d) is redesignated as paragraph (c) to read as follows:

§ 211.22 Interstate banking operations of foreign banking organizations.

(a) *Determination of home state.* (1) A foreign bank (except a foreign bank to which paragraph (a)(2) of this section applies) that has any combination of domestic agencies or subsidiary commercial lending companies that were established before September 29, 1994, in more than one state and have been continuously operated shall select its home state from those states in which such offices or subsidiaries are located. A foreign bank shall do so by

filing with the Board a declaration of home state by June 30, 1996. In the absence of such selection, the Board shall designate the home state for such foreign banks.

(2) A foreign bank that, as of September 29, 1994, had declared a home state or had a home state determined pursuant to the law and regulations in effect prior to that date shall have that state as its home state.

(3) A foreign bank that has any branches, agencies, subsidiary commercial lending companies, or subsidiary banks in one state, and has no such offices or subsidiaries in any other states, shall have as its home state the state in which such offices or subsidiaries are located.

* * * * *

By order of the Board of Governors of the Federal Reserve System, May 9, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96-12134 Filed 5-14-96; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 522, and 556

Animal Drugs, Feeds, and Related Products; Gentamicin Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the following actions on two new animal drug applications (NADA's) held by Schering-Plough Animal Health: The combination of two NADA's into one and the withdrawal of the other, the codification of a supplemental NADA approved by letter, the approval of a supplemental NADA that provides for the use of two higher product concentrations at the same dosage and for the same indications, and the addition of a tolerance for residues of gentamicin in chickens.

The approved, combined, and supplemented NADA provides for use of gentamicin sulfate injection for the prevention of early mortality of day-old chickens and 1- to 3-day-old turkeys due to certain infections susceptible to gentamicin.

EFFECTIVE DATE: May 15, 1996

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV-133), Food and Drug

Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1644.

SUPPLEMENTARY INFORMATION: Schering-Plough Animal Health, Schering-Plough Corp., P.O. Box 529, Kenilworth, NJ 07033, has requested that NADA 47-486 Garasol® Injection (5 milligrams gentamicin per milliliter (mg/mL) for turkeys) be included in NADA 101-862 Garasol® Injection (50 and 100 mg/mL for chickens). The NADA's are combined as NADA 101-862. NADA 47-486 is withdrawn. Schering-Plough also filed supplemental NADA 101-862 providing for the use of 50 and 100 mg/mL gentamicin sulfate injection for turkeys at the same dosage and for the same indications as currently approved. The supplement is approved as of March 28, 1996. In addition, supplemental NADA 101-862 was approved on July 27, 1983, for the use of a 100 mg/mL injection in day-old chickens. However, this approval was not codified. At this time the regulation in § 522.1044 (21 CFR 522.1044) is amended to codify use of the 100 mg/mL injection in day-old chickens. Although the use was approved in chickens as well as turkeys, the regulations were not amended to provide for a tolerance for gentamicin residues in chickens. The regulations in 21 CFR 556.300 are amended to provide for tolerances for gentamicin residues in chickens as well as turkeys.

The approved, combined, and supplemented NADA 101-862 provides for use of Garasol® Injection (50 and 100 mg/mL gentamicin sulfate injection) in day-old chickens for the prevention of early mortality caused by *Escherichia coli*, *Salmonella typhimurium*, and *Pseudomonas aeruginosa* susceptible to gentamicin, and for use of Garasol® Injection (5, 50, and 100 mg/mL gentamicin sulfate injection) in 1- to 3-day-old turkeys for the prevention of early mortality due to *Arizona paracolon* infections susceptible to gentamicin.

In § 522.1044(d)(2)(i), the regulation is editorially amended to reflect the language used in § 522.1044(d)(3)(i).

Also, American Scientific Laboratories, A Division of Schering Corp., has been incorporated into Schering-Plough Animal Health, Schering-Plough Corp. Therefore, 21 CFR 510.600(c) is amended to remove the entries for American Scientific Laboratories, drug label code 000138.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support

approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 522, and 556 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry for "American Scientific Laboratories" and in the table in paragraph (c)(2) by removing the entry for "000138".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

4. Section 522.1044 is amended by revising paragraphs (b), (d)(2)(i), and (d)(3)(i) to read as follows:

§ 522.1044 Gentamicin sulfate injection.

(b) *Sponsors.* (1) See No. 000061 in § 510.600(c) of this chapter for use of: 5-

milligrams-per-milliliter solution in swine as in paragraph (d)(4) of this section, 50-milligrams-per-milliliter solution in dogs and cats as in paragraph (d)(1) of this section, 50- and 100-milligrams-per-milliliter solution in chickens and turkeys as in paragraphs (d)(2) and (d)(3) of this section.

(2) [Reserved]

* * * * *

(d) * * *

(2) *Turkeys—(i) Amount.* One milligram of gentamicin per 0.2 milliliter dose, using the 50- or 100-milligrams-per-milliliter product diluted with sterile saline to a concentration of 5 milligrams-per-milliliter.

* * * * *

(3) *Chickens—(i) Amount.* 0.2 milligram of gentamicin per 0.2 milliliter dose, using the 50- or 100-milligrams-per-milliliter product diluted with sterile saline to a concentration of 1.0 milligram-per-milliliter.

* * * * *

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

5. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: Secs. 402, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 360b, 371).

§ 556.300 [Amended]

6. Section 556.300 *Gentamicin sulfate* is amended in paragraph (a) by adding the phrase "chickens and" after "tissues of".

Dated: April 26, 1996.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 96-12154 Filed 5-14-96; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Parts 520 and 556

Animal Drugs, Feeds, and Related Products; Liquid Sul-Q-Nox (Sodium Sulfaquinoxaline Solution)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by I. D. Russell Co. Laboratories. The supplemental NADA provides for safe and effective use of a sodium

sulfaquinoxaline solution in medicating the drinking water of chickens, turkeys, calves, and cattle for either control or control and treatment of certain coccidial or bacterial diseases susceptible to sulfaquinoxaline. The approval reflects compliance with results of the National Academy of Sciences/ National Research Council (NAS/NRC), Drug Efficacy Study Group's (DESI) evaluation of the drug's effectiveness and FDA's conclusions concerning that evaluation. FDA is also amending the regulations to codify a tolerance for sulfaquinoxaline residues in edible tissues of chickens, turkeys, calves, and cattle.

EFFECTIVE DATE: May 15, 1996.

FOR FURTHER INFORMATION CONTACT:

Dianne T. McRae, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1623.

SUPPLEMENTARY INFORMATION: I. D.

Russell Co. Laboratories, 1301 Iowa Ave., Longmont, CO 80501, is the sponsor of NADA 6-891 which provides for the use of 34-percent Liquid Sul-Q-Nox (sodium sulfaquinoxaline solution). The drug product is used to medicate the drinking water of: (1) Chickens as an aid in the control of outbreaks of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, and *E. brunetti*; (2) turkeys as an aid in the control of outbreaks of coccidiosis caused by *E. meleagritidis* and *E. adenoides*; (3) chickens and turkeys as an aid in the control of acute fowl cholera caused by *Pasteurella multocida* susceptible to sulfaquinoxaline and fowl typhoid caused by *Salmonella gallinarum* susceptible to sulfaquinoxaline; and (4) calves and cattle for the control and treatment of outbreaks of coccidiosis caused by *E. bovis* or *E. zurnii*. The NADA was originally approved as safe on April 28, 1949.

In the Federal Register of July 9, 1970 (35 FR 11069), FDA published the results of a NAS/NRC DESI evaluation of several sulfaquinoxaline-containing veterinary drug products. The list of drug products included solutions which are similar to the subject solution. In that document, NAS/NRC evaluated the products as "Probably effective as an aid in prevention and control of outbreaks of coccidiosis in chickens, turkeys, pheasants (and other game birds), cattle, and sheep (provided the specie of coccidia for the respective hosts are shown) * * *." Additionally, although it was inadvertently omitted from that document, NAS/NRC also evaluated such products as effective for control of acute fowl cholera in chickens, turkeys,

pheasants, and other game birds and as effective for the control of fowl typhoid in chickens and turkeys. FDA concurred with the NAS/NRC findings.

The NAS/NRC evaluation was concerned only with the drugs' effectiveness and safety to the treated animal. It did not take into account the safety for human food use of food derived from drug-treated animals.

Subsequently, in the Federal Register of January 28, 1983 (48 FR 3962 at 3964), FDA established several sections for sulfaquinoxaline-containing drugs, including § 520.2325a (21 CFR 520.2325a), which specify those conditions of use found to be effective by NAS/NRC and FDA.

I. D. Russell Co. Laboratories has submitted information to comply with the NAS/NRC and FDA findings and has revised its labeling to conform to the currently approved conditions of use in § 520.2325a. On that basis, the subject supplemental NADA was approved as of March 6, 1996, and § 520.2325a is now amended to reflect the approval. The basis for this approval is discussed in the freedom of information summary.

Also, the section is amended to remove reserved paragraphs (a) and (b), to add a "related tolerances" paragraph, and to add a warning against use of sulfaquinoxaline-medicated drinking water in veal calves. The latter is part of a general effort to distinguish between ruminating and preruminating calves based on information indicating that withdrawal periods established in ruminating calves may not be adequate for preruminating calves.

Furthermore, the regulation contains an outdated paragraph citing the NAS/NRC status of these products. The Generic Animal Drug and Patent Term Restoration Act of 1988 changed that status. Therefore, the NAS/NRC paragraph is removed at this time.

Finally, the animal drug regulations are amended because FDA has noted that a tolerance for sulfaquinoxaline residues in edible tissues has not been codified. The tolerance for sulfaquinoxaline residues in all edible tissues from chickens, turkeys, calves, and cattle is 0.1 part per million (ppm). When sulfaquinoxaline was approved, a negligible tolerance of 0.1 ppm in all edible tissues was applied to animal drug residues based on subchronic (90-day) toxicological studies. This "negligible tolerance" concept is based on two precepts: (1) The residues are present at a level of insignificance and (2) the safety of the residues is supported by limited toxicological data. The toxicological data available for sulfaquinoxaline (90-day dog study) permit a tolerance for sulfaquinoxaline

residues in edible tissues of 0.1 ppm. Therefore, this tolerance is being codified in new § 556.685.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food-producing animals does not qualify for marketing exclusivity because the supplemental application does not contain reports of new clinical or field investigations (other than bioequivalence or residue studies) and new human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

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

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520 and 556 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.2325a is amended by removing paragraph (d); by redesignating paragraphs (c), (e), and (f)

as paragraphs (a), (c), and (d), respectively; by revising newly redesignated paragraph (a); by amending newly redesignated paragraph (d) by adding two new sentences after the fifth sentence; and by adding a new paragraph (b) to read as follows:

§ 520.2325a Sulfaquinoxaline drinking water.

(a) *Sponsor.* See § 510.600(c) of this chapter for identification of the sponsors.

(1) No. 050749 for use of a 25-percent soluble powder and a 20-percent solution as provided for in paragraph (c) of this section.

(2) No. 060594 for use of 3.44- and 12.85-percent solutions as provided for in paragraphs (c)(1), (c)(2), (c)(3), (c)(4)(i), and (c)(4)(ii) of this section.

(3) No. 017144 for use of a 34-percent solution as provided for in paragraphs (c)(1), (c)(2), (c)(3), (c)(4)(i), and (c)(4)(ii) of this section.

(b) *Related tolerances.* See § 556.685 of this chapter.

* * * * *

(d) *Limitations.* * * * A withdrawal period has not been established for sulfaquinoxaline in preruminating calves. Do not use in calves to be processed for veal. * * *

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: Secs. 402, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 360b, 371).

4. New § 556.685 is added to subpart B read as follows:

§ 556.685 Sulfaquinoxaline.

A tolerance of 0.1 part per million is established for negligible residues of sulfaquinoxaline in the uncooked edible tissues of chickens, turkeys, calves, and cattle.

Dated: April 15, 1996.

Robert C. Livingston,
Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 96-11927 Filed 5-14-96; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Parts 520 and 558

Animal Drugs, Feeds, and Related Products; Monensin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of supplemental new animal drug applications (NADA's) filed by Elanco Animal Health, Division of Eli Lilly and Co., Moorman Manufacturing Co., and Farmland Industries, Inc. Elanco's supplemental NADA provides for use of monensin Type C medicated feeds fed to pasture cattle weighing less than 400 pounds (lb) for increased rate of weight gain. Moorman's and Farmland's supplemental NADA's provide for use of monensin blocks for pasture cattle weighing less than 400 lb for increased rate of weight gain.

EFFECTIVE DATE: May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1638.

SUPPLEMENTARY INFORMATION: Elanco Animal Health, Division of Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285, filed supplemental NADA 95-735, which provides for use of monensin Type A medicated articles to make monensin Type C medicated feeds containing 25 to 400 grams per ton monensin as monensin sodium to be fed at 50 to 200 milligrams per head per day to pasture cattle (slaughter, stocker, feeder, and dairy and beef replacement heifers) weighing less than 400 lb for increased rate of weight gain. Moorman Manufacturing Co., Quincy, IL 62301, filed supplemental NADA 115-581, and Farmland Industries, Inc., Kansas City, MO 64116, filed supplemental NADA 118-509, providing for free-choice feeding of monensin blocks, all to pasture cattle weighing less than 400 lb for increased rate of weight gain.

The supplemental NADA's provide for removal of the restriction concerning feeding of the products to animals weighing less than 400 lb body weight as currently approved. The supplemental NADA's are approved as of March 15, 1996, and the regulations are amended in 21 CFR 520.1448a(c) and 558.355(f)(3)(iii) and (f)(3)(v) to reflect the approvals. The basis for approval is discussed in the freedom of information summary for Elanco's supplemental NADA 95-735.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), approval of Elanco Animal Health's supplemental NADA 95-735 qualifies for 3 years of marketing exclusivity beginning March 15, 1996, because the supplement contains reports of new clinical or field investigations (other than

bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant. Marketing exclusivity applies only to the new use of the product.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), approval of Moorman's supplemental NADA 115-581 and Farmland's supplemental NADA 118-509 do not qualify for marketing exclusivity because the supplements do not contain reports of new clinical or field investigations (other than bioequivalence or residue studies) or new human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The basis of approval of Moorman's and Farmland's supplemental NADA's are by authorization to reference data and information in Elanco's supplemental NADA 95-735. Therefore, a freedom of information summary of the data and information required for approval of these NADA's is available under Elanco's supplemental NADA 95-735.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520 and 558 are amended as follows:

**PART 520—ORAL DOSAGE FORM
NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.1448a [Amended]

2. Section 520.1448a *Monensin blocks* is amended in paragraph (c)(4)(iii) by removing the phrase "weighing more than 400 pounds".

**PART 558—NEW ANIMAL DRUGS FOR
USE IN ANIMAL FEEDS**

3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.355 [Amended]

4. Section 558.355 *Monensin* is amended in paragraph (f)(3)(iii) (b) and (f)(3)(v) (b) by removing the phrase "weighing more than 400 pounds".

Dated: April 4, 1996.

Robert C. Livingston,

Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 96-12156 Filed 5-14-96; 8:45 am]

BILLING CODE 4160-01-F

**PENSION BENEFIT GUARANTY
CORPORATION****29 CFR Parts 2619 and 2676****Valuation of Plan Benefits in Single-
Employer Plans; Valuation of Plan
Benefits and Plan Assets Following
Mass Withdrawal; Amendments
Adopting Additional PBGC Rates**

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in June 1996, and to multiemployer plans with

valuation dates in June 1996. The effect of these amendments is to advise the public of the adoption of these assumptions.

EFFECTIVE DATE: June 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024 (202-326-4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This rule adopts the June 1996 interest assumptions to be used under the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the "single-employer regulation") and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the "multiemployer regulation").

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended. Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities," *i.e.*, all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to

multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during June 1996 and multiemployer plans that have undergone mass withdrawal and have valuation dates during June 1996.

For annuity benefits, the interest rates will be 6.20% for the first 20 years following the valuation date and 4.75% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.00% for the period during which benefits are in pay status, 4.25% during the seven-year period directly preceding the benefit's placement in pay status, and 4.0% during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent an increase (from those in effect for May 1996) of .20 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions are unchanged from those in effect for May 1996.

Generally, the interest rates and factors under these regulations are in effect for at least one month. However, the PBGC publishes its interest assumptions each month regardless of whether they represent a change from the previous month's assumptions. The assumptions normally will be published in the Federal Register by the 15th of the preceding month or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on these amendments are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates and factors can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in single-employer plans whose termination dates fall during June 1996, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during June 1996, the PBGC finds that good cause exists for making the rates and factors set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility

Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, parts 2619 and 2676 of chapter XXVI, title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, Rate Set 32 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2619—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee contributions upon death), the PBGC shall employ the values of i_t set out in Table I hereof as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 year; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I
[Lump sum valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
32	06-1-96	07-1-96	5.00	4.25	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest

factor used in valuing benefits under this subpart, the plan administrator shall use the values of i_t , prescribed in Table II hereof.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2, \dots , and referred to

generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II
[Annuity valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
June 1996 .....	.0620	1-20	.0475	>20	N/A	N/A

PART 2676—[AMENDED]

3. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441(b)(1).

4. In appendix B, Rate Set 32 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2676—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of i_t prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate

benefits payable as lump sum benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following

n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y > n_1$

+ n_2), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply

for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I
[Lump sum valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	$2i_2$	i_3	n_1	n_2
32	* 06-1-96	* 07-1-96	* 5.00	* 4.25	* 4.00	* 4.00	* 7	* 8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor

used in valuing annuity benefits under this subpart, the plan administrator shall use the values of i_t prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2, i_3 , and referred to

generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II
[Annuity valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
June 1996	* .0620	* 1-20	* .0475	* >20	* N/A	* N/A

Issued in Washington, DC, on this 9th day of May 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96-12125 Filed 5-14-96; 8:45 am]

BILLING CODE 7708-01-P

DEPARTMENT OF EDUCATION

34 CFR Part 685

RIN 1840-AC19

William D. Ford Federal Direct Loan Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the William D. Ford Federal Direct Loan Program regulations to add the Office of Management and Budget (OMB) control number to a section of the regulations. The section contains information collection requirements approved by OMB. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information

unless it displays a valid OMB control number. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

EFFECTIVE DATE: These regulations are effective on July 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Rachel Edelstein, Program Specialist, Direct Loan Policy Group, Policy Development Division, U.S. Department of Education, 600 Independence Avenue SW. (Room 3053, ROB-3), Washington, D.C. 20202. Telephone (202) 708-9406. 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: Final regulations for the William D. Ford Federal Direct Loan Program were published in the Federal Register on December 1, 1995 (60 FR 61820). Compliance with information collection requirements in a section of these regulations was delayed until those requirements were approved by OMB

under the Paperwork Reduction Act of 1995. OMB approved the information collection requirements in the regulations on November 24, 1995. The information collection requirements in these regulations will therefore become effective with all of the other provisions of the regulations on July 1, 1996.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 685

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: May 8, 1996.

David A. Longanecker,
Assistant Secretary for Postsecondary
Education.

The Secretary amends Part 685 of
Title 34 of the Code of Federal
Regulations as follows:

**PART 685—WILLIAM D. FORD
FEDERAL DIRECT LOAN PROGRAM**

1. The authority citation for Part 685
continues to read as follows:

Authority: 20 U.S.C. 1087a *et. seq.*, unless
otherwise noted.

§ 685.209 [Amended]

2. Section 685.209 is amended by
revising the OMB control number
following the section to read as follows:
“(Approved by the Office of
Management and Budget under control
number 1840-0672).”

[FR Doc. 96-11944 Filed 5-14-96; 8:45 am]

BILLING CODE 4000-01-P

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM95-4; Order No. 1110]

Rules of Practice and Procedure

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This final rule sets forth
amendments to the Commission's rules
of practice and procedure that provide
for expedited consideration of requests
of the United States Postal Service to:
conduct market tests of new postal
services in order to develop information
necessary to support a permanent mail
classification change; adopt, on a
provisional basis, mail classification
and associated rate changes that
supplement, but do not alter, existing
rates and mail classifications; and adopt
permanent but narrowly focused mail
classification changes that supplement,
but do not alter, existing rates and mail
classifications. In addition to these
amendments, the final rule adopts
provisions that allow the Postal Service
to use a multi-year test period for the
purpose of demonstrating the financial
viability of potential new services that
are the subject of a concurrent Postal
Service request.

EFFECTIVE DATE: These rules are effective
May 15, 1996 through May 15, 2001.

FOR FURTHER INFORMATION CONTACT:
Stephen L. Sharfman, Legal Advisor,
Postal Rate Commission, 1333 H Street
NW., Suite 300, Washington DC 20268-
0001 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: On
October 27, 1995, the Commission
published a notice of proposed
amendments to its rules of practice and
procedure designed to facilitate
expedited consideration of Postal
Service requests to: (1) Conduct market
tests of new postal services in order to
develop information necessary to
support a permanent mail classification
change; (2) adopt, on a provisional
basis, mail classification and associated
rate changes that supplement, but do
not alter, existing rates and mail
classifications; and (3) adopt permanent
but narrowly focused mail classification
changes that supplement, but do not
alter, existing rates and mail
classifications. The proposed
amendments also include provisions
that would permit the Postal Service to
request the Commission's use of a multi-
year test period for the purpose of
demonstrating the financial viability of
potential new services that are the
subject of a concurrent Postal Service
request. 60 FR 54981-89 (October 27,
1995). The Commission's proposed
rules pursue specific recommendations
of the Joint Task Force on Postal
Ratemaking,¹ and are responsive to a
majority of the initiatives requested by
the Postal Service in a petition
submitted to the Commission on April
13, 1995. *Id.* at 54981.

The Commission received 17 sets of
comments in response to the Notice of
October 27.² The commenters present
divergent views on both the substance
of the Commission's proposed rules and
the propriety of adopting them in the
current proceeding. Additionally,
several commenters suggest that the
Commission pursue other initiatives in
this proceeding that were originally
recommended by the Joint Task Force
Report and proposed in the Postal
Service's petition. In view of these
diverse statements of position, it is
appropriate to begin with a discussion

¹See Postal Ratemaking in a Time of Change: A
Report by the Joint Task Force on Postal
Ratemaking (June 1, 1992).

²The American Bankers Association, American
Business Press, Advertising Mail Marketing
Association, Direct Marketing Association, Inc.,
Dow Jones & Company, Inc., Federal Express
Corporation, McGraw-Hill Companies, Inc., Major
Mailers Association, Mail Order Association of
America, Magazine Publishers of America,
Newspaper Association of America, National
Newspaper Association, the Commission's Office of
the Consumer Advocate, Parcel Shippers
Association, Time Warner, Inc., United Parcel
Service, and the United States Postal Service
submitted comments in response to the Notice.
Some of these comments were not timely filed,
primarily owing to extraordinarily adverse weather
conditions on the date they were due. In order to
avoid prejudice to any party who wished to
comment, the Commission has considered all
comments received.

of the considerations bearing on the
Commission's determination to adopt
new rules at this time in four areas, on
a five-year trial basis.

**I. Considerations Bearing on Adoption
of Proposed Rules**

In the Notice of Proposed Rulemaking
published on October 27, the
Commission announced its
determination to promulgate draft rules
which would implement a majority, but
not all, of the seven procedural
initiatives contained in the Postal
Service's Petition of April 13, 1995. 60
FR 54981. The Commission found that
four of the initiatives offered the greatest
promise for procedural improvement in
the near term. Accordingly, the
Commission published draft rules of
procedure governing market tests,
limited-duration provisional service
changes, minor classifications changes,
and multi-year test periods for new
services. With regard to the remaining
three Postal Service initiatives—rules
for limited scope rate cases, rate bands
for competitive services, and Negotiated
Service Agreements—the Commission
concluded that their consideration
should be deferred for various reasons,
but stated that each of the areas merits
further study and deliberation in
subsequent proceedings. *Id.* at 54981,
54985.

The Deferred Postal Service Proposals

Several commenters ask the
Commission to take up one or more of
the three remaining initiatives, either in
this proceeding or by initiating another
rulemaking in the near future. Time
Warner urges the Commission to
reconsider the determination to defer
consideration of rules for establishing
rate bands for competitive services and
rules providing for contract rates; Parcel
Shippers Association comments that
adoption of procedures allowing rate
bands and negotiated service contracts
is crucial to the competitive posture of
the Postal Service. Advertising Mail
Marketing Association, Dow Jones &
Company, Magazine Publishers of
America, and Mail Order Association of
America comment in favor of initiating
a proceeding in the near future to
consider one or more of the three
deferred initiatives. The Postal Service
states that it would have preferred that
all its proposals be addressed in this
proceeding, but urges the Commission
to issue a further rulemaking on the
remaining initiatives now that Docket
No. MC95-1 has been concluded.

The Commission continues to believe
that limited scope rate cases, rate bands,
and Negotiated Service Agreements
present issues that are qualitatively

different from, and more difficult than, those in the four areas for which rules have been proposed. For this reason they will not be considered in the current proceeding. In addition to the unresolved legal and other issues cited in the Notice of October 27, see 60 FR 54985, consideration of rules in these three areas would necessarily involve an exploration of technical and other substantive issues. For example, development of a rule providing for rate bands would require consideration of the technical resources available to support adoption of a range of rates for competitive mail categories and to gauge the impact of their adoption, and appropriate filing requirements to support such requests. With regard to Negotiated Service Agreements, adoption of rules applicable to such special classifications would involve consideration of the objective criteria that would be required of a mailer to qualify for reduced contract rates.³ The Commission is prepared to take up the issues raised by limited scope rate cases, rate bands, and Negotiated Service Agreements in a forthcoming rulemaking proceeding.

The Commission's Proposed Rules

One commenter—the Newspaper Association of America (NAA)—opposes adoption of most of the Commission's proposed amendments as unsound from a regulatory perspective. NAA urges the Commission to abandon the proposed rules for market tests, provisional services, and multi-year test periods because their adoption would violate the regulatory structure of the Postal Reorganization Act, unjustifiably advancing competitive considerations at the ultimate expense of captive monopoly ratepayers.

A particular problem raised by the proposed rules, according to NAA, "is who bears any potential losses from market tests of new services, provisional services, or from multi-year test periods." NAA Comments at 4–5. Were the Postal Service a private regulated utility, NAA observes, the Service's losses would be disallowed from its rate base, or at least segregated from the costs of monopoly services, and ultimately absorbed by its shareholders. In contrast, when the Service loses money, that loss is cumulated in the Prior Years' Losses component of the revenue requirement, and adds to the

institutional costs of the Postal Service. As a result, NAA argues, any financial losses stemming from ill-advised or underpriced new services approved under the proposed rules would ultimately be shifted in large measure to monopoly mailers, thereby creating a cross-subsidy in contravention of the intent of Congress. Unless and until Congress makes fundamental changes in the Reorganization Act that would grant the Commission power to police the rate effects of Postal Service forays into competitive service—especially enhanced authority over the revenue requirement—NAA states that the proposed rules should not be adopted.

NAA's comments raise legitimate concerns regarding the possible impact of non-compensatory services upon other postal ratepayers, particularly monopoly mailers. The Commission agrees that new services adopted to meet competitive or other perceived needs must be offered at compensatory rates, and cannot be allowed to become a revenue burden on other categories of mail. However, the possibility that the Commission's proposed rules could become a vehicle for producing such results does not compel the conclusion that they should not be adopted. Rather, it is a reason for fashioning and applying the rules in a manner that will avoid this potential harm. Each of the proposed rules for introducing new services includes provisions that will serve to limit the potential negative financial impact of its application. Market tests will be limited in duration and typically will occur in only a few areas. Provisional services also will be limited in duration. Minor classification changes will be recommended only if their anticipated impact on overall postal costs and revenues is minor. Furthermore, in applying the rules the Commission will be bound, as always, by the requirement in § 3622(b)(3) to recommend rates that recover estimated costs and contribute to the institutional costs of the Postal Service.

National Newspaper Association (NNA) and other commenters raise a different general concern regarding the proposed rules: potential problems of due process associated with the 90- to 120-day procedural schedules established in the rules. NNA comments that the speed made necessary by the foreshortened decisional deadlines equates to advantage for the Postal Service as proponent, to exclusion of potential parties, to expense borne by parties who do participate, and to harm of the Commission's decisional process by limiting the time in which to develop an evidentiary record. NNA Comments at 3–4. The Commission's Office of the

Consumer Advocate also identifies due process and evidentiary problems that could result from the abbreviated procedural schedules as its primary concerns regarding the rules. OCA asks the Commission to state explicitly that any new rules adopted in this proceeding will not be used to shift the burden of proof from the Postal Service or limit discovery. OCA Comments at 7–10. Similar concerns regarding particular proposed rules were voiced by American Bankers Association, McGraw-Hill, Newspaper Association of America, and United Parcel Service.

Procedural schedules of 90 or 120 days admittedly may impose some extraordinary demands on participants, but they are by no means impossible to meet, as the prompt litigation and deliberations in Docket No. MC96–1 demonstrate. The Reorganization Act directs the Commission to consider rate and classification change requests "promptly," and authorizes it to adopt rules "[i]n order to conduct its proceedings with utmost expedition consistent with procedural fairness to the parties." 39 U.S.C. § 3624(a), (b). The Commission has designed the rules adopted in this proceeding with features—such as registration and expedited notice provisions—to increase the feasibility of the prescribed decisional schedules. However, the Commission wishes to assure all parties that it will not allow these rules to be used to alter the normally applicable standards of proof, curtail legitimate discovery and hearing practice, or otherwise deprive interested parties of their procedural rights. It should also be borne in mind that in any proceeding conducted under the new rules, an affected participant may lodge a motion for extension of the procedural schedule, which the Commission will grant if it finds that an extension is required to provide due process.

Additionally, in light of the various concerns expressed by commenters about the operation of the proposed rules and their consequences, the Commission is including a "sunset" provision in each of the four components of the final rule, which will cause them to be reviewed or terminated within a five-year period.

II. Market Tests of Potential New Services

Applicability of Rule

Several parties filed comments suggesting changes which would enlarge applicability of the Commission's proposed market test rule. Both the Postal Service and Time Warner express support for a rule that

³ By way of analogy, the Postal Service's rules applicable to International Customized Mail (ICM) service impose two objective qualifications on potential international contract ratepayers: minimum-volume qualifying criteria, and a single-point-of-origin criterion. International Mail Manual § 292; see 58 FR 29782.

would go beyond the Joint Task Force's recommendations by encompassing market tests of rate changes as well as market tests of new services. Federal Express Corporation comments that the rule should extend to tests of new international mail services, as well as domestic services; the National Newspaper Association suggests that non-postal services contemplated by the Postal Service should also be included. Finally, American Bankers Association suggests that a Postal Service request for a permanent change in mail classification should not be a prerequisite for procedures that would authorize market tests of potential new services.

The final rule adopted by the Commission preserves the terms of applicability recommended by the Joint Task Force Report and incorporated in the proposed market test rule. As the Commission observed in the Notice of October 27, tests of pure rate changes in the usual selective form of market testing would necessarily raise questions of fairness and equity under 39 U.S.C. § 3622(b)(1) and of undue discrimination or preference among mail users under § 403(c). Comments provided in response to the October 27 Notice do not provide persuasive countervailing considerations that would justify inclusion of rate tests in the rule.⁴ Similarly, in the absence of clear statutory bases for including market tests of international postal services and non-postal services to which types of service none of the Commission's current rules applies—the Commission declines to extend the final rule into these areas. The Commission also declines to broaden the rule beyond the context contemplated by the Joint Task Force recommendation, namely, in connection with the filing of a request for a permanent change in mail classification. In the Commission's view, a "free-standing" market test rule would require a different set of procedures, and possibly additional forms of evidentiary support by the Postal Service.

As the preamble states, the final rule includes a new § 3001.161(b), which establishes a five-year sunset provision for the effectiveness of the market test rule.

Evidentiary Requirements

Several parties commented on the appropriateness of the evidentiary requirements applicable to market test

⁴The Postal Service is, of course, free to request expedited consideration under special rules of practice in connection with any rate change request it may wish to submit.

proposals prescribed in proposed § 3001.162. The Postal Service commented generally that the proposed section requires the preparation and provision of too much information, and more particularly that the required estimate of the number of customers who will participate in the market test could be difficult to produce. In contrast, other commenters—including American Bankers Association, Newspaper Association of America, and National Newspaper Association—suggested that the Postal Service should be required to produce additional information to support proposed market tests.

The Commission's final rule maintains the evidentiary requirements of the proposed rule, with minor alterations to accommodate the concerns of commenters. The Commission continues to believe that the general standard declared in proposed § 3001.162, namely, the provision of "such information and data . . . as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance and impact of the proposed market test," establishes the appropriate standard of evidentiary support. In response to the Postal Service's comments, § 3001.162(g) of the final rule requires the Service to provide an estimate of the number of customers who will participate in the test "to the extent that such an estimate is practicable." Also, in order to implement Federal Express Corporation's proposal of a mechanism that would provide an alternative to rendering a "yes or no" decision on proposed market tests, § 3001.162(f) of the final rule adds a requirement that the Postal Service state the goals and objectives of the market test, and subsection (g) requires the Service to identify "those features of the proposed market test that, [in its opinion,] cannot be modified without significantly impairing the value of the test."

Rule for Decision

Proposed § 3001.164 provides for the Commission's issuance of a "yes or no" decision either in favor of or against the Postal Service's proposed market test. Several commenters—Federal Express Corporation, the Commission's Office of the Consumer Advocate, and United Parcel Service—question the consistency of this decisional standard with the exercise of the Commission's best judgment in performing its statutory responsibilities. As noted above, Federal Express proposes an alternative to a "yes or no" decisional standard: allowing the Postal Service to

designate those elements of its proposed market test which cannot be modified without negating its value, and adopting a decisional standard which would preclude the Commission only from modifying those designated elements. The Commission would thereby retain the option of making necessary modifications in less essential elements of a proposed market test.

Upon consideration, the Commission believes that the mechanism proposed by Federal Express is preferable to restricting the Commission's decision to a blanket approval or rejection of a proposed market test. As noted in the Notice of October 27, the Commission's preference and practice has been to cure any identified inconsistencies with statutory policies or factors by recommending modifications, if they are feasible. 60 FR 54982. Yet, the Commission also noted, a recommendation to modify a market test in a manner that would depart significantly from postal management's plan "could jeopardize the timeliness of the test and seriously impair its usefulness." *Ibid.* Because the mechanism proposed by Federal Express would better accommodate these competing considerations, § 3001.164 of the final rule provides for issuance of a decision in accordance with the policies of the Reorganization Act, but without "modification of any feature of the proposed market test which the Postal Service has identified in accordance with § 3001.162(f)" as one that cannot be modified without significantly impairing the value of the test.⁵

Data Collection and Reporting Requirements

Several parties submitted comments addressing the data collection and reporting requirements specified in proposed § 3001.165, and the exemption from providing market test data afforded by proposed § 3001.166(b). The Postal Service comments that the provision requiring it to submit all test data to the Commission no later than 60 days following the conclusion of the test could prove to be an obstacle. McGraw-Hill suggests that the rule should be modified to require the Postal Service to report all test data collected. Similarly, United Parcel Service states that the rule

⁵Commenter McGraw-Hill suggests an alternative mechanism which would provide for preliminary Commission advice to the Postal Service to modify unacceptable features of the proposed market test prior to rendition of a decision. While this proposal also has merit, the Commission anticipates that its implementation could significantly extend the 90-day schedule proposed by the Commission and adopted in the final rule.

should require periodic public reporting of the test data without exception.

The Commission's final market test rule retains the data collection and reporting provisions of the proposed rule. The 60-day requirement in § 3001.165 is intended to establish a benchmark for the Service's production of market test data in the proceeding to consider recommendation of the proposed service as a permanent mail classification; if the Postal Service encounters difficulty in meeting this deadline in a particular case, the Commission will entertain a motion for a reasonable extension. The Commission also continues to believe that an inflexible rule requiring the Postal Service to report all market test data on a periodic basis, without exception, would be insufficiently flexible to accommodate the Service's legitimate needs, especially with regard to services tested in a competitive field. Accordingly, the final rule continues to require production of all test data only if the Postal Service elects to pursue recommendation of the tested new service as a permanent mail classification.

Suspension, Continuation or Termination of Proceeding

Section 3001.166 of the Commission's proposed rule provides for Postal Service motions to suspend the proceeding to consider its request for a permanent mail classification change, and states that the Commission shall grant the motion "if, in the Commission's opinion, it would be reasonable under the circumstances to defer consideration of the request" until data to be produced by the market test becomes available. In its comments on this provision, the Postal Service states that the suspension of its request should be automatic.

The Commission is concerned that the Postal Service may have misunderstood the intent of this provision. It is not designed to compel the Service to litigate its proposal while the market test is being conducted. Rather, it is designed to preserve the opportunity to move forward in the consideration of the requested permanent change in mail classification if meaningful progress can be made, for the sake of expedition. Automatic suspension of the proceeding would foreclose this option. If no progress appears likely until information produced in the market test is available, the Commission will order a suspension.

III. Requests for Provisional Service Changes of Limited Duration

Applicability of Rule

Commenters raised two issues regarding applicability of a rule for provisional service changes: (1) whether such a rule would serve any independent purpose, given adoption of a market test rule; and (2) what the proper scope of a provisional service change rule should be.

Several commenters—including American Business Press, the Newspaper Association of America, the Commission's Office of the Consumer Advocate, and United Parcel Service—take the position that a rule for considering provisional service changes would perform no separately identifiable function, or that the concept of a "provisional service change" is too nebulous to warrant adoption of a rule. Notwithstanding these comments, the Commission continues to believe, as the Joint Task Force concluded, that a separate rule may be useful for considering certain types of service changes for which market testing would not be appropriate or adequate. While it would be impossible to foresee the full spectrum of such changes, the Commission anticipates that certain types of systemwide, seasonal, or special service changes would be more appropriately considered as provisional service changes, rather than as the subjects of market tests. Therefore, the final rule contains separate provisions for the expeditious consideration of provisional service changes.

However, the Commission declines to expand the rule to include provisional changes in rates or in the terms of existing mail classifications, as the Postal Service and Time Warner suggest in their comments. The Joint Task Force recommended that an expedited procedure for introducing provisional service changes "should be available, *under more restrictive terms*, for use in appropriate circumstances." Report at 52. [Emphasis added.] The "restrictive terms" include a limitation to "innovations * * * which supplement existing rates and classifications without altering any of them, so that customers could either try the new service or stick with the existing service menu, or both." Ibid. American Business Press, Newspaper Association of America, and McGraw-Hill express concern in their comments that the provisional service change rule could be used to restructure existing services under the guise of introducing a "new" service, or otherwise alter pre-existing service options. In order to address these concerns, and to implement the

concept envisioned by the Joint Task Force, the Commission's final rule retains the proposed rule's limitation of applicability to proposed provisional services that "will supplement, but will not alter, existing mail classifications and rates for a limited and fixed duration." § 3001.171(a).

As the preamble states, the final rule includes a new § 3001.171(b), which establishes a five-year sunset provision for the effectiveness of the provisional service change rule.

Evidentiary Requirements

The Postal Service comments that the filing requirements contained in proposed § 3001.172 would increase the complexity of seeking a provisional service change, and would be likely to impair the expedition with which such changes could be adopted. American Bankers Association takes the position that the rule should require the Service to provide the maximum cost and revenue information available, in order to prevent shifting the cost burden of providing the provisional service to captive users of First-Class Mail.

The final rule maintains the filing requirements of the proposed rule. The Commission continues to believe that requiring the Service to provide a description of the salient features of a proposed provisional service change, together with an estimate of the effects of implementing it and all other available information responsive to the requirements in current § 3001.64, imposes a reasonable standard of evidence. If the Postal Service experiences difficulty in developing the required information, it may file a motion for waiver, or an explanation of unavailability as provided in § 3001.172(b). On the other hand, if a participant believes that critical information has not been produced, it may seek to compel its production through discovery and motions practice.

As with the market test rule, in order to implement Federal Express Corporation's proposal of a mechanism that would provide an alternative to rendering a "yes or no" decision on proposed provisional service changes, § 3001.172(a)(2) of the final rule adds a requirement that the Postal Service state its goals and objectives in introducing the provisional service, and subsection (a)(3) requires the Service to identify "those features of the proposed provisional service that, [in its opinion,] cannot be modified without significantly reducing the benefits of introducing the proposed service."

Rule for Decision

Proposed § 3001.174 provides for the Commission's issuance of a "yes or no" decision either in favor of or against the Postal Service's proposed provisional service change. Several commenters—Federal Express Corporation, the Commission's Office of the Consumer Advocate, and United Parcel Service—challenge this mode of decision, as they did with respect to market tests. Once again, Federal Express proposes an alternative that would allow the Postal Service to designate those elements of its proposed provisional service change which cannot be modified without negating its value, together with a decisional standard which would preclude the Commission only from modifying those designated elements.

Because the same decisional considerations are mutually applicable to market tests and provisional service changes, the Commission has decided to modify proposed § 3001.174 to provide for issuance of a decision in accordance with the policies of the Reorganization Act, but without "modification of any feature of the proposed service which the Postal Service has identified in accordance with § 3001.172(a)(2)."⁶

Data Collection and Reporting Requirements

Section 3001.175 of the proposed rule directs the Postal Service to collect and report data pertaining to a recommended provisional service during the period in which it is in effect. The section would allow the Service to satisfy these requirements either through its regular data collection and reporting systems, in combination with the Service's regularly filed periodic reports under 39 CFR § 3001.102, or by conducting and reporting the results of special studies on a corresponding schedule "to the extent reasonably practicable."

In its comments, the Postal Service "strongly objects" to the requirements in proposed § 3001.175. Comments at 19. The Service asserts that it is "neither necessary nor practical" to require it to modify its regular data reporting systems to include a provisional service, and that it is "unreasonable" to expect it to conduct special studies on a quarterly basis. *Ibid.* In the Service's view, data pertaining to a provisional service will not be germane until a record is developed for the purpose of

determining whether to recommend the service as a permanent mail classification, and "[d]ata issues will receive a full airing then." *Ibid.*

The Postal Service's resistance to periodic data collection and reporting for recommended provisional services is, quite frankly, difficult to fathom. Under § 3001.171(a) of the final rule, a provisional service may be recommended for a duration of up to two years. The Postal Service collects and publicly reports cost and revenue data for all services it offers on at least an annual basis; there is no apparent justification for exempting a recommended provisional service from this practice. Proposed § 3001.175 does not require the Service to perform quarterly special studies for provisional services; it only cites § 3001.102 reporting requirements as a standard, and directs the Service to observe them "to the extent reasonably practicable." The final rule retains this reasonable standard of data collection and reporting.

*IV. Expedited Consideration of Requests for Minor Mail Classification Changes**Applicability of Rule*

Proposed § 3001.69 states that a requested mail classification change may be considered to be "minor in character," and therefore eligible for expedited consideration, if it would not involve a change in any existing rate or fee and: (a) involves only changes in eligibility standards or requirements applicable to mail classes or services; or (b) would only affect categories of service with low aggregate costs and revenues. Several commenters suggested that the section's standard of applicability should be clarified, or replaced with an alternative definition of "minor in character."

The Postal Service comments that the proposed rule's applicability criteria require further explanation; Direct Marketing Association regards the Commission's standards as an improvement over those in the Service's proposed rule, but observes that application in specific instances will present difficulties. American Bankers Association, Newspaper Association of America, National Newspaper Association, and McGraw-Hill challenge the proposed rule's definition of eligibility changes as "minor," drawing on experience in recent dockets such as MC95-1 to illustrate that putative eligibility changes may produce major impacts on users of the affected mail classification. Other commenters question the appropriateness of the

"low costs and revenues" standard. OCA comments that the standard is ambiguous, and may be over-inclusive in light of past mail classification controversies that arguably involved low costs and revenues but required more extensive scrutiny. United Parcel Service comments that imposition of the "low costs and revenues" standard would tend to reduce scrutiny of classification changes in almost all the competitive subclasses. Advertising Mail Marketing Association comments that neither of the proposed rule's standards will serve to include minor classification changes and exclude major ones, and proposes an alternative two-part test that would treat a proposed change as "minor" if it:

(a) Does not materially alter the conditions of eligibility for the entry of mail in a particular subclass, or for a particular rate element or work sharing discount; and (b) does not materially increase or decrease the estimated or projected institutional cost contribution of the affected subclass.

AMMA Comments at 5-6.

Upon consideration of the parties' comments, the Commission agrees that the definition of "minor" classification changes in proposed § 3001.69 should be amended. Therefore, the Commission has re-drafted the applicability provisions to include only those proposed mail classification changes that are likely to be moderate in their impact both on mailers and on the postal system as a whole. The substitute retains the introductory clause precluding any change in existing rates or fees, and models two additional clauses on AMMA's suggested language, with one alteration: the clause concerning changes in conditions of eligibility has been modified to preclude only requests for more restrictive eligibility terms. Thus, proposals to make existing mail classifications more inclusive could be considered under the minor classification change provisions.

As the preamble states, the final rule includes a new § 3001.69(b), which establishes a five-year sunset provision for the effectiveness of the minor classification change rule.

Expedition of Procedural Schedule—Expedited Notice

Commenter McGraw-Hill suggests that the expedited procedures specified in proposed § 3001.69b should be supplemented to include registration and expedited notice provisions similar to those contained in the proposed market test rule [§ 3001.163(b)-(d)] and proposed rule for provisional service changes [§ 3001.173(b)-(d)]. McGraw-Hill comments that the inclusion of such conforming provisions "are

⁶ McGraw-Hill once again proposes an alternative providing for preliminary Commission advice to the Postal Service to modify unacceptable features of the proposal prior to a decision. The Commission declines to adopt this mechanism on the same bases cited with respect to the market test rule.

justified by the short timeframes contemplated for the proceedings in question." McGraw-Hill Comments at 5.

The Commission agrees that inclusion of such provisions in the minor classification change rule is justified, and would be beneficial. Expedited notice of the Postal Service's filing of a request can be expected to enable interested parties to intervene, and initiate discovery if they so desire, earlier in the proceeding. Consequently, the final rule has been amended to add three new subsections to proposed § 3001.69b. New subsection (b) provides for registration with the Secretary of the Commission by persons who are interested in participating in minor classification change proceedings. These registrants will automatically become parties to each such proceeding, but they may withdraw at any time. New subsection (c) requires service of the Postal Service's complete filing by hand delivery to registrants with addresses within the Washington metropolitan area, and by Priority Mail to all other registrants. New subsection (d) requires the Postal Service to give notice by First-Class Mail of the filing of its request to all participants in the most recent omnibus rate proceeding. Service by Priority Mail and First-Class Mail have been substituted for Express Mail, which is required in the market test and provisional service change rules, in view of the potentially longer procedural schedule available in minor classification change proceedings, and to reduce the resulting burden on the Postal Service. Also, in order to enable the Service to identify the last day for parties' intervention in the notice required by new subsection (d), § 3001.69b(e) of the final rule has been modified to provide that the Commission's notice of proceeding "shall afford all interested parties 26 days after filing of the Postal Service's request within which to intervene[.]"

V. Multi-Year Test Periods for Proposed New Services

Applicability of Rule.

Several commenters question the terms under which proposed § 3001.181 would allow the Postal Service to use multi-year test periods for proposed new services. Newspaper Association of America, United Parcel Service, and McGraw-Hill take the position that the rule should not extend to permit test periods as long as five years, in light of the Postal Service's demonstrated limitations in producing forecasts in prior Commission proceedings. In contrast, the Postal Service comments that a five-year period may not be

sufficient for some proposed services, and that the appropriate length of a test period should be determined on a case-by-case basis.

The final rule retains the declaration of a Commission policy in favor of test periods of up to five fiscal years. The Joint Task Force Report recommended the adoption of "rules providing for a multi-year break-even period of at least four or five years[.]" Report at 51, and the Commission accordingly has used five years as a policy benchmark. The Commission is well aware that Postal Service projections have usually been limited to two- or three-year horizons in postal rate and classification proceedings. However, the Commission is prepared to provide the Service with the opportunity to submit longer-range forecasts, and to use those projections if they prove to be credible. Furthermore, the Postal Service is free in any given proceeding to ask the Commission to expand its policy declaration, if it can furnish even longer-range projections that it believes to be reliable.

The Postal Service, Advertising Mail Marketing Association, and Direct Marketing Association oppose another portion of the Commission's policy declaration in proposed § 3001.181, which refers to "convincing substantial evidence in support of the test period proposed." These commenters challenge the quoted language on the ground that it would subject the Postal Service's evidence in support of a multi-year test period to a higher standard of proof than the "substantial evidence" standard of evidentiary support commonly required of administrative decisions. The Postal Service suggests that this language "be eliminated as unjustified and unnecessary." Postal Service Comments at 25.

The proposed rule's use of the phrase "convincing substantial evidence" in the policy declaration was not intended to establish an extraordinary evidentiary standard for application to the Postal Service's test year projections; it was only intended to declare a policy in favor of departure from the normally-applicable test year rule when the Service's evidence persuades the Commission that such a departure is justified. In order to remove any ambiguity on this point, the final rule deletes the word "convincing."

As the preamble states, the final rule includes a new § 3001.181(b), which establishes a five-year sunset provision for the effectiveness of the multi-year test period rule.

Filing of Evidence in Support of Formal Request.

In its comments, the Postal Service opposes the filing requirements in proposed § 3001.182 (b)(2) and (b)(3) of the proposed rule, which direct the Service to produce Return on Investment projections and all other financial analyses prepared in connection with determining the cost and revenue impact of the proposed new service, and any other analyses by the Service that bear on the overall effects of introducing the new service during the requested test period. The Service claims these requirements are unnecessary, would introduce needless complexity and confusion into the proceeding, and call for material that is "likely to include pre-decisional material and/or material of commercial sensitivity that would not ordinarily be disclosed in Commission proceedings." Postal Service Comments at 26. Time Warner also comments on the "excessive data and documentation requirements" of the proposed rule, Comments at 4, and urges the Commission to "accommodate its information and documentation requirements to the inevitability that new services will be supported by scarcer, more attenuated data than established ones. . . ." Time Warner Comments at 5.

The Commission is well aware of the problems of information deficiency that can be associated with new services, and does not intend to apply unrealistic standards of proof to such services. However, the Commission is also aware from experience in prior proceedings that financial analyses and other information of the types responsive to proposed § 3001.182(b) (2) and (3) are likely to underlie the Postal Service's cost and revenue estimates for a proposed new service, or will at least bear significantly on the credibility and accuracy of those estimates. The relevance and probative value of these analyses are likely to be intensified when estimates are projected as much as five years into the future. Consequently, the final rule retains these filing requirements, to put the Postal Service on notice that all relevant supporting analyses will be scrutinized in the proceeding. If the Postal Service believes that special considerations of privilege and resulting harm should exempt certain responsive information in any given case, it may file a motion for waiver explaining why the requirement should not apply.

VI. Regulatory Evaluation

It has been determined pursuant to 5 U.S.C. 605(b) that these rules will apply exclusively to the United States Postal Service in proceedings conducted by the Postal Rate Commission, and to parties who choose to participate in those proceedings. Therefore, it is certified that these rules will not have a significant impact on a substantial number of small entities under the terms of the Regulatory Flexibility Act, 5 U.S.C. 501 et seq. Because these rules will only apply to the Postal Service and other participants in Commission proceedings, it has also been determined that these rules do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment pursuant to Executive Order 12612. Inasmuch as the rules impose information-gathering and reporting requirements exclusively upon the United States Postal Service for the purpose of conducting mail classification change proceedings, they do not contain any information collection requirements as defined in the Paperwork Reduction Act [44 U.S.C. 3502(4)], and consequently the review provisions of 44 U.S.C. 3507 and the implementing regulations in 5 CFR part 1320 do not apply.

List of Subjects in 39 CFR Part 3001

Administrative practices and procedure, Postal Service.

For the reasons set out in the preamble, 39 CFR part 3001 is amended as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for 39 CFR part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622–24, 3661, 3662.

2. Sections 3001.69 through 3001.69c are added to Subpart C to read as follows:

§ 3001.69 Expedited minor classification cases—applicability.

(a) This section and §§ 3001.69a through 3001.69c apply in cases where the Postal Service requests a recommended decision pursuant to section 3623 and seeks expedited review on the ground that the requested change in mail classification is minor in character. The requirements and procedures specified in these sections apply exclusively to the Commission's consideration of requested mail classification changes which the Postal Service denominates as, and the Commission finds to be, minor in

character. A requested classification change may be considered to be minor in character if it:

(1) Would not involve a change in any existing rate or fee;

(2) Would not impose any restriction in addition to pre-existing conditions of eligibility for the entry of mail in an existing subclass or category of service, or for an existing rate element or work sharing discount; and

(3) Would not significantly increase or decrease the estimated institutional cost contribution of the affected subclass or category of service.

(b) This section and §§ 3001.69a through 69c are effective May 15, 1996 through May 15, 2001.

§ 3001.69a Expedited minor classification cases—filing of formal request and prepared direct evidence.

(a) Whenever the Postal Service determines to request that the Commission submit a decision recommending a mail classification change, and to seek expedited review on the ground that the requested change is minor in character, it shall file a request for a change in mail classification pursuant to section 3623 that comports with the requirements of this section and of subpart C of this part. Each such formal request shall include the following particular information:

(1) A description of the proposed classification change or changes, including proposed changes in the text of the Domestic Mail Classification Schedule and any pertinent rate schedules;

(2) A thorough explanation of the grounds on which the Postal Service submits that the requested change in mail classification is minor in character; and

(3) An estimate, prepared in the greatest level of detail practicable, of the overall impact of the requested change in mail classification on postal costs and revenues, mail users, and competitors of the Postal Service.

(b) If the Postal Service believes that data required to be filed under § 3001.64 are unavailable, it shall explain their unavailability, as required by § 3001.64(a)(2) (i), (ii), and (iv). If the Postal Service believes that any of the data or other information required to be filed under § 3001.64 should not be required in light of the minor character of the requested change in mail classification, it shall move for a waiver of that requirement, stating with particularity the reasons why the character of the request and its circumstances justify a waiver of the requirement. A satisfactory explanation of the unavailability of information

required under § 3001.64, or of why it should not be required to support a particular request, will be grounds for excluding from the proceeding a contention that the absence of the information should form a basis for rejection of the request, unless the party desiring to make such contention:

(1) Demonstrates that, having regard to all the facts and circumstances of the case, it was clearly unreasonable for the Postal Service to propose the change in question without having first secured the information and submitted it in accordance with § 3001.64; or

(2) Demonstrates other compelling and exceptional circumstances requiring that the absence of the information in question be treated as bearing on the merits of the proposal.

§ 3001.69b Expedited minor classification cases—expedition of procedural schedule.

(a) The purpose of this section is to provide a schedule for expediting proceedings in which the Postal Service requests that the Commission recommend a change in mail classification and expedite consideration of that request on the ground that the change is minor in character.

(b) Persons who are interested in participating in proceedings to consider Postal Service requests for minor changes in mail classification may register at any time with the Secretary of the Postal Rate Commission, who shall maintain a publicly available list of the names and business addresses of all such registrants. Persons whose names appear on this list will automatically become parties to each proceeding in which the Postal Service requests a minor mail classification change pursuant to §§ 3001.69 through 3001.69c. Parties may withdraw from the register or a particular case by filing a notice with the Secretary of the Commission.

(c) When the Postal Service files a request under the provisions of §§ 3001.69 through 3001.69c, it shall on that same day effect service by hand delivery of the complete filing to each person registered pursuant to paragraph (b) of this section who maintains an address for service within the Washington metropolitan area and serve the complete filing by Priority Mail service on all other registrants. Each registrant is responsible for insuring that his or her address remains current.

(d) When the Postal Service files a request under the provisions of §§ 3001.69 through 3001.69c, it shall on that same day send by First-Class Mail to all participants in the most recent omnibus rate case a notice which briefly

describes its proposal. This notice shall indicate on its first page that it is a notice of a request for a minor change in mail classification to be considered under §§ 3001.69 through 3001.69c, and identify the last day for filing a notice of intervention with the Commission.

(e) Within 5 days after receipt of a Postal Service request invoking the operation of §§ 3001.69 through 3001.69c, the Commission shall issue a notice of proceeding and provide for intervention by interested parties pursuant to § 3001.20. The notice of proceeding shall state that the Postal Service has denominated the mail classification change it requests a minor change, and has requested expedited consideration pursuant to §§ 3001.69 through 3001.69c. The notice shall further state the grounds on which the Postal Service submits that the requested change in mail classification is minor in character, and shall afford all interested parties 26 days after filing of the Postal Service's request within which to intervene, submit responses to the Postal Service's request for consideration of its proposed mail classification change under the terms of §§ 3001.69 through 3001.69c, and request a hearing.

(f) Within 28 days after publication of the notice of proceeding pursuant to paragraph (e) of this section, the Commission shall decide whether to consider the request of the Postal Service as a minor classification change request under §§ 3001.69 through 3001.69c, and shall issue an order in the proceeding incorporating that ruling. The Commission shall order a request to be considered under §§ 3001.69 through 3001.69c if it finds that:

- (1) The requested classification change is minor in character, and
- (2) The effects of the requested change are likely to be appropriately limited in scope and overall impact.

(g) If the Commission determines that the request of the Postal Service is not appropriate for consideration as a minor classification change request, no further procedures under §§ 3001.69 through 3001.69c shall be ordered, and the request will be considered in accordance with other appropriate provisions of Subpart C of this part.

(h) If the Commission determines that the Postal Service request is appropriate for consideration under §§ 3001.69 through 3001.69c, those respondents who request a hearing shall be directed to state with specificity within 14 days after publication of the notice the issues of material fact that require a hearing for resolution. Respondents shall also identify the fact or facts set forth in the Postal Service's filing that the party

disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position.

(i) The Commission will hold hearings on a Postal Service request which is considered under §§ 3001.69 through 3001.69c when it determines that there are genuine issues of material fact to be resolved, and that a hearing is needed to resolve those issues. Hearings on the Postal Service request will commence within 21 days after issuance of the Commission order pursuant to paragraph (f) of this section. Testimony responsive to the Postal Service request will be due 14 days after the conclusion of hearings on the Postal Service request.

§ 3001.69c Expedited minor classification cases—time limits.

The Commission will treat cases to which §§ 3001.69 through 3001.69c apply as subject to the maximum expedition consistent with procedural fairness. The schedule for adoption of a recommended decision will therefore be established, in each such case, to allow for issuance of such decision not more than 90 days after the filing of the request of the Postal Service if no hearing is held, and not more than 120 days after the filing of the request if a hearing is scheduled.

3. Sections 3001.161 through 3001.166 are added as Subpart I to read as follows:

Subpart I—Rules Applicable to Requests for Market Tests of Proposed Mail Classification Changes

Sec.

- 3001.161 Applicability.
- 3001.162 Filing of market test proposal and supporting direct evidence.
- 3001.163 Procedures—expedition of public notice and procedural schedule.
- 3001.164 Rule for decision.
- 3001.165 Data collection and reporting requirements.
- 3001.166 Suspension, continuation or termination of proceeding.

Subpart I—Rules Applicable to Requests for Market Tests of Proposed Classification Changes

§ 3001.161 Applicability.

(a) This section and §§ 3001.162 through 3001.166 apply in cases in which the Postal Service requests a recommended decision pursuant to section 3623 preceded by testing in the market in order to develop information necessary to support a permanent change. The requirements and procedures specified in these sections apply exclusively to the Commission's determination to recommend in favor of or against a market test proposed by the

Postal Service, and do not supersede any other rules applicable to the Postal Service's request for recommendation of a permanent change in mail classification. In administering this subpart, it shall be the policy of the Commission to recommend market tests that are reasonably calculated to produce information needed to support a permanent change in mail classification, and that are reasonably limited in scope, scale, duration, and potential adverse impact. Except in extraordinary circumstances and for good cause shown, the Commission shall not recommend market tests of more than one year in duration; however, this limitation is not intended to bar the Postal Service from conducting more than one market test in support of a potential permanent change in mail classification in appropriate circumstances.

(b) This section and §§ 3001.162 through 3001.166 are effective May 15, 1996 through May 15, 2001.

§ 3001.162 Filing of market test proposal and supporting direct evidence.

Whenever the Postal Service determines to request that the Commission submit a recommended decision on a change in mail classification preceded by testing in the market, the Postal Service shall file with the Commission, in addition to its request for a permanent change in mail classification pursuant to section 3623, a request for a recommended decision in favor of its proposed market test of the requested change in mail classification. Each formal request filed under this subpart shall include such information and data and such statements of reasons and bases as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance and impact of the proposed market test, and to show that it is in the public interest and in accordance with the policies of the Act and the applicable criteria of the Act. Each formal request shall also include the following particular information:

(a) A description of the services to be provided in the market test, and the relationship between the services to be provided and the permanent change or changes in the mail classification schedule requested by the Postal Service;

(b) A statement of each rate or fee to be charged for each service to be provided during the market test, together with all information relied upon to establish consistency of those rates and fees with the factors specified in section 3622(b);

(c) A description of the number and extent of the service areas in which the market test will be conducted, including the number and type of postal facilities which will be used;

(d) A statement of the planned duration of the market test;

(e) Proposed Domestic Mail Classification Schedule provisions which incorporate the information required in paragraphs (a) through (d) of this section;

(f) A statement of the goals and objectives of the proposed market test, supported by quantitative projections of anticipated results to the extent practicable.

(g) A statement of those features of the proposed market test that, in the opinion of the Postal Service, cannot be modified without significantly impairing the value of the test;

(h) An estimate of the number of customers who will participate in the market test to the extent that such an estimate is practicable, together with a description of the means by which the Postal Service plans to provide equal access to all potential users in the test market service areas; and

(i) A plan for testing the proposed change or changes in the market, including a plan for gathering the data needed to support a permanent change in mail classification and for reporting the test data to the Commission. If periodic reporting of the test data would be harmful to the purposes of the test, such as by revealing information that might encourage competitors or mailers to take actions that would affect the test results, the plan may provide for presentation of the test data as part of the subsequent filing of data supporting a permanent mail classification change.

§ 3001.163 Procedures—expedition of public notice and procedural schedule.

(a) The purpose of this section is to provide a schedule for expediting proceedings in which the Postal Service proposes to conduct a market test of a requested change in mail classification it has submitted to the Commission pursuant to section 3623.

(b) Persons who are interested in participating in proceedings to consider Postal Service requests to conduct a market test may register at any time with the Secretary of the Postal Rate Commission, who shall maintain a publicly available list of the names and business addresses of all such registrants. Persons whose names appear on this list will automatically become parties to each proceeding in which the Postal Service requests to conduct a market test pursuant to this subpart. Other interested persons may

intervene pursuant to § 3001.20 within 28 days after the filing of a formal request made under the provisions of this subpart. Parties may withdraw from the register or a particular case by filing a notice with the Secretary of the Commission.

(c) When the Postal Service files a request under the provisions of this subpart, it shall on that same day effect service by hand delivery of the complete filing to each person registered pursuant to paragraph (b) who maintains an address for service within the Washington metropolitan area and serve the complete filing by Express Mail service on all other registrants. Each registrant is responsible for insuring that his or her address remains current.

(d) When the Postal Service files a request under the provisions of this subpart, it shall on that same day send by Express Mail to all participants in the most recent omnibus rate case a notice which briefly describes its proposal. This notice shall indicate on its first page that it is a notice of a Market Test Request to be considered under §§ 3001.161 through 3001.166, and identify the last day for filing a notice of intervention with the Commission.

(e) Within 5 days after receipt of a Postal Service request under the provisions of this subpart, the Commission shall issue a notice of proceeding and provide for intervention by interested parties pursuant to § 3001.20. In the event that a party wishes to dispute a genuine issue of material fact to be resolved in the consideration of the Postal Service's request, that party shall file with the Commission a request for a hearing within the time allowed in the notice of proceeding. The request for a hearing shall state with specificity the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position. The Commission will hold hearings on a Postal Service request made pursuant to this subpart when it determines that there is a genuine issue of material fact to be resolved, and that a hearing is needed to resolve that issue.

§ 3001.164 Rule for decision.

The Commission will issue a decision on the Postal Service's proposed market test in accordance with the policies of the Postal Reorganization Act, but will not recommend modification of any feature of the proposed market test which the Postal Service has identified in accordance with § 3001.162(g). The purpose of this subpart is to allow for consideration of proposed market tests

within 90 days, consistent with the procedural due process rights of interested persons.

§ 3001.165 Data collection and reporting requirements.

In any case in which the Commission has issued a recommended decision in favor of a market test requested by the Postal Service, and the Board of Governors has put the market test recommended by the Commission into effect, the Postal Service shall gather test data and report them to the Commission in accordance with the plan submitted pursuant to § 3001.162(h). If the Postal Service's plan for reporting test data does not provide for periodic reporting during the conduct of the test, the Postal Service shall submit all test data to the Commission no later than 60 days following the conclusion of the test.

§ 3001.166 Suspension, continuation or termination of proceeding.

(a) In any case in which the Commission has issued a recommended decision in favor of a market test requested by the Postal Service, and the Board of Governors has put the market test recommended by the Commission into effect, the Postal Service may move for suspension of the proceeding in which its request for a permanent change in mail classification is to be considered. The Commission shall grant the Postal Service's motion for suspension if, in the Commission's opinion, it would be reasonable under the circumstances to defer consideration of the request until the information to be produced in connection with the market test becomes available.

(b) At any time during the pendency of a market test recommended by the Commission pursuant to this subpart, or following the completion of such a market test, the Postal Service may move to revise or withdraw its request for a permanent change in mail classification. If the Postal Service moves to revise its request, it shall file with the Commission all data necessary to support its amended request. If the Postal Service moves to withdraw its request, it shall explain the circumstances leading to its motion, but need not produce the test data that would otherwise be submitted pursuant to § 3001.165.

4. Sections 3001.171 through 3001.176 are added as Subpart J, to read as follows:

Subpart J—Rules Applicable to Requests for Provisional Service Changes of Limited Duration

Sec.

- 3001.171 Applicability.
 3001.172 Filing of formal request and prepared direct evidence.
 3001.173 Procedures-expedition of public notice and procedural schedule.
 3001.174 Rule for decision.
 3001.175 Data collection and reporting requirements.
 3001.176 Continuation or termination of provisional service.

Subpart J—Rules Applicable to Requests for Provisional Service Changes of Limited Duration**§ 3001.171 Applicability.**

(a) This section and §§ 3001.172 through 3001.176 apply in cases in which the Postal Service requests that the Commission recommend the establishment of a provisional service which will supplement, but will not alter, existing mail classifications and rates for a limited and fixed duration. The requirements and procedures specified in these sections apply exclusively to the Commission's determination to recommend in favor of or against a provisional service proposed by the Postal Service, and do not supersede the rules applicable to requests for permanent changes in rates, fees, mail classifications, and in the nature of postal services. In administering this subpart, it shall be the policy of the Commission to recommend the introduction of provisional services that enhance the range of postal services available to the public, without producing a material adverse effect overall on postal revenues or costs, and without causing unnecessary or unreasonable harm to competitors of the Postal Service. Except in extraordinary circumstances and for good cause shown, the Commission shall not recommend provisional services of more than two years in duration; however, the Commission may grant a request to extend a provisional service for an additional year if a Postal Service request to establish the provisional service as a permanent mail classification is pending before the Commission.

(b) This section and §§ 3001.172 through 3001.176 are effective May 15, 1996 through May 15, 2001.

§ 3001.172 Filing of formal request and prepared direct evidence.

(a) Whenever the Postal Service determines to request that the Commission submit a decision recommending the establishment of a

provisional service of limited and fixed duration, it shall file a request for a change in mail classification pursuant to section 3623 that comports with the requirements of this subpart and of subpart C of this part. Each formal request shall include the following particular information:

(1) A description of the proposed classification, including proposed Domestic Mail Classification Schedule language and rate schedules;

(2) A statement of the goals and objectives of introducing the proposed provisional service, supported by quantitative projections of anticipated results to the extent practicable.

(3) A statement of those features of the proposed provisional service that, in the opinion of the Postal Service, cannot be modified without significantly reducing the benefits of introducing the proposed service;

(4) An explanation and complete documentation of the development of the rates proposed for the provisional service;

(5) A termination date on which the proposed provisional service will be discontinued;

(6) An estimate of the effect of implementing the proposed provisional service on overall Postal Service costs and revenues during the period in which it is in effect; and

(7) A plan for meeting the data collection and reporting requirements specified in § 3001.175.

(b) If the Postal Service believes that data required to be filed under § 3001.64 are unavailable, it shall explain their unavailability, as required by § 3001.64 (a)(2)(i), (ii), and (iv). In particular, if the provisional character of the request bears on the unavailability of the data in question, the Postal Service shall explain in detail the nexus between these circumstances. A satisfactory explanation of the unavailability of data will be grounds for excluding from the proceeding a contention that the absence of the data should form a basis for rejection of the request, unless the party desiring to make such contention:

(1) Demonstrates that, having regard to all the facts and circumstances of the case, it was clearly unreasonable for the Postal Service to propose the change in question without having first secured the data which are unavailable, or

(2) Demonstrates other compelling circumstances requiring that the absence of the data in question be treated as bearing on the merits of the proposal.

§ 3001.173 Procedures—expedition of public notice and procedural schedule.

(a) The purpose of this section is to provide a schedule for expediting proceedings in which the Postal Service requests that the Commission recommend the establishment of a provisional service which will supplement, but will not alter, existing mail classifications and rates for a limited and fixed duration.

(b) Persons who are interested in participating in proceedings to consider Postal Service requests to establish a provisional service may register at any time with the Secretary of the Postal Rate Commission, who shall maintain a publicly available list of the names and business addresses of all such registrants. Persons whose names appear on this list will automatically become parties to each proceeding in which the Postal Service requests establishment of a provisional service pursuant to this subpart. Other interested persons may intervene pursuant to § 3001.20 within 28 days after the filing of a formal request made under the provisions of this subpart. Parties may withdraw from the register or a particular case by filing a notice with the Secretary of the Commission.

(c) When the Postal Service files a request under the provisions of this subpart, it shall on that same day effect service by hand delivery of the complete filing to each person registered pursuant to paragraph (b) of this section who maintains an address for service within the Washington metropolitan area and serve the complete filing by Express Mail service on all other registrants. Each registrant is responsible for insuring that his or her address remains current.

(d) When the Postal Service files a request under the provisions of this subpart, it shall on that same day send by Express Mail service to all participants in the most recent omnibus rate case a notice which briefly describes its proposal. Such notice shall indicate on its first page that it is a notice of a Request for Establishment of a Provisional Service to be considered under §§ 3001.171 through 3001.176, and identify the last day for filing a notice of intervention with the Commission.

(e) Within 5 days after receipt of a Postal Service request under the provisions of this subpart, the Commission shall issue a notice of proceeding and provide for intervention by interested parties pursuant to § 3001.20. In the event that a party wishes to dispute a genuine issue of material fact to be resolved in the consideration of the Postal Service's

request, that party shall file with the Commission a request for a hearing within the time allowed in the notice of proceeding. The request for a hearing shall state with specificity the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position. The Commission will hold hearings on a Postal Service request made pursuant to this subpart when it determines that there is a genuine issue of material fact to be resolved, and that a hearing is needed to resolve that issue.

§ 3001.174 Rule for decision.

The Commission will issue a decision on the Postal Service's proposed provisional service in accordance with the policies of the Postal Reorganization Act, but will not recommend modification of any feature of the proposed service which the Postal Service has identified in accordance with § 3001.172(a)(3). The purpose of this subpart is to allow for consideration of proposed provisional services within 90 days, consistent with the procedural due process rights of interested persons.

§ 3001.175 Data collection and reporting requirements.

In any case in which the Commission has issued a recommended decision in favor of a provisional service of limited duration requested by the Postal Service, and the Board of Governors has put the provisional service recommended by the Commission into effect, the Postal Service shall collect and report data pertaining to the provisional service during the period in which it is in effect in accordance with the periodic reporting requirements specified in § 3001.102. If the Postal Service's regular data reporting systems are not revised to include the provisional service during the period of its effectiveness, the Postal Service shall perform, and provide to the Commission on a schedule corresponding to § 3001.102 reports, special studies to provide equivalent information to the extent reasonably practicable.

§ 3001.176 Continuation or termination of provisional service.

At any time during the period in which a provisional service recommended by the Commission and implemented by the Board of Governors is in effect, the Postal Service may submit a formal request that the provisional service be terminated, or that it be established, either as originally recommended by the Commission or in modified form, as a permanent mail

classification. Following the conclusion of the period in which the provisional service was effective, the Postal Service may submit a request to establish the service as a mail classification under any applicable subpart of the Commission's rules.

5. Sections 3001.181 and 3001.182 are added as Subpart K, to read as follows:

Subpart K—Rules for Use of Multi-Year Test Periods

Sec.

3001.181 Use of multi-year test period for proposed new services.

3001.182 Filing of formal request and prepared direct evidence.

Subpart K—Rules for Use of Multi-Year Test Periods

§ 3001.181 Use of multi-year test period for proposed new services.

(a) The rules in §§ 3001.181 and 3001.182 apply to Postal Service requests pursuant to section 3623 for the establishment of a new postal service, with attendant rates, which in the estimation of the Postal Service cannot generate sufficient volumes and revenues to recover all costs associated with the new service in the first full fiscal year of its operation. In administering these rules, it shall be the Commission's policy to adopt test periods of up to 5 fiscal years for the purpose of determining breakeven for newly introduced postal services where the Postal Service has presented substantial evidence in support of the test period proposed.

(b) This section and § 3001.182 are effective May 15, 1996 through May 15, 2001.

§ 3001.182 Filing of formal request and prepared direct evidence.

In filing a request for establishment of a new postal service pursuant to section 3623, the Postal Service may request that its proposal be considered for a test period of longer duration than the test period prescribed in § 3001.54(f)(2). Each such request shall be supported by the following information:

(a) The testimony of a witness on behalf of the Postal Service, who shall provide:

(1) A complete definition of the multi-year test period requested for the proposed new service;

(2) A detailed explanation of the Postal Service's preference of a multi-year test period, including the bases of the Service's determination that the test period prescribed in § 3001.54(f)(2) would be inappropriate; and

(3) A complete description of the Postal Service's plan for achieving an appropriate contribution to institutional

costs from the new service by the end of the requested test period.

(b) Complete documentary support for, and detail underlying, the test period requested by the Postal Service, including:

(1) Estimated costs, revenues, and volumes of the proposed new service for the entire requested test period;

(2) Return on Investment projections and all other financial analyses prepared in connection with determining the cost and revenue impact of the proposed new service; and

(3) Any other analyses prepared by the Postal Service that bear on the overall effects of introducing the proposed new service during the requested test period.

Issued by the Commission on May 7, 1996.

Margaret P. Crenshaw,
Secretary.

[FR Doc. 96-12130 Filed 5-14-96; 8:45 am]

BILLING CODE 7710-FW-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH16-3-7264a; FRL-5439-4]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On August 23, 1994, the United States Environmental Protection Agency (USEPA) granted conditional approval of revisions to the emission limitations, compliance methodologies, and compliance time schedules in Ohio's State Implementation Plan (SIP) for sulfur dioxide (SO₂) as it applies to Hamilton County. The outstanding condition has been addressed, and USEPA is now fully approving the Hamilton County, Ohio, SO₂ SIP. Submitted by Ohio in response to modeling analyses which predicted violations of the SO₂ National Ambient Air Quality Standards (NAAQS) due to Hamilton County sources, this SIP has been demonstrated to provide for attainment and maintenance of the SO₂ NAAQS in Hamilton County.

DATES: This action will be effective on July 15, 1996 unless adverse or critical comments not previously addressed by the State or USEPA are received by June 14, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief,

Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's analysis (Technical Support Document) are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mary Onischak at (312) 353-5954 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Mary Onischak at (312) 353-5954.

SUPPLEMENTARY INFORMATION:

I. Background

On October 16, 1991, Ohio submitted SO₂ SIP revisions to USEPA for Hamilton County, Ohio. The State submitted a package on March 17, 1993, which further amended these SIP revisions. The SIP revisions were intended to provide for attainment of the National Ambient Air Quality Standards (NAAQS) for SO₂, in response to a December 22, 1988, letter in which USEPA notified the Governor of Ohio that the SO₂ SIP was substantially inadequate to maintain the SO₂ NAAQS in Hamilton County. USEPA's notification was based on predicted violations of the SO₂ standards due to SO₂ sources located in Hamilton County, Ohio. Ohio's SIP package included revisions to Ohio Administrative Code (OAC) 3745-18-03 *Attainment Dates and Compliance Time Schedules*, OAC 3745-18-04 *Measurement Methods and Procedures*, and OAC 3745-18-37 *Hamilton County Emission Limits*, supplemented by an administrative order for Cincinnati Gas and Electric's Miami Fort facility. Ohio's submittal, including the background information, attainment demonstration, and compliance methodologies, is discussed in detail in the January 27, 1994, proposed conditional approval (59 FR 3809). Comments on the proposed conditional approval were addressed in the August 23, 1994, final conditional approval (59 FR 43287).

II. Conditional Approval Issue

The Hamilton County SO₂ SIP was conditionally approved by USEPA because of an issue related to the air dispersion modeling analysis submitted by Ohio to demonstrate that the revised SO₂ SIP limits would ensure attainment of the SO₂ NAAQS in the Hamilton County area. The State's modeled

attainment demonstration is discussed in detail in USEPA's 1994 proposed and final rulemaking actions. The techniques used in the attainment demonstration were set forth in a modeling protocol approved by USEPA. Because Hamilton County borders Indiana and Kentucky, the attainment demonstration considered the air quality impacts of SO₂ sources in those States, as well as SO₂ sources in Ohio. During the development of the attainment demonstration, a modeled violation was predicted near the Joseph E. Seagram and Sons, Inc., (Seagram) facility in adjacent Dearborn County, Indiana. The Seagram facility was determined to be the main contributor to the modeled violation, but facilities located in Hamilton County also contributed to the violation. Since the Ohio sources were partially implicated in the Indiana violation, USEPA could not accept Ohio's attainment demonstration until the predicted violation had been addressed.

A solution to the attainment problem involved a restriction on the usage of sulfur-bearing fuels at the Seagram facility. Preliminary modeling showed that when Seagram's Boilers 5 and 6 were not simultaneously burning such sulfur-bearing fuels as coal or fuel oil, the SO₂ standards would not be violated. Seagram had, in fact, been operating in this manner for several years. Seagram agreed, in a September 1, 1992 letter to Ohio and Indiana, that it would not operate the two boilers simultaneously on sulfur-bearing fuels without written approval from both State Agencies (the Ohio Environmental Protection Agency and the Indiana Department of Environmental Management). However, because Seagram's letter did not create a federally enforceable limitation, USEPA required that the State of Indiana adopt the Seagram restriction and submit it to USEPA as a revision to the Indiana SO₂ SIP.

On the basis of Seagram's September 1, 1992 commitment, Ohio submitted supplementary modeling data to USEPA which demonstrated that if the Seagram facility did not operate the two boilers simultaneously on coal or fuel oil, the predicted SO₂ NAAQS violation in Dearborn County would be eliminated. USEPA has reviewed this modeling and determined that it is acceptable. Because USEPA had determined that the emission limits and control measures in the SO₂ SIP revision for Hamilton County would be enforceable and would provide for attainment of the SO₂ NAAQS, USEPA proposed to conditionally approve the Hamilton County SO₂ SIP while the State of

Indiana proceeded with the Seagram rulemaking.

USEPA's proposal to conditionally approve the Hamilton County, Ohio SIP revisions was published on January 27, 1994 (59 FR 3809). USEPA finalized the conditional approval action on August 23, 1994 (59 FR 43287). USEPA indicated in the final conditional approval that the Hamilton County, Ohio SIP revisions would be approved in full if Indiana submitted a federally approvable SIP revision for Seagram by September 23, 1995. It was anticipated that an approvable Indiana limit would be formalized in the allotted time and as a result, the Ohio revised rules would remain a part of the SIP.

The USEPA notified the State of Indiana in a January 5, 1994, letter that the Seagram limits must be incorporated into the Indiana SO₂ SIP. On August 25, 1995, Indiana submitted to USEPA a site-specific SO₂ SIP revision request which provided that when Seagram's Boilers 5 and 6 were being operated simultaneously, only one boiler would use coal or fuel oil. USEPA published a direct final approval of Indiana's SIP revision for Seagram on February 9, 1996 (61 FR 4897). Therefore, USEPA is now able to fully accept Ohio's modeled attainment demonstration and finalize the Hamilton County SO₂ SIP approval. (Adverse or critical comments received on the Seagram SIP revision may affect the effective date of approval of the Hamilton County, Ohio SO₂ SIP.)

III. Final Rulemaking Action

The USEPA is approving Ohio's October 16, 1991, and March 17, 1993, Hamilton County SO₂ SIP revisions because the approval condition cited in the Federal Register on August 23, 1994 (59 FR 43287) has been satisfied. The State of Indiana submitted acceptable SO₂ SIP revisions, as required, and USEPA approved them in a direct final action on February 9, 1996 (61 FR 4897). As indicated in the August 23, 1994, conditional approval, the USEPA has determined that the Ohio SO₂ SIP revisions for Hamilton County satisfy section 110(A)(2) of the Clean Air Act and are fully approvable at this time. It is important to note that if USEPA receives adverse or critical comments on the SO₂ SIP revision for Seagram, the receipt of such comments may affect the effective date of USEPA's approval of the Hamilton County, Ohio SO₂ SIP.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, the rulemaking will not be deemed final if timely unaddressed adverse or critical

comments are filed. The "direct final" approval shall be effective on July 15, 1996, unless USEPA receives such adverse or critical comments by June 14, 1996. The USEPA is now soliciting public comments on this action. Any parties interested in commenting on this action should do so at this time. In the proposed rules section of this Federal Register, USEPA is publishing a separate document which constitutes a "proposed approval" of the requested SIP revision. If warranted by comments adverse to or critical of the approval discussed above, which have not been addressed by the State or USEPA, USEPA will publish a Federal Register document which withdraws the final action. The USEPA will then address public comments received in a subsequent rulemaking document based on the proposed approval.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

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

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would

constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

This rule only approves the incorporation of existing state rules into the SIP. It imposes no additional requirements. Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 14, 1996.

David A. Ullrich,

Acting Regional Administrator.

For the reasons set forth in the preamble 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart KK—Ohio

2. Section 52.1870 is amended by adding paragraph (c)(92) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(92) On October 16, 1991, and March 17, 1993, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan for sulfur dioxide for sources in Hamilton County, Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745-18-03 Attainment dates and compliance time schedules, Sections (A)(2)(c); (B)(7)(a); (B)(7)(b); (C)(8)(a); (C)(8)(b); (C)(9)(a); (C)(9)(b); (D)(1); (D)(2); dated October 11, 1991, and effective on October 31, 1991.

(B) Ohio Administrative Code (OAC) Rule 3745-18-04 Measurement methods and procedures, Sections (D)(7); (D)(8)(a) to (D)(8)(e); (E)(5); (E)(6)(a); (E)(6)(b); (F); (G)(1) to (G)(4); (I); dated October 11, 1991, and effective on October 31, 1991.

(C) Ohio Administrative Code (OAC) Rule 3745-18-37, Hamilton county emission limits, dated February 22, 1993, and effective on March 10, 1993.

(D) Director's Final Findings and Order for Cincinnati Gas and Electric Company, Miami Fort Station, dated February 22, 1993.

* * * * *

3. Section 52.1919 is revised to read as follows.

§ 52.1919 Identification of plan-conditional approval.

(a) The plan commitments listed below were submitted on the dates specified.

(1) [Reserved]

(2) On April 20, 1994, Ohio submitted Rule 3745-35-07, entitled "Federally Enforceable Limitations on Potential to Emit," and requested authority to issue such limitations as conditions in State operating permits. On June 16, 1994, Ohio submitted a commitment to revise Rule 3745-35-07 to clarify that the rule provides for USEPA objection to permits after issuance. The revisions are approved provided Ohio fulfills this commitment by October 25, 1995.

(i) Incorporation by reference.

(A) Rule 3745-35-07, adopted April 4, 1994, effective April 20, 1994.

(b) (Reserved)

[FR Doc. 96-12119 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[AD-FRL-5461-6]

Clean Air Act Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 2, 1996, the Environmental Protection Agency published a proposed and direct final rule promulgating interim approval of the Operating Permits Program submitted by the Commonwealth of Massachusetts for the purpose of complying with the Federal requirements of an approved program to issue operating permits to all major stationary sources, and to certain other sources, with the exception of Indian Lands. This submittal for the operating permits program was made by the Commonwealth of Massachusetts on April 28, 1995. The 30-day comment period for these documents concluded on March 4, 1996. Also in this document, EPA is correcting the date for the interim approval of the Operating Permits Program for the Commonwealth of Massachusetts.

EFFECTIVE DATE: This final rule is effective on May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Ida E. Gagnon, Air Permits Program, CAP, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203-2211, (617) 565-3500.

SUPPLEMENTARY INFORMATION: On February 2, 1996, EPA published a

direct final rule (61 FR 3827) which announced that this rule would take effect in 60 days, or April 2, 1996, unless EPA received adverse comment on the rule within 30 days of publication in response to a notice of proposed rulemaking published on the same day (61 FR 3893). EPA also committed to withdraw the direct final rule in the event it received adverse comment, and to respond to any adverse comments in a subsequent final rulemaking action. EPA did receive a timely adverse comment on this rule. EPA failed, however, to withdraw the final rule within the 60 days given in the direct final rule, and the rule took effect on April 2, 1996.

In this document, EPA is responding to the comment it received, but for the reasons stated below, EPA is not changing the final rule in response to that comment. For reasons unrelated to the comment, EPA is correcting a clerical error in the effective date of the rule, as explained below. Had EPA withdrawn the direct final rule prior to its going into effect, EPA would have taken final action based on the proposal to promulgate a rule identical to the direct final rule that went into effect. Rather than now take the action of withdrawing the direct final rule only to repromulgate simultaneously an identical rule, however, EPA in this action is deciding to maintain the rule unchanged. EPA believes that withdrawal and repromulgation are unnecessary since the results would be identical to that obtained simply by leaving the rule unchanged and responding to the comments in this document. This document provides interested parties an opportunity to review how EPA addressed the comment, and to petition for review of EPA's action in this final rulemaking within 60 days of publication of this document, as provided in section 307(b)(1) of the Act.

I. Summary of Comments and Responses

EPA received two comments from the National Environmental Development Association's Clean Air Regulatory Project (NEDA/CARP). First, NEDA/CARP disagrees with EPA's statement that "prompt reporting [of deviations] must be more frequent than the semi-annual reporting requirement, given this is a distinct reporting obligation under Section 70.6(a)(3)(iii)(A)." NEDA/CARP believes there is no legal basis for such a statement. Therefore, NEDA/CARP asserts EPA has no basis for expecting deviations to be reported more often than every 6 months.

EPA disagrees that there is no legal basis for this statement. Section 503(b)(2) of the Act requires a permittee "to promptly report any deviations from permit requirements to the permitting authority." This requirement to report deviations promptly is distinct from section 504(a) of the Act which requires the results of all monitoring to be submitted no less often than every six months. The Act clearly distinguishes between the routine semi-annual reporting of all monitoring, whether or not deviations have occurred, from the requirements to report deviations that may be violations of the Act and that at least provide an indication of potential compliance problems. It makes sense that Congress would expect permittees to report potential Act violations more quickly than routine monitoring that confirms compliance. Additionally, the statute has a clear requirement for prompt reporting of deviations and EPA believes that six months is not prompt when dealing with information that may document a violation of the Clean Air Act.

Second, in the February 2, 1996 rulemaking, EPA proposes interim approval of the program regulation unless the Commonwealth changes its rule to ensure that all "significant" monitoring changes, not just "relaxations" are processed as significant changes. NEDA/CARP points out that this change may not be required when the proposed changes to Part 70 are finalized and requests EPA take this issue into consideration before the state revises its procedures.

EPA understands the concerns of NEDA/CARP, but EPA is obligated to evaluate the Commonwealth's program based on Part 70 rules promulgated on July 21, 1992. Once the proposed changes to Part 70 are finalized, EPA and the Commonwealth will revisit this matter and address it consistent with the program transition provisions of the revised Part 70 regulations.

II. Final Rulemaking Action

Except for the effective date, as explained below, EPA is not modifying the interim approval to the operating permits program associated with the February 2, 1996 direct final rulemaking in response to the comments EPA received. The State must make the changes specified in the proposed rulemaking, under II.A.2., Regulations and Program Implementation, in order to be granted full approval.

This interim approval, which may not be renewed, extends for a period of up to 2 years. During the interim approval period, the Commonwealth is protected from sanctions for failure to have a

program, and EPA is not obligated to promulgate a Federal permits program in the Commonwealth. Permits issued under a program with interim approval have full standing with respect to Part 70, and the 1-year time period under the Act for submittal of permit applications by subject sources begins upon interim approval, as does the 3-year time period for processing the initial permit applications.

The scope of the Commonwealth of Massachusetts' part 70 program applies to all part 70 sources (as defined in the approved program) within the Commonwealth of Massachusetts, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

EPA is also not modifying its approval of DEP's authority to implement and enforce section 112 standards at Part 70 sources. Requirements for operating permit program approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to Part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Therefore, the EPA has also granted approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

EPA is hereby correcting a mistaken effective date for our interim approval. The prior document indicated an effective date of March 4, 1996, 30 days from the date of publication of the document rather than the correct date of April 2, 1996, 60 days from the date of publication of the document. In light of the Small Business Regulatory Enforcement Act (SBREFA) which became effective on March 29, 1996 prior to the April 2, 1996 corrected date, the rule will take effect on the latter of

the rule's submission to Congress or the date of publication. The rule has been submitted to Congress, therefore, this final rulemaking will be effective May 15, 1996.

III. Administrative Requirements

A. Docket

Copies of the Commonwealth's submittal and other information relied upon for the final interim approval, including public comments received and reviewed by EPA on the proposal, are maintained in a docket at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location under the ADDRESSES section of this document.

B. Opportunity for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

C. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

D. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

E. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of

\$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: April 2, 1996.
John P. DeVillars,
Regional Administrator, Region I.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by revising the entry for Massachusetts to reflect the dates of the final rulemaking to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Massachusetts

(a) Department of Environmental Protection: submitted on April 28, 1995; interim approval effective on April 2, 1996; interim approval expires April 2, 1998.

(b) (Reserved)

* * * * *

[FR Doc. 96-12077 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 62

RIN 3067-AC47

**National Flood Insurance Program;
Allocated Loss Adjustment Expense**

AGENCY: Federal Insurance Administration (FEMA).

ACTION: Interim Final Rule.

SUMMARY: This interim final rule modifies the existing allocated loss adjustment expense fee schedule of the National Flood Insurance Program (NFIP) 1994 Write Your Own (WYO) Program under the Financial Assistance/Subsidy Arrangement (the Arrangement). The rule changes the fee schedule to add new, refined loss ranges and to revise the fees for adjusting higher ranges of covered losses under the NFIP.

DATES: This interim final rule is effective on May 15, 1996. Please submit any comments in writing by July 1, 1996.

ADDRESSES: We request comments on this interim final rule. Please submit any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) (202)646-4536.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646-3422.

SUPPLEMENTARY INFORMATION: The Financial Assistance/Subsidy Arrangement ("the Arrangement") between the Federal Insurance Administrator and licensed property/casualty insurers participating in the WYO program was last modified effective October 1, 1994. The Arrangement specifies allowable costs and fees to be reimbursed to member WYO companies for adjusting losses under this segment of the National Flood Insurance Program (NFIP). For allocated loss adjustments, participating WYO companies are reimbursed pursuant to a fee schedule, which is Attachment A to Appendix A of the Arrangement. The current fee schedule provides for allowable fees for ranges of losses, the last range being "\$200,000 to limits."

Since the publication of the Arrangement, however, the limits of flood insurance coverage available under the National Flood Insurance Program (NFIP) increased significantly under the National Flood Insurance Reform Act of 1994 (P.L. 103-325). The higher limits of coverage and correspondingly higher amounts of recovery for insured property owners

became effective March 1, 1995. Also, a new condominium policy, effective October 1, 1994, has resulted in much higher limits of coverage for condominiums.

Recent analysis of loss experience during the last year, especially in connection with Hurricane Opal (October 1995), shows that there have been significantly more losses at higher damage thresholds, particularly for condominiums. The current fee schedule, which has not been revised for nearly five years, needs to be adjusted to reflect these factors as well as the increased workload to adjust claims for condominium losses and the increased costs of labor, overhead, materials, and transportation since the last fee schedule change.

In light of these factors and in anticipation of this year's hurricane season, there is an urgent need to revise the current adjuster fee schedule and make it effective upon publication of this interim final rule. FEMA finds that there is a compelling need and good cause to waive the 30-day effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553(d). This interim final rule is effective on the date of publication in the Federal Register. Currently, the fee schedule under the Arrangement is as follows:

EXHIBIT A.—FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous Assignment	\$40.00
Closed Without Payment	125.00
Minimum for Upton-Jones Claims	800.00
\$0.01 to \$600.00	150.00
\$600.01 to \$1,000.00	175.00
\$1,000.01 to \$2,000.00	225.00
\$2,000.01 to \$3,500.00	275.00
\$3,500.01 to \$5,000.00	350.00
\$5,000.01 to \$7,000.00	425.00
\$7,000.01 to \$10,000.00	500.00
\$10,000.01 to \$15,000.00	550.00
\$15,000.01 to \$25,000.00	600.00
\$25,000.01 to \$35,000.00	675.00
\$35,000.01 to \$50,000.00	750.00
\$50,000.01 to \$100,000.00	1,000.00
\$100,000.01 to \$150,000.00	1,300.00
\$150,000.01 to \$200,000.00	1,600.00
\$200,000.01 to limits	2,000.00

[Note: Allocated fee schedule entry value is covered loss under the policy asked on the standard deductibles (\$500 and \$500) and limited to the amount of insurance purchased.]

This interim final rule revises the adjuster fee schedule as follows to

reflect the higher limits of coverage available for condominiums and the

amount of technical effort required to adjust losses for condominiums:

EXHIBIT A.—FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous Assignment	\$40.00.
Closed Without Payment	125.00.
Minimum for Upton-Jones Claims	800.00.
\$0.01 to \$600.00	150.00.
\$600.01 to \$1,000.00	175.00.
\$1,000.01 to \$2,000.00	225.00.
\$2,000.01 to \$3,500.00	275.00.
\$3,500.01 to \$5,000.00	350.00.
\$5,000.01 to \$7,000.00	425.00.
\$7,000.01 to \$10,000.00	500.00.
\$10,000.01 to \$15,000.00	550.00.
\$15,000.01 to \$25,000.00	600.00.
\$25,000.01 to \$35,000.00	675.00.
\$35,000.01 to \$50,000.00	750.00.
\$50,000.01 to \$100,000.00	3.0%.
\$100,000.01 to \$250,000.00	2.3% but not less than \$3,000.
\$250,000.01 and up	2.1% but not less than \$5,750.

Note: Based on Gross Loss.

- (1) "Gross loss" shall mean the agreed cost to repair or replace before application of depreciation, deductible, or other limiting clauses or condition.
- (2) For the purpose of this schedule, should the loss exceed the available coverage, "gross loss" shall mean the total amount of coverage.
- (3) If the claim involves a salvage "buy-back," "gross loss" shall mean the amount of the claim before the salvage value is deducted.
- (4) If the insured qualifies for replacement cost coverage, "gross loss" is determined on the basis of the entire replacement cost claim (including depreciation holdback).

National Environmental Policy Act

This interim final rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Executive Order 12866, Regulatory Planning and Review

This interim final rule is not a significant regulatory action as defined under Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735, October 4, 1993. To the extent possible, this interim final rule adheres to the principles of regulation set forth in Executive Order 12866. This interim final rule has not been reviewed by the Office of Management and Budget under the provisions of Executive Order 12866.

Paperwork Reduction Act

This interim final rule does not contain a collection of information and is therefore not subject to the provisions of the Paperwork Reduction Act of 1995.

Executive Order 12612, Federalism

This interim final rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This interim final rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 62

Claims, Flood Insurance.

Accordingly, 44 CFR part 62, Exhibit A, is amended as follows:

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Exhibit A of Appendix A to part 62 is revised to read as follows:

Appendix A to Part 62—Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement

* * * * *

EXHIBIT A.—FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous Assignment	\$40.00.
Closed Without Payment	125.00.
Minimum for Upton-Jones Claims	800.00.
\$0.01 to \$600.00	150.00.
\$600.01 to \$1,000.00	175.00.
\$1,000.01 to \$2,000.00	225.00.
\$2,000.01 to \$3,500.00	275.00.
\$3,500.01 to \$5,000.00	350.00.
\$5,000.01 to \$7,000.00	425.00.
\$7,000.01 to \$10,000.00	500.00.
\$10,000.01 to \$15,000.00	550.00.
\$15,000.01 to \$25,000.00	600.00.
\$25,000.01 to \$35,000.00	675.00.
\$35,000.01 to \$50,000.00	750.00.
\$50,000.01 to \$100,000.00	3.0%.
\$100,000.01 to \$250,000.00	2.3% but not less than \$3,000.

EXHIBIT A.—FEE SCHEDULE—Continued

Range (by covered loss)	Fee
\$250,000.01 and up	2.1% but not less than \$5,750.

Note: Based on Gross Loss.

- (1) "Gross loss" shall mean the agreed cost to repair or replace before application of depreciation, deductible, or other limiting clauses or condition.
- (2) For the purpose of this schedule, should the loss exceed the available coverage, "gross loss" shall mean the total amount of coverage.
- (3) If the claim involves a salvage "buy-back," "gross loss" shall mean the amount of the claim before the salvage value is deducted.
- (4) If the insured qualifies for replacement cost coverage, "gross loss" is determined on the basis of the entire replacement cost claim (including depreciation holdback).

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: May 8, 1996.

Elaine A. McReynolds,

Administrator.

[FR Doc. 96-12019 Filed 5-14-96; 8:45 am]

BILLING CODE 6718-03-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 170, 171 and 173 and Chapter I, Subchapter K and T

[CGD 85-080]

RIN 2115-AC22

Small Passenger Vessel Inspection and Certification; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim final rule.

SUMMARY: This document contains corrections to the interim final rule in CGD 85-080, published on Wednesday, January 10, 1996, at 61 FR 864. The regulations relate to the inspection and certification of small passenger vessels (less than 100 gross tons).

EFFECTIVE DATE: These amendments are effective on May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric P. Christensen Marine Safety and Environmental Protection Directorate (G-MOS-2), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1181 or fax (202) 267-4570.

SUPPLEMENTARY INFORMATION: The interim final rule that is the subject of these corrections regulates small passenger vessels (less than 100 gross tons).

Need for Correction

As published, the IFR contains typographical errors and omissions that may prove to be misleading and that therefore need correction.

Correction of Publication

Accordingly, the IFR published on January 10, 1996 [CGD 85-080], which

was the subject of FR Doc. 96-213, is corrected as follows:

§ 116.202 [Corrected]

1. Page 901, in the second column, in paragraph (b)(6)(x) of § 116.202, fourth line, remove "cognizant OCMI" and add, in its place, "Commanding Officer, Marine Safety Center".

2. Page 903, in footnote 1 of Table 116.415(b) BULKHEADS, remove ".025 kPa" and add, in its place, "2.5 kg/m²".

3. On the same page, in footnote 1 of Table 116.415(c) DECKS, remove ".025 kPa" and add, in its place, "2.5 kg/m²".

§ 117.15 [Corrected]

4. Page 912, at the top of the first column, § 117.15, paragraph (d) is corrected to read as follows:

* * * * *

(d) New installations of lifesaving equipment on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection, (OCMI) on or after March 11, 1996, must comply with the regulations in this part. Replacement of existing lifesaving equipment installed before March 11, 1996, must meet the requirements of paragraph (a) of this section.

* * * * *

§ 118.320 [Corrected]

5. Page 918, at the top of the first column, in paragraph (c)(1) of § 118.320, "§ 160.027" is corrected to read "§ 162.027".

§ 122.115 [Corrected]

6. Page 936, in the second column, in paragraph (a) of § 122.115, "§ 122.602(b)" is corrected to read "§ 122.602(c)".

§ 175.540 [Corrected]

7. Page 951, in the second column, in paragraph (b) of § 175.540, remove the word "pending" before International Maritime Organization.

§ 177.410 [Corrected]

8. Page 963, in the third column, in paragraph (c)(3) of § 177.410, remove the word "of" after § 76.27.

9. Page 964, in the first column, in paragraph (d)(1) of § 177.410, add the words "for more than 12 persons" after the word "accommodations" and before the word "must".

§ 180.15 [Corrected]

10. Page 976, in the second column, in paragraph (e) of § 180.15, paragraph (e) is corrected to read as follows:

* * * * *

(e) New installations of lifesaving equipment on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection, (OCMI) on or after March 11, 1996, must comply with the regulations in this part. Replacement of existing lifesaving equipment installed before March 11, 1996, must meet the requirements of paragraph (a) of this section.

* * * * *

§ 180.71 [Corrected]

11. Page 977, in the third column, in paragraph (d) of § 180.71, remove the words "of the interim rules" after the words "March 11, 1999," and before the word "provided".

§ 180.207 [Corrected]

12. Page 981, in the second column, in paragraph (b) of § 180.207, remove the words "buoyant apparatus" and add, in its place, "life floats".

§ 181.320 [Corrected]

13. Page 983, in the first column, in paragraph (d)(1) of § 181.320, "§ 160.027" is corrected to read "§ 162.027".

§ 181.500 [Corrected]

14. Page 986, in the first column, in paragraph (d) of § 181.500, "paragraph (d)" is corrected to read "paragraph (c)".

§ 182.430 [Corrected]

15. Page 989, in the third column, in paragraph (k) of § 182.430, remove "135 kPa (5 psig)" and add, in its place, "105 kPa (15 psig)".

§ 183.530 [Corrected]

16. Page 1002, in the second column, in paragraph (c) of § 183.530, "subchapter S of the chapter." is corrected to read "subchapter J of this chapter."

§ 185.115 [Corrected]

17. Page 1005, in the second column, in paragraph (a) of § 185.115, "§ 185.602(b)" is corrected to read "§ 185.602(c)".

§ 185.602 [Corrected]

18. Page 1010, in the first column, in paragraph (c) of § 185.602, add the word "or" after the word "chapter," and before the words "in accordance with".

§ 185.614 [Corrected]

19. Page 1011, at the bottom of the first column, the section designated "§ 122.614" is correctly designated "§ 185.614".

Dated: May 7, 1996.

Joseph J. Angelo,

Director for Standards, Marine Safety and Environmental Protection.

[FR Doc. 96-11898 Filed 5-14-96; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Part 73

[MM Docket No. 95-126; RM-8671]

**Radio Broadcasting Services;
Denison-Sherman, Paris, Jacksboro,
TX, and Madill, OK**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Hunt Broadcasting, Inc., substitutes Channel 269C1 for Channel 269C3 at Denison-Sherman, Texas, and

modifies the license of Station KDVE(FM) to specify operation on the higher powered channel. To accommodate the allotment of Channel 269C1 at Denison-Sherman, the Commission also substitutes Channel 282C2 for Channel 270C2 at Paris, Texas, and modifies Station KBUS(FM)'s license; substitutes Channel 273A for Channel 272A at Madill, Oklahoma, and modifies Station KMAD(FM)'s license; and substitutes Channel 252A for Channel 269A as well as, a change of transmitter site for Station KAIH(FM) at Jacksboro, Texas, and modifies Station KAIH(FM)'s construction permit accordingly. See 60 FR 40814, August 10, 1995. See Supplemental Information, *infra*. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-126, adopted April 29, 1996, and released May 7, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channels 269C1, 282C2, 252A, and 273A can be allotted to Denison-Sherman, Paris, Jacksboro, Texas, and Madill, Oklahoma, in compliance with the Commission's minimum distance separation requirements. Channel 269C1 can be allotted to Denison-Sherman without the imposition of a site restriction. The coordinates for Channel

269C1 at Denison-Sherman are 33-41-39 and 96-34-38. Channel 252A can be allotted Jacksboro with a site restriction of 3.4 kilometers (2.1 miles) northwest. The coordinates for Channel 252A at Jacksboro are 33-14-26 and 98-11-16. Channel 282C2 and Channel 273A can be allotted Paris, Texas, and Madill, Oklahoma, respectively, at the transmitter sites specified in Station KBUS(FM) and Station KMAD(FM)'s authorizations. The coordinates for Channel 282C2 at Paris are 33-45-04 and 95-24-51. The coordinates for Channel 273A at Madill are 34-06-24 and 96-46-30.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 269C3 and adding Channel 269C1 at Denison-Sherman, and by removing Channel 270C2 and adding Channel 282C2 at Paris, and by removing Channel 269A and adding Channel 252A at Jacksboro.

3. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 272A and adding 273A at Madill.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-12163 Filed 5-14-96; 8:45 am]

BILLING CODE 6712-01-F

Proposed Rules

Federal Register

Vol. 61, No. 95

Wednesday, May 15, 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 THE INTERIOR

30 CFR Part 256

RIN 1010-AC18

Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: MMS proposes to modify regulations to allow the authorized officer to extend the time period within which we must accept or reject the high bids received on tracts offered for sale. Currently, the authorized officer must accept or reject high bids on most tracts within 90 days after the date on which the bids are opened.

DATES: MMS will consider all comments received by June 14, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after June 14, 1996.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4700; Herndon, Virginia 22070-4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Chief, Economic Evaluation Branch, telephone (703) 787-1536.

SUPPLEMENTARY INFORMATION: We limited the comment period to 30 days to provide us with timely comments in the event that we need to extend the bid evaluation period for the lease sale held on April 24, 1996.

The time to accept or reject high bids for tracts offered at an Outer Continental Shelf (OCS) lease sale is established under the regulations at 30 CFR 256.47. The authorized officer must accept or reject the high bids within 90 days after the bid opening, except for tracts identified by the Secretary of the Interior as subject to:

(1) Another nation's claims of jurisdiction and control which conflict with the claims of the United States, or,

(2) Defense-related activities that may be incompatible with mineral exploration and/or development activities.

Any bid not accepted within that period is deemed rejected.

The 90-day period was established in 1982. Since then, we have held several sales, mainly areawide. The Outer Continental Shelf Deep Water Royalty Relief Act (Pub. L. 104-58, November 28, 1995) amended the Outer Continental Shelf Lands Act to define a new bidding system which provides for royalty suspensions. The deepwater incentive law did not amend the requirement that we obtain fair market value for tracts that are leased. Any lease sale held before November 28, 2000, must use the new bidding system for all tracts located in water depths of 200 meters or more in the Gulf of Mexico west of 87 degrees, 30 minutes west longitude. We believe that the increased workload resulting from compliance with the new statutory requirements and the potential for a large number of tracts to receive bids may exceed our ability to complete the bid review process for all tracts bid upon within 90 days as required by 30 CFR 256.47(e)(2).

We propose to remedy the situation by giving the authorized officer authority to extend the time period for 30 days or longer when circumstances warrant. Recent examples include floods and furloughs; however, other circumstances such as excessive workload may arise which could warrant a longer time for bid evaluation.

This rule addresses a housekeeping issue and will enable us to adjust the bid acceptance/rejection time period to meet changing conditions in the OCS lease market. Continuation of the 90-day review period would result in the rejection of the high bids which we fail to evaluate within 90 days. This would result in fewer leases being issued because of a failure to complete the bid review process within time and resource constraints. The Government may receive less bonus and rental monies.

Today, without authority to extend the bid review period, the 1982 90-day rule allows insufficient time and is arbitrarily rigid.

Comments to the 1982 rule objected to the proposal to extend the bid review process from 60 to 120 days because of economic losses to the bidders whose high bids were later rejected. (High bidders received no interest payments on bonus monies returned by the Government.) Today, regulations provide for the payment of interest on the bonus monies submitted with the high bids which are ultimately rejected. Thus, bidders will not suffer economic loss because of an extended time period to complete the evaluation process.

In Central Gulf of Mexico Sale 157, held April 24, 1996, we received 1,381 bids on 924 tracts—many in water depths of 200 or more. It is in the public interest to assure that adequate time is available to give all high bids a full and appropriate review, to ensure the receipt of fair market value, and ultimately to increase natural gas and oil supplies.

Author: This document was prepared by Mary Vavrina, Offshore Resource Evaluation Division, MMS.

Executive Order (E.O.) 12866

The proposed rule does not meet the criteria for a significant rule requiring review by the Office of Management and Budget under E.O. 12866.

Regulatory Flexibility Act

The Department of the Interior has determined that the proposed rule will not have a significant effect on a substantial number of small entities. In general, the entities that engage in offshore activities are not, by definition, small due to the technical complexities and financial resources and experience necessary to safely conduct such activities. The indirect effect of this rulemaking on small entities that provide support for offshore activities has also been determined to be small.

Paperwork Reduction Act

The proposed rule contains no new reporting and information collection requirements.

Takings Implication Assessment

The DOI certifies that the proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment prepared under E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights, is not required.

E.O. 12988

The DOI has certified to the Office of Management and Budget that the proposed rule meets the applicable reform standards provided in Section 3(b)(2) of E.O. 12988.

National Environmental Policy Act

The DOI has determined that the proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required.

Unfunded Mandate Reform Act of 1995

This rule does not contain any unfunded mandates to State, local, or tribal governments or the private sector.

List of Subjects in 30 CFR Part 256

Administrative practices and procedures, Continental shelf, Government contracts, Incorporation by reference, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

Dated: May 2, 1996.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth in the preamble, we propose to amend 30 CFR part 256 as follows:

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

1. The Authority citation for part 256 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. Section 256.47(e)(2) is revised to read as follows:

§ 256.47 Award of leases.

* * * * *

(e) * * *

(2) The authorized officer must accept or reject the bid within 90 days. The authorized officer may extend the time period for acceptance or rejection of a bid for 30 days or longer, if circumstances warrant. Any bid not accepted within the prescribed time period, including any extension thereof, shall be deemed rejected.

* * * * *

[FR Doc. 96-12167 Filed 5-14-96; 8:45 am]

BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH16-3-7264b; FRL-5439-5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve a State revision to the Ohio sulfur dioxide State Implementation Plan (SO₂ SIP), submitted on October 16, 1991, and supplemented on March 17, 1993. This revision revises the SO₂ emission limitations applicable to Hamilton County. The SIP revision was conditionally approved on August 23, 1994 (59 FR 43287), and the condition has been satisfied.

In the final rules section of this Federal Register, the USEPA is publishing a full approval of the State's SIP revision request as a direct final rule without prior proposal, because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to these actions, no further activity is contemplated in relation to this proposed rule.

If USEPA receives timely comments adverse to or critical of the approval, which have not been addressed by the State or USEPA, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received on or before June 14, 1996.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Air and Radiation Division, Air Programs Branch, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mary Onischak, Environmental

Engineer, Air Programs Branch, (AR-18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353-5954.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule published in the rules section of this Federal Register.

Dated: February 14, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96-12120 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1311

RIN 0970-AB56

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administration on Children, Youth and Families is issuing this Notice of Proposed Rulemaking to implement a new statutory provision authorizing the Secretary to create a Head Start Fellows Program for staff in local Head Start programs or other individuals working in the field of child development, child care, early childhood education, health, and family services.

DATES: In order to be considered, comments on this proposed rule must be received on or before July 15, 1996.

ADDRESSES: Please address comments to the Associate Commissioner, Head Start Bureau, Administration on Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013. Beginning 14 days after close of the comment period, comments will be available for public inspection in Room 2222, 330 C Street, S.W., Washington, D.C. 20201, Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m.

Comments that concern information collection requirements must be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. A copy of these comments may also be sent to the Department cited above.

FOR FURTHER INFORMATION CONTACT: Dennis Gray, Head Start Bureau,

Administration on Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013; (202) 205-8404.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

Public Law 103-252, the Human Services Amendments of 1994, amended the Head Start Act to authorize the creation of a Head Start Fellows Program (HSFP), which will support professional development of individuals working in Head Start or related programs.

The Head Start Bureau is pleased with the opportunity to develop the HSFP. The Bureau anticipates that the HSFP will provide Head Start Fellows with a unique opportunity to be exposed to activities, issues, resources, and new approaches through placements that will include national and regional Head Start offices, academia, and other public or private nonprofit entities and organizations concerned with services to children and families. The Head Start Bureau will benefit from the valuable perspectives brought by the Fellows currently working in Head Start and other programs across America to the national policy making process.

II. Summary of the Proposed Regulation

The authority for this Notice of Proposed Rulemaking (NPRM) is section 1150 of Public Law 103-252, the Human Services Amendments of 1994 (the Act) which added section 648A(d) to the Head Start Act (42 U.S.C. 9843). Section 648A(d) authorizes the Secretary to establish a program of Head Start Fellowships. Section 648A(d)(6) authorizes the Secretary to make expenditures not to exceed \$1,000,000 for any fiscal year for stipends and other reasonable expenses for the Fellows Program. Additional authority is found in section 648A(d)(8), which mandates that the Secretary promulgate regulations to carry out section 648A(d).

The Act specifies:

- To whom Fellowships may be competitively awarded;
- Placement locations for Head Start Fellows;
- The duration of Head Start Fellowships; and
- The status of Head Start Fellows.

III. Section by Section Discussion of the NPRM

The following is a section by section discussion of the provisions in the rule.

Section 1311.1 Head Start Fellows Program Purpose

This section describes the purpose of the HSFP which is to provide

opportunities to expand the knowledge and experience of local Head Start program staff and others in the field of child development.

The Head Start Bureau regards the HSFP as part of an overall strategy to promote staff and career development. Through placements in national and regional Head Start offices, local Head Start programs, institutions of higher learning and other offices concerned with child and family services, Head Start Fellows will gain an understanding of the policy making process to complement their experience as practitioners in the field. Another important goal of the Program will be to bring the valuable perspective and experience of practitioners to the national policy making process.

Section 1311.2 Definitions

This section defines references to the Act, Associate Commissioner for the Head Start Bureau and the term Head Start Fellows.

Section 1311.3 Application Process

This section refers to the application process for individuals who wish to apply for the HSFP. An annual announcement of the availability and number of Fellowships will be published in the Federal Register and advertised widely to ensure a broad base of applicants.

Section 1311.4 Qualifications, Selection, and Placement

Paragraph (a) of this section sets forth the requirements in the Act which specifies that an applicant must be working, on the date of application, in a local Head Start program or in the field of child development and family services. For applicants not currently working in a local Head Start program, the HSFP will look for individuals working in programs or on projects that share the goals of Head Start and a common commitment to the support of families and children. The Head Start Bureau hopes to attract a highly talented and diverse group of people. The qualifications of the applicants for Head Start Fellowship positions will be competitively reviewed. The Associate Commissioner for Head Start will make the final selection of the Head Start Fellows.

The number of Head Start Fellows each year will largely be a function of the annual budget, Head Start priorities and the capacity of the various placement offices. The Act precludes Federal employees from participating in the HSFP.

Paragraph (b) of this section specifies that the placement positions for Head

Start Fellows may be located in: (1) the national and regional offices administering Head Start within the Department of Health and Human Services; (2) local Head Start agencies and programs; (3) institutions of higher education; (4) public or private entities and organizations concerned with services to children and families; and (5) other appropriate settings.

In accordance with section 648A(d)(3)(B) of the Act, paragraph (c) provides that a Head Start Fellow who is not an employee of a local Head Start agency or program may only be placed in: (1) the national or regional offices within the Department of Health and Human Services that administer Head Start; or (2) local Head Start agencies. The Act also specifies that Head Start Fellows may not be placed in any agency whose primary purpose, or one of whose major purposes, is to influence Federal, State or local legislation. This provision is reflected in paragraph (d) of this section.

Section 1311.5 Duration of Fellowships and Status of Head Start Fellows

Paragraph (a) of this section specifies that Head Start Fellowships will last for a term of one year, and may be renewed for a term of one additional year. Paragraphs (b) and (c) include the requirement in Section 648A(d)(7) of the Act which states that, except where otherwise provided, Head Start Fellows shall not be considered to be employees, or otherwise in the service or employment, of the Federal Government. Head Start Fellows shall be considered to be employees of the Federal Government for the purposes of compensation for injuries under chapter 81 of title 5, United States Code. Head Start Fellows assigned to the national or regional offices within the Department of Health and Human Services shall be considered employees in the Executive Branch of the Federal Government for the purposes of chapter 11 of Title 18, United States Code, and for the purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

IV. Impact Analysis

Executive Order 12866

This Notice of Proposed Rulemaking implements the statutory authority to create a HSFP. Congress authorized expenditures allotted under section 640(a)(2)(D), not to exceed \$1 million. This section allows for expenditures at the Secretary's discretion and is a

percentage of the annual existing appropriation.

Regulatory Flexibility Act of 1980

The Secretary certifies that this rule will not have a significant impact on substantial numbers of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104-13, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval of any reporting or record-keeping requirement inherent in a proposed or final rule. This NPRM contains an information collection requirement in section 1311.3 with regard to the application process for individuals applying for the HSFP. The respondents are the applicants. The Department needs to require an application process in order to make determinations about the applicants' eligibility to participate in the HSFP. The frequency of responses from applicants (new) will be annual. The Administration for Children and Families will consider comments by the public on the proposed requirement for applications in evaluating the accuracy of our estimate of the burden hours. We estimate that it will take approximately two hours per applicant to supply the relevant information. Although we do not know how many individuals will complete the application process for this new program, we anticipate receiving approximately 200 applications per year (this figure may increase or decrease). The total burden estimate at this time is approximately 400 hours. This section will be submitted to OMB for review and approval in accordance with the Paperwork Reduction Act.

OMB is required to make a decision concerning the collections of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations. Written comments to OMB should be sent directly to the following address: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W. Washington D.C. 20503, Attn: Ms. Wendy Taylor.

List of Subjects in 45 CFR Part 1311

Head Start Fellows, Head Start.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: April 1, 1996.

Mary Jo Bane,

Assistant Secretary for Children and Families.

For the reasons set forth in the Preamble, 45 CFR Chapter XIII is proposed to be amended by adding a new Part 1311 as follows:

PART 1311—HEAD START FELLOWS PROGRAM

Sec.

1311.1 Head Start Fellows Program purpose.

1311.2 Definitions.

1311.3 Application process.

1311.4 Qualifications, selection, and placement.

1311.5 Duration of Fellowships and status of Head Start Fellows.

Authority: 42 U.S.C. 9801 *et seq.*

§ 1311.1 Head Start Fellows Program purpose.

(a) This Part establishes regulations implementing section 648A(d) of the Head Start Act, as amended, 42 U.S.C. 9801 *et seq.*, applicable to the administration of the Head Start Fellows Program, including selection, placement, duration and status of the Head Start Fellows.

(b) As provided in section 648A(d) of the Act, the Head Start Fellows Program is designed to enhance the ability of Head Start Fellows to make significant contributions to Head Start and to other child development and family services programs.

§ 1311.2 Definitions.

As used in this part:

Act means the Head Start Act, as amended, 42 U.S.C. 9801 *et seq.*

Associate Commissioner means the Associate Commissioner of the Head Start Bureau in the Administration on Children, Youth and Families.

Head Start Fellows means individuals who participate in the Head Start Fellows Program, who may be staff in local Head Start programs or other individuals working in the field of child development and family services.

§ 1311.3 Application process.

An individual who wishes to obtain a Fellowship must submit an application to the Associate Commissioner. The Administration for Children and Families will publish an annual announcement of the availability and number of Fellowships in the Federal Register. Federal employees are not eligible to apply.

§ 1311.4 Qualifications, selection, and placement.

(a) The Act specifies that an applicant must be working on the date of application in a local Head Start program or otherwise working in the field of child development and family services. The qualifications of the applicants for Head Start Fellowship positions will be competitively reviewed. The Associate Commissioner will make the final selection of the Head Start Fellows.

(b) Head Start Fellows may be placed in:

(1) The Head Start national and regional Offices;

(2) Local Head Start agencies and programs;

(3) Institutions of higher education;

(4) Public or private entities and organizations concerned with services to children and families; and

(5) Other appropriate settings..

(c) A Head Start Fellow who is not an employee of a local Head Start agency or program may only be placed in the national or regional offices within the Department of Health and Human Services that administer Head Start or local Head Start agencies.

(d) Head Start Fellows shall not be placed in any agency whose primary purpose, or one of whose major purposes is to influence Federal, State or local legislation.

§ 1311.5 Duration of Fellowships and status of Head Start Fellows.

(a) Head Start Fellowships will be for terms of one year, and may be renewed for a term of one additional year.

(b) For the purposes of compensation for injuries under chapter 81 of title 5, United States Code, Head Start Fellows shall be considered to be employees, or otherwise in the service or employment, of the Federal Government.

(c) Head Start Fellows assigned to the national or regional Offices within the Department of Health and Human Services shall be considered employees in the Executive Branch of the Federal Government for the purposes of chapter 11 of Title 18, United States Code, and for the purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

[FR Doc. 96-12124 Filed 5-14-96; 8:45 am]

BILLING CODE 4184-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 22, and 24

[WT Docket No. 95-157; RM-8643; FCC 96-196]

Microwave Relocation Rules; Comment Request for Blocks C Through F

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Further Notice of Proposed Rule Making*, the Commission seeks further comment on certain aspects of the microwave relocation rules for C, D, E, and F blocks. Specifically, the Commission seeks further comment on whether to adjust the negotiation periods by shortening the voluntary negotiation period and lengthening the mandatory negotiation period for the D, E, and F blocks, and whether the negotiation periods for the C block should be subject to the same adjustment. The Commission also seeks comment on whether microwave incumbents should be permitted to seek reimbursement from PCS licensees through participation in the cost-sharing plan. The Commission believes that the rules proposed herein, will expedite the clearing of the 2 GHz band in an equitable and efficient manner.

DATES: Comments must be filed on or before May 28, 1996 and reply comments on or before June 7, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Hamra (202) 418-0620, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Further Notice of Proposed Rule Making*, adopted April 24, 1996 and released April 30, 1996. The complete text of this *Further Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

FURTHER NOTICE OF PROPOSED RULE MAKING

I. Background

1. In the *First Report and Order and Third Notice of Proposed Rule Making* in ET Docket No. 92-9, 57 FR 49020

(October 29, 1992) the Commission reallocated the 1850-1990, 2110-2150, and 2160-2200 MHz bands from private and common carrier fixed microwave services to emerging technology services. The Commission also established procedures for 2 GHz microwave incumbents to be relocated to available frequencies in higher bands or to other media, by encouraging incumbents to negotiate voluntary relocation agreements with emerging technology licensees or manufacturers of unlicensed devices when frequencies used by the incumbent are needed to implement the emerging technology. The *First Report and Order* stated that, should negotiations fail, the emerging technology licensee could request involuntary relocation of the incumbent, provided that the emerging technology service provider pays the cost of relocating the incumbent to a comparable facility.

2. In the Commission's *Third Report and Order* in ET Docket No. 92-9, 58 FR 46547 (September 2, 1993) as modified on reconsideration by the *Memorandum Opinion and Order*, 59 FR 19642 (April 25, 1994) the Commission established additional details of the transition plan to enable emerging technology providers to relocate incumbent facilities. The relocation process consists of two negotiation periods that must expire before an emerging technology licensee may request involuntary relocation. The first is a fixed two-year period for voluntary negotiations—three years for public safety incumbents, e.g., police, fire, and emergency medical—commencing with the Commission's acceptance of applications for emerging technology services, during which the emerging technology providers and microwave licensees may negotiate any mutually acceptable relocation agreement. Negotiations are strictly voluntary. If no agreement is reached, the emerging technology licensee may initiate a one-year mandatory negotiation period—or two-year mandatory period if the incumbent is a public safety licensee—during which the parties are required to negotiate in good faith.

3. Should the parties fail to reach an agreement during the mandatory negotiation period, the emerging technology provider may request involuntary relocation of the existing facility. Involuntary relocation requires that the emerging technology provider (1) guarantee payment of all costs of relocating the incumbent to a comparable facility; (2) complete all activities necessary for placing the new facilities into operation, including engineering and frequency coordination;

and (3) build and test the new microwave (or alternative) system. Once comparable facilities are made available to the incumbent microwave operator, the Commission will amend the 2 GHz license of the incumbent to secondary status. After relocation, the microwave incumbent is entitled to a one-year trial period to determine whether the facilities are indeed comparable, and if they are not, the emerging technology licensee must remedy the defects or pay to relocate the incumbent back to its former or an equivalent 2 GHz frequency.

4. Under these procedures, it is possible for a relocation agreement between a PCS licensee and a microwave incumbent to have spectrum-clearing benefits for other PCS licensees as well. First, some microwave spectrum blocks overlap with one or more PCS blocks, because the spectrum in the 1850-1990 MHz band was assigned differently in the two services. Second, incumbents' receivers may be susceptible to adjacent or co-channel interference from PCS licensees in more than one PCS spectrum block. For example, a microwave link located partially in Block A, partially in Block D, and adjacent to Block B, may cause interference to or receive interference from PCS licensees that are licensed in each of those blocks. Third, because most 2 GHz microwave licensees operate multi-link systems, PCS licensees may be asked to relocate links that do not directly encumber their own spectrum or service area in order to obtain the microwave incumbent's voluntary consent to relocate. Finally, the *Unlicensed PCS Ad Hoc Committee for 2 GHz Microwave Transition and Management Inc.* ("UTAM"), the frequency coordinator for the PCS spectrum designated for unlicensed devices, expects that some licensed PCS providers will have to relocate links in the unlicensed band that are paired with links in licensed PCS spectrum. The Commission has designated UTAM to coordinate relocation in the 1910-1930 MHz band, which has been reallocated for unlicensed PCS devices. Once the 1910-1930 MHz band is clear, or there is little risk of interference to the remaining incumbents, and UTAM has recovered its relocation costs, UTAM's role will end and it will be dissolved.

5. Because the Commission is licensing PCS providers at different times and multiple PCS licensees may benefit from the relocation of a microwave system or even a single link, the first PCS licensee in the market potentially bears a disproportionate share of relocation costs. Subsequent PCS licensees to enter the market may

therefore obtain a windfall. As a result of this potential "free rider" problem, the first PCS licensee in the market might not relocate a link or might delay its deployment of PCS if it believes that another PCS licensee will relocate the link first, thus paying for some or all of the relocation costs. In addition, unless cost-sharing is adopted, PCS licensees might not engage in relocation that is cost-effective if viewed from an industry-wide perspective. For example, a link that encumbers two PCS blocks might not be moved if the cost is greater than the benefit to any single licensee, even though the joint benefit received by two or more licensees exceeds the cost of relocating the link.

6. In 1994, PCIA proposed a cost-sharing plan to alleviate the free rider problem, which the Commission found to be attractive in theory but dismissed as underdeveloped. On May 5, 1995, Pacific Bell ("PacBell") filed a Petition for Rulemaking. In its petition, PacBell proposed a detailed cost-sharing plan in which PCS licensees on all blocks, licensed and unlicensed, would share in the cost of relocating microwave stations. On May 16, 1995, the Commission requested comment on PacBell's proposal. Most parties that commented on PacBell's Petition for Rulemaking supported the cost-sharing concept, although the comments reflected some differences regarding the details of the proposal. On October 12, 1995, the Commission adopted a *Notice of Proposed Rule Making*, 60 FR 55529 (November 1, 1995) which sought comment on a modified version of the plan proposed by PacBell.

7. The Commission also adopted and released with this *Further Notice of Proposed Rule Making*, the *First Report and Order* changing and clarifying certain aspects of the microwave relocation rules adopted in the Commission's Emerging Technologies proceeding, ET Docket No. 92-9.

II. Further Notice of Proposed Rule Making

8. In this *Further Notice of Proposed Rule Making*, the Commission seeks comment on whether to shorten the voluntary negotiation period and lengthen the mandatory negotiation period for the D, E, and F blocks. The Commission also seeks comment on whether the negotiation periods for the C block should be subject to the same adjustment. Finally, the Commission proposes that microwave incumbents be permitted to relocate some of their own links and obtain reimbursement rights pursuant to the cost-sharing plan adopted in the *First Report and Order*.

A. Voluntary and Mandatory Negotiation Periods for C, D, E, and F Blocks

9. The Commission agrees with commenters, however, that changing the negotiation timetable for PCS blocks other than the A and B blocks may not raise the same concerns. In the case of the D, E, and F blocks, bidding has not commenced and there are no ongoing negotiations between PCS licensees and incumbents. Therefore, the Commission believes it is appropriate to consider whether the relocation process in these blocks would benefit from adjusting the negotiation periods. Specifically, the Commission seeks comment on whether to adjust the negotiation periods for the D, E, and F blocks by shortening the voluntary negotiation period by one year and lengthening the mandatory period by one year. Under this approach, non-public safety incumbents would have a one-year negotiation period instead of the two-year negotiation period provided under current rules, and the mandatory negotiation period would be lengthened from one to two years. Similarly, public safety incumbents would have a two-year voluntary negotiation period instead of a three-year period, and a three-year mandatory negotiation period instead of a two-year period.

10. This approach could potentially accelerate the development of PCS in the D, E, and F blocks by speeding up the negotiation process and creating additional incentives for incumbents to enter into early agreements. At the same time, while incumbents would be required to commence mandatory negotiations sooner than under the existing rules, they would have the same total amount of time for negotiations provided under the existing rules before they become subject to involuntary relocation. The Commission seeks comment on whether this adjustment would effectively balance the interests of PCS licensees in bringing service to the public quickly and the interest of microwave incumbents in making a smooth transition to relocated facilities.

11. Finally, the Commission seeks comment on whether to make the same changes discussed above to the voluntary and mandatory negotiation periods applicable to C block. The Commission notes that C block is in a different posture from the D, E, and F blocks because the C block auction is ongoing and possibly near conclusion, and bidding has been based on the current rules. At the same time, the voluntary negotiation period for C block has not yet commenced, so unlike A and

B blocks, there are no ongoing negotiations currently taking place in reliance on the current rules. The Commission seeks comment on whether shortening the voluntary period and lengthening the mandatory negotiation period for C block would facilitate the development of PCS in this band and what effect it would have on negotiations between C block licensees and microwave incumbents.

B. Microwave Incumbent Participation in Cost-Sharing Plan

12. The Commission tentatively concludes that microwave incumbents that relocate themselves should be allowed to obtain reimbursement rights and collect reimbursement under the cost-sharing plan from later-entrant PCS licensees that would have interfered with the relocated link. The Commission agrees with incumbents that allowing incumbent participation might facilitate system-wide relocations and could potentially expedite the deployment of PCS. The Commission is concerned, however, about what the incentive would be for an incumbent to minimize costs, if the incumbent knows in advance that it may be able to recover some of its expenses from PCS licensees. The Commission seeks comment, therefore, on how subsequent PCS licensees could be protected from being required to pay a larger amount to an incumbent that relocates itself than to another PCS licensee who has an incentive to minimize expenses. In addition, the Commission also questions whether a large number of incumbents would avail themselves of such an option, given that the Commission's rules require PCS licensees to pay for the entire cost of providing incumbents with comparable facilities. Assuming the Commission allows incumbent participation, the Commission seeks comment on whether, for purposes of the cost-sharing formula, the Commission should treat incumbents as if they were the initial PCS relocater.

III. Conclusion

13. The Commission believes that the rules proposed in this *Further Notice of Proposed Rule Making* will promote the public policy goals set forth by Congress. The Commission believes that the proposals for negotiation and reimbursement will facilitate the rapid relocation of microwave facilities operating in the 2 GHz band, and will allow PCS licensees to offer service to the public in an expeditious manner.

IV. Procedural Matters

A. Initial Regulatory Flexibility Act

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the policies and rules proposed in this *Further NPRM (Further Notice)*. Written public comments are requested on the IRFA.

Reason for Action: This rulemaking proceeding was initiated to secure comment on whether the negotiation period for the D, E, and F block PCS licensees should be adjusted by shortening the voluntary period by one year (*i.e.*, to one year for non-public safety incumbents and two years for public safety incumbents) and lengthening the mandatory negotiation period for these blocks by a corresponding year (*i.e.*, to two years for non-public safety incumbents and three years for public safety incumbents); whether the negotiation periods for the C block should be subject to the same readjustments as the negotiation periods for the D, E, and F blocks; and whether microwave incumbents should be permitted to seek reimbursement from PCS licensees through the cost-sharing plan. This proposal would facilitate negotiations between the parties and promote the efficient relocation of microwave licensees by encouraging microwave incumbents to relocate their own microwave systems, thus bringing PCS services to the public in a speedy manner.

Objectives: Our objective is to facilitate negotiations between PCS licensees and microwave incumbents. This proposal would also enable microwave incumbents who pay to relocate their own links to collect reimbursement from PCS licensees that benefit from the relocation. Cost-sharing is necessary to enhance the speed of relocation and provide an incentive to incumbents to move their own links. This action would result in faster deployment of PCS and delivery of service to the public.

Legal Basis: The proposed action is authorized under the Communications Act, Sections 4(i), 7, 303(c), 303(f), 303(g), 303(r), and 332, 47 U.S.C. 154(i), 303(c), 303(f), 303(g), 303(r), 332, as amended.

Reporting, Record keeping, and Other Compliance Requirements: Under the proposal contained in the *Further NPRM*, microwave incumbents who relocate their own links would be required to document the relocation costs paid and report them to a central clearinghouse. Later PCS market

entrants would then be required to file a Prior Coordination Notification with the clearinghouse and, if necessary, reimburse the incumbent for relocation expenses.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules: None.

Description, Potential Impact, and Number of Small Entities Involved: This proposal would benefit small PCS licensees by facilitating negotiations with microwave incumbents and allowing them to bring their services to market sooner. This proposal would also benefit small microwave incumbents by enabling them to relocate their entire system at once and collect reimbursement from PCS licensees who benefit from the resulting clearance of the spectrum. Such incumbents would therefore benefit from the reduced time and administrative inconvenience involved with relocating links at different times. The 2 GHz fixed microwave bands support a number of industries that provide vital services to the public. We are committed to ensuring that the incumbents' services are not disrupted and that the economic impact of this proceeding on the incumbents is minimal. We must further take into consideration that not all of the incumbent licensees are large businesses, particularly in the bands above 2 GHz, and that many of the licensees are local government entities that are not funded through rate regulation. We believe that this proceeding would further our policy of encouraging rapid deployment of PCS and system-wide relocations of microwave incumbents. After evaluating comments filed in response to the *Further NPRM*, the Commission will examine further the impact of all rule changes on small entities and set forth its findings in the Final Regulatory Flexibility Analysis.

Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives: We have reduced burdens wherever possible. The regulatory burdens we have retained are necessary in order to ensure that the public receives the benefits of innovative new services in a prompt and efficient manner. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities.

IRFA Comments: We request written public comment on the foregoing Initial Regulatory Flexibility Analysis. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed

by the comment deadlines set forth in this *Further NPRM*.

B. Ex Parte Rules—Non-Restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules.

C. Comment Period

Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before May 28, 1996, and reply comments on or before June 7, 1996. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. A copy of all comments should also be filed with the Commission's copy contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, (202) 857-3800.

D. Authority

Authority for issuance of this *Further Notice of Proposed Rule Making* is contained in the Communications Act, Sections 4(i), 7, 303(c), 303(f), 303(g), 303(r), and 332, 47 U.S.C. 154(i), 157, 303(c), 303(f), 303(g), 303(r), 332, as amended.

E. Ordering Clauses

It is ordered that the Initial Regulatory Flexibility Analysis, as required by Section 604 of the Regulatory Flexibility Act, and as set forth in Section VII(A) is Adopted.

It is further ordered that the Secretary shall send a copy of this *Further Notice of Proposed Rule Making* to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 22

Radio.

47 CFR Part 24

Personal communications services.

47 CFR Part 101

Fixed microwave services.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-12269 Filed 5-14-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE**48 CFR Part 52****Federal Acquisition Regulation; Use and Charges Clause Class Deviation**

AGENCY: Department of Defense (DoD).

ACTION: Notice of proposed class deviation.

SUMMARY: The Department of Defense (DoD) is proposing a class deviation from the Federal Acquisition Regulation (FAR) that simplifies the method of determining rental charges for government property. The proposed class deviation will allow defense contractors to propose rental charges for the commercial use of government property and real property while revisions to the FAR are being drafted.

DATES: Comments on the proposed class deviation should be submitted in writing to the address shown below on or before June 14, 1996 to be considered in the formulation of the final class deviation.

ADDRESSES: Interested parties should submit written comments to: Ms. Angelena Moy, MPI, Room 3E144, Pentagon, Washington, DC 20301-3000. FAX (703) 695-7596.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, telephone (703) 695-1098.

SUPPLEMENTARY INFORMATION:**A. Background**

A notice of proposed class deviation was published in the Federal Register on September 6, 1995 (60 FR 46259). DoD proposed to deviate from the clause at FAR 52.245-9 to expedite implementation of simplified

government property rental procedures. After evaluating the public comments, DoD made substantive revisions to the proposed class deviation.

Therefore, DoD now proposes to deviate from the clause at FAR 52.245-9 as follows:

Part 52—Solicitation Provisions and Contract Clauses**52.245-9 Use and Charges**

This deviation authorizes DoD to use the following clauses in lieu of the clause at 52.245-9. The clause requires contractors, for real property and associated fixtures, to obtain certified property appraisals that compute a monthly, daily, or hourly rental rate for comparable commercial property. Rental charges would be determined by multiplying the rental time by an appraisal rental rate expressed as a rate per hour. For other government property, rental charges are based upon the property's acquisition cost and the actual rental time. The clause permits contractors to request that the Government consider alternate rental charge methods for either real or other property if the contractor considers a time-based rental to be unreasonable or impracticable.

USE AND CHARGES (APR 1984) (DEVIATION)

(a) *Definitions.* As used in this clause—
Acquisition cost means the acquisition cost recorded in the Contractor's property control system or, in the absence of such record, the value attributed by the Government to a government property item for purposes of determining a reasonable rental charge.

Government property means property owned or leased by the Government.

Real property means land and rights in land, ground improvements, utility distribution systems, and buildings and other structures. It does not include foundations and other work necessary for installing special tooling, special test equipment, or equipment.

Rental period means the calendar period during which government property is made available for commercial purposes.

Rental time means the number of hours, to the nearest whole hour, rented property is actually used for commercial purposes. It includes time to set up the property for such

purposes, perform required maintenance, and restore the property to its condition prior to rental.

(b) *General.* (1) Rental requests must be submitted to the administrative Contracting Officer, identify the property for which rental is requested, propose a rental period, and calculate an estimated rental charge by using the Contractor's best estimate of rental time in the formulae described in paragraph (c) of this clause.

(2) The Contractor shall not use government property for commercial purposes until a rental charge for real property, or estimated rental charge for other property, is agreed upon. Rented property shall be used only on a non-interference basis.

(c) *Rental charge.* (1) *Real property and associated fixtures.* (i) The Contractor shall obtain, at its expense, a property appraisal from an independent licensed, accredited, or certified appraiser that computes a monthly, daily, or hourly rental rate for comparable commercial property. The appraisal may be used to compute rentals under this clause throughout its effective period or, if an effective period is not stated in the appraisal, for one year following the date the appraisal was performed. The Contractor shall submit the appraisal to the administrative Contracting Officer at least 30 days prior to the date the property is needed for commercial use. Except as provided in paragraph (c)(1)(iii) of this clause, the administrative Contracting Officer shall use the appraisal rental rate to determine a reasonable rental charge.

(ii) Rental charges shall be determined by multiplying the rental time by the appraisal rental rate expressed as a rate per hour. Monthly or daily appraisal rental rates shall be divided by 720 or 24, respectively, to determine an hourly rental rate.

(iii) When the administrative Contracting Officer has reason to believe the appraisal rental rate is not reasonable, he or she shall promptly notify the Contractor and provide his or her rationale. The parties may agree on an alternate means for computing a reasonable rental charge.

(2) *Other government property.* The Contractor may elect to calculate the final rental charge using the appraisal method described in paragraph (c)(1) of this clause subject to the constraints therein or the following formula in which rental time shall be expressed in increments of not less than one hour with portions of hours rounded to the next higher hour—

$$\text{Rental charge} = \frac{(\text{Rental Time in hours}) (.02 \text{ per month}) (\text{Acquisition Cost})}{720 \text{ hours per month}}$$

(3) *Alternate methodology.* The Contractor may request consideration of an alternate basis for computing the rental charge if it considers a time-based rental unreasonable or impractical.

(d) *Rental payments.* (1) Rent is due at the time and place specified by the Contracting

Officer. If a time is not specified, the rental is due 60 days following completion of the rental period. The Contractor shall calculate the rental due, and furnish records or other supporting data in sufficient detail to permit the administrative Contracting Officer to verify the rental time and computation.

Payment shall be made by check payable to the Treasurer of the United States and sent to the payment office specified in this contract or by electronic funds transfer to that office.

(2) Interest will be charged if payment is not made by the specified payment date or,

in the absence of a specified date, the sixty-first day following completion of the rental period. Interest will accrue at the "Renegotiation Board Interest Rate" (published in the Federal Register semiannually on or about January 1st and July 1st) for the period in which the rent is due.

(3) The Government's acceptance of any rental payment under this clause, in whole or in part, shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor stemming from the Contractor's unauthorized use of government property or any other failure to perform this contract according to its terms.

(e) *Use revocation.* At any time during the rental period, the Government may revoke commercial use authorization and require the Contractor, at the Contractor's expense, to return the property to the Government, restore the property to its pre-rental condition, or both.

(f) *Unauthorized use.* The unauthorized use of government property can subject a person to fines, imprisonment, or both, under 18 U.S.C. 641.

(End of clause)

List of Subjects in 48 CFR Part 52

Government procurement.

Michele P. Peterson,
*Executive Editor, Defense Acquisition
Regulations Council.*

[FR Doc. 96-12025 Filed 5-14-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1305

[STB Ex Parte No. 538]

Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The ICC Termination Act of 1995 (ICCTA) eliminated the tariff and tariff filing requirements formerly applicable to pipeline carriers, but imposed in lieu thereof certain obligations to disclose common carriage rates and service terms as well as a requirement for advance notice of increases in such rates or changes in service terms. ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board proposes to add a new part 1305 to its regulations for that purpose as set forth below.

DATES: Comments are due on June 4, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte

No. 538 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-7513. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The Board's decision discussing this proposal is available to all persons for a charge by phoning DC NEWS & DATA, INC., at (202) 289-4357.

The Board certifies that this rule, if adopted, would not have a significant economic effect on a substantial number of small entities. The proposed rules should result in easier access to pipeline rate and service information and to that extent our action should benefit small entities.

The Board seeks comment on whether there would be effects on small entities that should be considered. If comments provide information that there would be significant effects on small entities, the Board will prepare a regulatory flexibility analysis at the final rule stage.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1305

Disclosure requirement, Notice requirement, Pipeline carriers.

Decided: May 8, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the Board proposes to add a new part 1305 to title 49, Chapter X, of the Code of Federal Regulations, to read as follows:

PART 1305—DISCLOSURE AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR PIPELINE COMMON CARRIAGE

Sec.

1305.1 Scope; definitions.

1305.2 Disclosure requirement for existing rates.

1305.3 Response to request for establishment of a new rate.

1305.4 Notice requirement.

Authority: 49 U.S.C. 721(a) and 15701(e).

§ 1305.1 Scope; definitions.

(a) The provisions of this part address the requirements imposed on pipeline carriers by 49 U.S.C. 15701(b) and 15701(c). Such requirements apply to pipeline carriers only with respect to the transportation of commodities other than water, gas, or oil.

(b) Except as otherwise provided in paragraph (c) of this section, the provisions of this part apply to any transportation or service provided by a pipeline carrier subject to the jurisdiction of the Surface Transportation Board under 49 U.S.C. 15301.

(c) The provisions of this part do not apply to any transportation or service provided by a pipeline carrier to the extent that such transportation or service is exempted from rate notice and disclosure requirements pursuant to 49 U.S.C. 15302.

(d) For the purposes of this part, service terms means all classifications, rules, and practices that affect the rates, charges, or level of service for pipeline transportation.

§ 1305.2 Disclosure requirement for existing rates.

(a) A pipeline carrier must disclose to any person, on request, the specific rate(s) requested (or the basis for calculating the specific rate(s)), as well as all charges and service terms that may be applicable to transportation covered by that rate(s).

(b) The information provided by a pipeline carrier under this section must be provided immediately. Such information may be provided either in writing or in electronic form as agreed to by the parties.

§ 1305.3 Response to request for establishment of a new rate.

Where a shipper or a prospective shipper requests that the carrier establish a rate in the absence of an appropriate applicable rate for particular transportation, the carrier must promptly establish and provide to the requester, in writing or in electronic form as agreed to by the parties, an appropriate rate and applicable service terms. The response should be provided as soon as reasonably possible, but no later than 10 business days from receipt of the request. If a carrier determines that additional information is required from the requester before a rate or term can be established, the carrier must so notify the requester as soon as possible, but no later than 10 business days after receipt of the request. Once the additional information is received, the carrier must set the rate and related service terms, and relay them to the requester, within 10 business days.

§ 1305.4 Notice Requirement.

(a) A pipeline carrier may not increase any rates or charges, or change any service terms (except for changes that are equivalent to rate reductions) unless 20 days have expired after written or

electronic notice has been provided to all persons who, within the previous 12 months:

(1) Have requested under section 15701(b) the affected rates or service terms; or

(2) Have made a shipment that was subject to the affected rates or terms; or

(3) Have made arrangements with the carrier for a future shipment that would be subject to the affected rates or terms.

(b) The notice required by this section may be in writing or in electronic form, as agreed to by the parties.

(c) For purposes of this section, a mailed notice is deemed "provided" on the date such notice is postmarked.

(d) The notice required by this section must clearly identify the increase in rates or charges or the change in service terms.

[FR Doc. 96-12277 Filed 5-14-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672, 675, and 676

[Docket No. 960501122-6122-01; I.D. 042596A]

RIN 0648-A146

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Limited Access Management of Federal Fisheries Off of Alaska; Addition of the City of Akutan To the List of Communities Eligible to Participate in the Community Development Quota Programs (CDQ)

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to add the city of Akutan to the list of western Alaska communities that are eligible to participate in the CDQ programs, to remove the authority to use scales to weigh total catch in the pollock CDQ fishery, and to prohibit processor vessels from filling fish holding bins above the level of the viewing port. These actions are necessary to further the objectives of the CDQ programs.

DATES: Comments must be received at the following address by June 13, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region,

NMFS, P.O. Box 21668, Juneau, AK 99802-1668; Attn: Lori Gravel. The Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) may be obtained from the same address or by calling 907-586-7228.

FOR FURTHER INFORMATION CONTACT: David Ham, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands management area (BSAI) are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (BSAI FMP). The FMPs were prepared by the Council and approved by NMFS under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

Beginning with the 1995 fishing season, the Pacific halibut and sablefish fixed gear fisheries have been managed under the Individual Fishing Quota (IFQ) program. The IFQ program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson Act and the Northern Pacific Halibut Act. Further information on the implementation of the IFQ program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the Federal Register, November 9, 1993 (58 FR 59375), and revised in subsequent amendments to the program published in the Federal Register.

Information on the halibut and sablefish (H/S) CDQ program, and the rationale supporting it, are contained in the preamble to the proposed rule to implement the program that was published in the Federal Register on December 3, 1992 (57 FR 57130).

The pollock CDQ program originally was developed by the Council and submitted as part of Amendment 18 to the BSAI FMP. Amendment 18 was approved in part by NMFS (57 FR 23321, June 3, 1992). Initial Federal regulations implementing the pollock CDQ program became effective on November 18, 1992 (57 FR 54936, November 23, 1992), and expired on

December 31, 1995. The Council proposed re-authorizing the pollock CDQ program for an additional 3 years as part of Amendment 38 to the FMP, and NMFS approved this amendment on November 28, 1995. Regulations implementing the pollock CDQ program for 1996, 1997, and 1998, were published on December 12, 1995 (60 FR 63654), and corrected on January 2, 1996 (61 FR 20).

The pollock and H/S CDQ programs apportion designated percentages of the annual total allowable catch for pollock, Pacific halibut, and fixed gear sablefish to a CDQ reserve that may be allocated to eligible western Alaska communities. The purpose of the CDQ program is to provide the CDQ communities with a means for starting or supporting commercial seafood activities that will result in ongoing, regionally based, commercial seafood or related businesses.

CDQ Eligibility for Akutan

The pollock CDQ regulations and the H/S CDQ regulations (§ 675.27(d)(2) and § 676.24(f)(2), respectively), list four criteria for determining the eligibility of western Alaska communities to participate in the CDQ programs. In 1992, NMFS determined that the city of Akutan met the first three criteria but did not meet the fourth criterion. The fourth criterion states that: "the community must not have previously developed harvesting or processing capability sufficient to support substantial groundfish fisheries participation in the BSAI, except if the community can show that benefits from an approved community development plan (CDP) would be the only way to realize a return from previous investments."

Akutan was excluded from CDQ participation because a large groundfish processing plant—the Trident plant—was located within Akutan's city limits.

Despite the presence of this processing plant, the city of Akutan apparently gains little benefit. The Council, at its September 1995, meeting, recommended to NMFS that Akutan be added to the list of CDQ-eligible communities. The Council took this action because the Aleutian Pribilof Island Community Development Association, a CDQ group, put forward evidence showing that Akutan should not be denied CDQ eligibility because of the fourth criterion. The evidence showed that the residents of Akutan have little economic interaction with the Trident processing plant in Akutan due to the nature of the processing plant's operations. The processing plant physically is detached from the city of

Akutan, and the plant uses its own catcher vessels to supply the plant with raw fish product. The processing plant was built to support the large capacity, heavily capitalized fleet. The plant cannot usually accept deliveries from the community's small skiff fleet because of the relatively small volume of groundfish produced by that fleet, and little or no local market exists for the local skiff fleet's fish. Hence, the city of Akutan does not have access to groundfish processing facilities that would support substantial groundfish fisheries participation in the BSAI.

In addition to a lack of groundfish processing capability, the city of Akutan has not developed harvesting capability. Vessels in the local skiff fleet are too small and unsafe to participate effectively and no small boat harbor is available for moorage. Allowing Akutan to participate in the CDQ programs could provide a basis for the community to develop the groundfish harvesting fleet and a boat harbor that would enable the community to make deliveries to the existing Trident groundfish processing plant or to develop alternative groundfish processing facilities.

Weighing Total Catch in the Pollock CDQ Fishery

Processor vessels in the pollock CDQ fishery are required to either provide measured, marked, and certified fish holding bins for volumetric estimates of catch weight or to provide scales to weigh total catch. This requirement at § 675.27(h)(2)(ii)(A) and (B) was published on May 16, 1994 (59 FR 25346), and effective August 15, 1994. NMFS proposes to terminate the option to use scales to weigh catch until NMFS issues regulations specifying a procedure to assure that accurate weights are obtained from the scales.

Under the current regulations, any scale used on a processor vessel to weigh groundfish harvested in the CDQ fisheries must measure catch weights to at least 95-percent accuracy. However, evaluation of two different models of flow scales during the 1995 pollock CDQ fishery and open access pollock non-roe season indicates that, although these scales are capable of weighing with a high degree of accuracy, consistently accurate weighing has not yet been achieved. Observers performed a series of scale tests by weighing approximately 800 kilograms of fish, first on a motion compensated platform scale (to establish the "known weight" of the fish) and then again on the flow scale. The accuracy of the scale, as measured by the difference between these two weights, varied between 0

percent and 97 percent in individual tests. This level of variability in scale performance would not be acceptable under the current CDQ regulations or any regulations anticipated for the BSAI pollock fishery. NMFS believes that requiring that the scale perform to a certain level of accuracy is not adequate to assure accurate weights. NMFS intends to implement a scale testing and certification program that would require a processor vessel to demonstrate that the scale was weighing accurately before the vessel would be allowed to process fish. An advance notice of proposed rulemaking, which outlines NMFS's proposed scale testing and certification program, was published in the Federal Register on February 20, 1996 (61 FR 6337). Once the scale testing and certification program is implemented, the use of scales to weigh total catch in the pollock CDQ fisheries may be allowed. Until such regulations are implemented, § 675.27(h)(2)(ii)(B) would be removed.

Prohibiting Vessels From Overfilling Bins

NMFS has become aware that the operators of some processor vessels in the pollock CDQ fishery have been filling fish holding bins above the level of the viewing port. When this happens, the NMFS-certified observer is not able to see the marked increments on the inside of the bins and to estimate total catch. Therefore, NMFS proposes to amend the pollock CDQ regulations at § 675.27(h)(2)(ii) to prohibit such activity.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an initial regulatory flexibility analysis as part of the regulatory impact review. The analysis describes the impact this proposed rule would have on small entities if it is adopted. The addition of Akutan to the list of eligible CDQ communities would affect a substantial number of small entities, that is, the other 5 communities currently participating in the CDQ program. Akutan would be expected to receive some CDQ support, and support would be reduced for one or more of the other communities accordingly. While it is possible that Akutan would receive only a very small allocation and the resulting reallocations would not have a significant impact, it is more likely that the reallocations would reduce the gross revenues of the other 5 communities by more than 5 percent, thus having a significant economic impact on these entities. It would be speculative to try

to predict specific allocations or impacts. The economic impact on other communities is not a factor to be considered in determining whether a particular community is eligible under the CDQ program. Accordingly, there are no practical alternatives that would be available or that could be considered to reduce or minimize the economic impact on other communities if Akutan is added to the list of CDQ communities. Other aspects of this proposed rule are not expected to have a significant economic impact on a substantial number of small entities.

There are no reporting and recordkeeping requirements other than those already discussed in the Paperwork Reduction Act material that has been submitted to the Office of Management and Budget for approval.

There are no Federal rules that duplicate, overlap, or conflict with this proposed rule.

There are no significant alternatives to the proposed action that would accomplish the stated objectives.

A copy of the EA/RIR/IRFA analysis is available from NMFS (see ADDRESSES).

List of Subjects

50 CFR Parts 672 and 675

Fisheries; Reporting and recordkeeping requirements.

50 CFR Part 676

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: May 8, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR Parts 672, 675, and 676 are proposed to be amended as follows:

PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

2. Table 7 to 50 CFR part 672, is amended by removing the statement in brackets that follows the table heading and by revising the heading of the Table and the entries under "Aleutian Region" to read as follows:

Table 7 to Part 672—Communities Determined To Be Eligible To Apply for Community Development Quotas (Other Communities That Do Not Appear on This Table May Also Be Eligible)

Aleutian Region:

1. Atka
2. Akutan

- 3. False Pass
 - 4. Nelson Lagoon
 - 5. Nikolski
 - 6. St. George
 - 7. St. Paul
- * * * * *

PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

3. The authority citation for part 675 continues to read as follows:

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

4. In § 675.27, the last sentence of paragraph (d)(2)(iv) and paragraph (h)(2)(ii) introductory text are revised, paragraph (h)(2)(ii)(A) heading and paragraph (h)(2)(ii)(B) are removed, and paragraphs (h)(2)(ii)(A)(1) through (h)(2)(ii)(A)(5) are redesignated as paragraphs (h)(2)(ii)(A) through (h)(2)(ii)(E), respectively, and paragraph (h)(2)(ii)(F) is added to read as follows:

§ 675.27 Western Alaska Community Development Quota Program.

(applicable through December 31, 1998)

* * * * *

(d) * * *

(2) * * *
 (iv) * * * The community of Unalaska is excluded under this provision.

* * * * *

(h) * * *

(2) * * *

(ii) Each processor vessel participating in the CDQ fishery for pollock must estimate the total weight of its groundfish catch by the volumetric procedures specified in this paragraph.

* * * * *

(F) Fish must not be loaded into a bin used for volumetric measurements above the level of the viewing port in the bin.

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

5. The authority citation for part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

6. In § 676.24, the last sentence of paragraph (f)(2)(iv) is revised to read as follows:

§ 676.24 Western Alaska community Development Quota Program.

* * * * *

(f) * * *

(2) * * *

(iv) * * * The community of Unalaska is excluded under this provision;

* * * * *

7. Table 1 to § 676.24, is amended by revising the heading of the Table and the entries under "Aleutian Region" to read as follows:

Table 1 to § 676.24—Communities Determined To Be Eligible To Apply for Community Development Quotas (Other Communities That Do Not Appear on This Table May Also Be Eligible)

Aleutian Region:

- 1. Atka
- 2. Akutan
- 3. False Pass
- 4. Nelson Lagoon
- 5. Nikolski
- 6. St. George
- 7. St. Paul

* * * * *

[FR Doc. 96-12073 Filed 5-14-96; 8:45 am]

BILLING CODE 3510-22-W

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 10, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Department Clearance Officer, USDA, OIRM, Ag Box 7630, Washington, DC 20250-7630. Copies of the submission(s) may be obtained by calling (202) 720-6204 or (202) 720-6746.

Title: Biological Shipment Record—Beneficial Organisms.

Summary: This program provides needed scientific information on the introduction of exotic organisms into the United States.

Need and Use of the Information: Collection of this information contributes to the biological control and taxonomic research program in USDA by recording the introduction and release of non-indigenous biological control organisms in the United States by scientists and other practitioners of biological control of pests.

Description of Respondents: Federal Government; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 100.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 20.

Larry Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 96-12187 Filed 5-14-96; 8:45 am]

BILLING CODE 3410-01-M

Food and Consumer Service

Commodity Supplemental Food Program: Elderly Poverty Income Guidelines

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the adjusted poverty income guidelines to be used by State agencies in determining the income eligibility of elderly persons applying to participate in the Commodity Supplemental Food Program (CSFP). These poverty income guidelines are to be used in conjunction with the CSFP Regulations.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Lillie F. Ragan, Assistant Branch Chief, Household Programs Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594, or telephone (703) 305-2661.

SUPPLEMENTARY INFORMATION: Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

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

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.565 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112).

Description

On December 23, 1985 the President signed the Food Security Act of 1985 (Pub. L. 99-198). This legislation amended section 5(f) and (g) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) to require that the Secretary permit agencies administering the CSFP to serve elderly persons if such service can be provided without reducing service levels for women, infants, and children. The law also mandates establishment of income eligibility requirements for elderly participation. Prior to enactment of Pub. L. 99-198, elderly participation was restricted by law to three designated pilot projects which served the elderly in accordance with agreements with the Department.

In order to implement the CSFP mandates of Pub. L. 99-198, the Department published interim rules on September 17, 1986 at 51 FR 32895 and a final rule on February 18, 1988 at 58 FR 8287. These regulations defined "elderly persons" as those who are 60 years of age or older. The final rule further stipulated that elderly persons certified on or after September 17, 1986 must have "household income at or below 130 percent of the Federal Poverty Income Guidelines published annually by the Department of Health and Human Services" (7 CFR 247.7(a)(3)).

These poverty income guidelines are revised annually to reflect changes in the Consumer Price Index. The revision for 1996 was published by the Department of Health and Human Services (DHHS) in the Federal Register for March 4, 1996 at 61 FR 8286. At this time the Department is publishing the income limit of 130 percent of the poverty income guidelines by household size to be used for elderly certification in the CSFP for the period July 1, 1996-June 30, 1997.

The poverty income guidelines were multiplied by 1.30 and the results rounded up to the next whole dollar. The table in this notice contains the income limits by household size for the 48 contiguous States and the District of Columbia. The poverty income guidelines for areas outside of the 48 contiguous States have not been included in this notice because the CSFP does not operate in these areas. The revised income guidelines reflect an

increase of 3.58 percent over the income guidelines for the previous period.

FCS POVERTY INCOME GUIDELINES FOR ELDERLY IN CSFP—48 STATES AND THE DISTRICT OF COLUMBIA

[Effective July 1, 1996–June 30, 1997; 130 Percent of Poverty Income Guidelines]

Family size	Annual	Month	Week
1	10,062	839	194
2	13,468	1,123	259
3	16,874	1,407	325
4	20,280	1,690	390
5	23,686	1,974	456
6	27,092	2,258	521
7	30,498	2,542	587
8	33,904	2,826	652
For each additional family member add	+3,406	+284	+66

Dated May 2, 1996.

William E Ludwig,

Administrator.

[FR Doc 96–12186 Filed 5–14–96; 8:45 am]

BILLING CODE 3410–30–P

Food Safety and Inspection Service

[Docket No. 96–019N]

Location of Proposed Technical Service Center; Opportunity To Present Alternative Sites for Consideration

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is considering creating a Technical Service Center to provide technical assistance, advice, and guidance for FSIS Field Operations personnel and the regulated meat, poultry, and egg products industries. FSIS is providing interested parties the opportunity to present recommended sites for its proposed Technical Service Center.

DATES: Requests to make a presentation to the Agency must be received by June 14, 1996.

ADDRESSES: Mr. O.V. Cummings, Director, Administrative Services Division, Food Safety and Inspection Service, 14th and Independence Ave., SW, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. O.V. Cummings or Mr. Glen Durst at the above address or at (202) 720–3551, Fax (202) 205–7392.

SUPPLEMENTARY INFORMATION: FSIS has submitted a proposed reorganization plan to the Secretary of Agriculture for approval. The plan establishes a

Technical Service Center to provide technical assistance, advice, and guidance for FSIS Field Operations personnel and the regulated meat, poultry, and egg products industries. The Center would house approximately 100 FSIS employees to provide guidance on the enforcement and application of FSIS domestic and import regulations, policies, and systems.

Approximately half of the employees that would be assigned to the Center are currently located in the Washington, D.C. area, with the remainder of the employees in the five Regional Offices or other locations. Locating the Center in the Washington D.C. area would result in the lowest initial cost to the Agency because there would be no relocation costs for employees already assigned to the Washington D.C. area. In addition, locating the Center in the Washington, D.C. metropolitan area would enhance FSIS's ability to coordinate Agency functions with the Center.

However, locating the Center in a rural area could serve the Agency well in the long term. Experience shows that it is easier to recruit employees in areas where the cost of living is relatively low. In addition, locating the Center in the middle of the country would make it easier to serve field personnel and industry because the time difference between the Center and offices located on the east and west coast would not be so great.

FSIS invites recommendations regarding the location of the Technical Service Center. Persons interested in proposing sites for the Center should address issues of initial costs, other costs, and benefits associated with a particular, recommended location. The proposed locations should, at a minimum, meet the following criteria:

- Offer an adequate selection of moderate to middle income housing.
- Be within reasonable driving distance to a major airport because there will be occasional travel to and from the 18 proposed district offices and Washington, D.C.
- Have nearby hotel/motel accommodations.
- Have available office space to support the Center staff (approximately 20,000 square feet).

The presentations may be given in person, on videotape, or by conference call. Written recommendations should be sent to Mr. O.V. Cummings (See **ADDRESSES**).

The Agency will contact respondents to schedule the presentations to be given at FSIS headquarters. Presenters from outside the Washington D.C. area who wish to make presentations at FSIS

headquarters must make their own travel arrangements and pay their own travel expenses.

Done at Washington, DC, on May 9, 1996.
Michael R. Taylor,
Acting Under Secretary for Food Safety.
[FR Doc. 96–12136 Filed 5–14–96; 8:45 am]
BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Patent and Trademark Office.
Title: Disclosure Document Program.
Form Number(s): PTO/SB/95.
Agency Approval Number: 0651–0030.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Burden: 5,400 hours.

Number of Respondents: 27,000.

Avg Hours Per Response: .2 hours.

Needs and Uses: The information collected includes the invention disclosure submitted by the inventor and a form which requests the name and address of the inventor. The name and address information is used to notify the inventor of the receipt of the invention disclosure and to inform the inventor of the deposit number which must be used if the applicant desires to reference the invention disclosure in a subsequent application for patent.

Affected Public: Individuals or households, businesses or other for-profit institutions, not-for-profit institutions, and Federal Government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Maya A. Bernstein, (202) 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Acting DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maya A. Bernstein, OMB Desk Officer, Room 10236, New Executive Office Building, Washington, DC 20503.

Dated: May 10, 1996.
 Linda Engelmeier,
*Acting Departmental Forms Clearance
 Officer, Office of Management and
 Organization.*
 [FR Doc. 96-12179 Filed 5-14-96; 8:45 am]
 BILLING CODE 3510-16-F

National Oceanic and Atmospheric Administration

Licensing of Private Remote-Sensing Space Systems

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public hearing.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is considering revisions to its regulations for the licensing of private remote sensing space systems under Title II of the Land Remote Sensing Policy Act of 1992, 15 U.S.C. 5601 *et seq.* (1992 Act). To further this consideration, NOAA is sponsoring a public meeting to facilitate an exchange of ideas on significant issues between industry and government. The discussion will focus on those issues highlighted in NOAA's December 4, 1995, Notice of Inquiry (60 FR 62054) and the comments received in response.

DATES: The Public Meeting will be held on June 14, 1996 from 9:30 a.m. to 4:00 p.m., with a lunch break from 12:30 p.m. to 1:30 p.m.

ADDRESSES: The meeting will be held at the United States Department of Commerce, Herbert C. Hoover Building, Room 4830, 14th Street & Constitution Avenue, N.W., Washington, D.C. Parties interested in participating in the public meeting, particularly those that would like to present oral and/or written testimony, should contact Michael Mignono or Kira Alvarez (See **FOR FURTHER INFORMATION CONTACT**).

Comments received in response to the December 4, 1995 Notice of Inquiry may be viewed and/or copied by appointment from 9:00 a.m. to 3:00 p.m. at NOAA, Federal Building 4, Room 3301, Suitland, MD. Copies of NOAA's Discussion Packages may be obtained by contacting Michael Mignono.

FOR FURTHER INFORMATION CONTACT: Michael Mignono, NOAA, National Environmental Satellite, Data, and Information Service, (301) 457-5210 or Kira Alvarez, NOAA, Office of General Counsel, (301) 713-0053.

SUPPLEMENTARY INFORMATION: NOAA is considering the need to revise its regulations for licensing operators of private remote-sensing space systems. It

is holding a public meeting to promote the dialogue between the Government and industry which began with the publication of NOAA's December 4, 1995, Notice of Inquiry. NOAA will use the comments already received and the results of the meeting to determine whether new regulations are necessary and, if so, as a basis for NOAA to draft proposed regulations.

The December 4, 1995 Notice of Inquiry stated that NOAA was particularly interested in comment on issues in four general areas. The Notice also announced the availability of discussion packages concerning these areas. The areas and issues highlighted were as follows:

1. Review Procedures for License Applications.

A. How can the process be improved and modified to provide transparency and predictability?

B. What are the minimum informational requirements for a complete application?

NOAA proposed that the Government abide by more formal administrative time limits and more detailed record keeping in making these determinations on an application.

2. Should NOAA consider a different standard and/or procedures for restricting imaging to preserve national security/foreign policy interests than that established by PDD-23 and included in current licenses, i.e.:

The Secretary of Commerce may, after consulting with the Secretary of Defense or State, as appropriate, require the licensee to stop imaging an area and/or stop distributing data from an area during any period when national security or foreign policy interests may be compromised.

3. Review of Foreign Agreements.

A. What agreements must be submitted for review? Is the existing focus appropriate, i.e. on agreements that give a foreign party some control over the operation of the system an important role in distributing data? What is the appropriate threshold for strictly financial arrangements.

B. What process should be in place to inform applicants when the Government has identified a concern with a potential foreign agreement?

Major comments received were as follows:

1. *General Issues:* Commentors noted that there is an overall need for clearer definitions and standards in the regulations. Also, several commentors discussed the issue of proprietary information: comments received from the commercial remote sensing industry noted that all proprietary information submitted to NOAA should be protected from disclosure to the public; however,

comments received from the news media noted that NOAA license application files should be open to the public, similar to the Federal Communications Commission broadcast license application files.

2. *Review Procedures:* Comments received stated generally that the review period for license applications should be less than 120 days; several methods were proposed to help accomplish this, but most importantly the comments noted that NOAA should alert applicants as soon as possible about any defects that may delay processing the application.

3. *Standards for Restricting Imaging:* Comments received noted that the regulations should clarify the standards as to when the distribution of imagery will be cut-off or limited due to national security and/or foreign policy reasons. The news media indicated in their comments that they would like a "clear and present danger" standard incorporated into the regulations, as well as procedural safeguards.

4. *Review of Foreign Agreements:* Several comments suggested a tiered classification system whereby agreements with certain countries would receive less scrutiny than agreements with other countries. One comment suggested only the notification of the agreement to NOAA (but no forwarding of any documentation) for NOAA's certification that the agreement was in compliance with the license.

In an issue related to foreign agreements, industry commentors suggested that the 25 per cent cap on foreign ownership should be raised to 40 per cent.

All comments received on the December 4, 1995 Notice of Inquiry are available for public review by appointment from 9:00 a.m. to 3:00 p.m. at NOAA, Federal Building 4, Room 3301, Suitland, MD. They may be inspected and any comments may be copied in accordance with regulations published in part 4 of title 15, Code of Federal Regulations. Further information about inspection and copying of records at this facility may be obtained by contacting NOAA (See **FOR FURTHER INFORMATION CONTACT**).

The meeting will consist of panel discussions of the four topics listed above, as well as the issue of foreign investment agreements. Concerning the latter, NOAA would be interested in examples of regulation of foreign investment that have worked successfully in the context of other agencies.

Parties interested in participating in the public meeting, particularly those that would like to present oral and/or

written testimony, should contact NOAA (see **ADDRESSES**) so that NOAA can effectively coordinate the meeting and ensure an orderly proceeding.

Dated: May 10, 1996.

Robert S. Winokur,

Assistant Administrator for Satellite and Information Services.

[FR Doc. 96-12171 Filed 5-14-96; 8:45 am]

BILLING CODE 3510-12-M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

AmeriCorps*VISTA Pre-Application Inquiry Form Reinstatement

AGENCY: Corporation for National and Community Service.

SUMMARY: The Corporation for National and Community Service has asked for an emergency processing request to OMB for the AmeriCorps*VISTA Pre-Application Inquiry.

DATES: The effective date is May 20, 1996.

FOR FURTHER INFORMATION CONTACT:

Diana B. London, Deputy Director, AmeriCorps*VISTA, (202) 606-5000, extension 228. For individuals with disabilities, information will be made available in alternative formats, upon request.

SUPPLEMENTARY INFORMATION: A request for emergency processing for reinstatement of OMB Approval #3001-0057, AmeriCorps*VISTA Pre-Application Inquiry form which expired on November 30, 1995, has been requested to OMB. This form is used for information collection on potential AmeriCorps*VISTA applicant organizations to determine their eligibility to become an AmeriCorps*VISTA sponsoring organization.

Dated: May 8, 1996.

Diana B. London,

*Deputy Director, AmeriCorps*VISTA.*

[FR Doc. 96-12161 Filed 5-14-96; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF DEFENSE

Department of the Army

Committee Meeting Notice (School of the Americas)

AGENCY: School of the Americas, Training and Doctrine Command.

ACTION: Notice of meeting.

SUMMARY: In accordance with 10 (a) (2) of the Federal Advisory Committee Act,

Public Law (92-463), announcement is made of the following committee meeting:

Name of Committee: School of the Americas (SOA) Subcommittee of the Army Education Advisory Committee.

Dates of Meeting: 29 and 30 May 1996.

Time of Meeting: 0900-1600 on 29 May, and 0900-1130 on 30 May 1996.

Place of Meeting: School of the Americas, Building 35, Fort Benning, GA.

Proposed Agenda: Orientation and current School of the Americas issues.

FOR FURTHER INFORMATION CONTACT:

All communications regarding this subcommittee should be addressed to Lieutenant Colonel Willie G. Story, U.S. Army School of the Americas, Attention: ATZB-SAD, Fort Benning, Georgia, 31905-6245, or telephone (706) 545-3491.

SUPPLEMENTARY INFORMATION:

1. *Purpose of Meeting:* The newly-constituted SOA subcommittee will receive an orientation and review and discuss current issues, particularly proposed legislation regarding SOA.

2. Meeting of the Advisory Committee is open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Committee Management Office in writing at least 5 days prior to the meeting date of their intent to attend.

3. Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the subcommittee chairman may allow public presentations of oral statements at the meetings.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96-12157 Filed 5-14-96; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers

Notice of Availability of Surplus Land and Buildings in Accordance With Public Law 103-421 Located at Charles E. Kelly Support Facility, Irwin Support Annex, Manor, PA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: This notice identifies the surplus real property located at the Irwin Support Annex, Manor, PA. The former Nike Missile Launcher site is located in Westmoreland County, on Nike Road, just off of Pleasant Valley Road, south of its intersection with Route 130, next to the Turnpike.

FOR FURTHER INFORMATION CONTACT:

For more information regarding the particular property identified in this

Notice (i.e., acreage, floor plans, existing sanitary facilities, exact location), contact Mr. Gerry Bresee, Real Estate Division, Army Corps of Engineers, P.O. Box 1715, Baltimore, MD 21203 (telephone 410-962-5173, fax 410-962-0866).

SUPPLEMENTARY INFORMATION: This surplus is available under the provisions of the Federal Property and Administrative Services Act of 1945 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to Mr. William E. Mitchell II, Redevelopment Director, Redevelopment Authority of the County of Westmoreland, 601 Courthouse Square, Greensburg, Pennsylvania 15601, (telephone 412-830-3050, fax 412-830-3611).

The surplus real property totals approximately 18.93 acres and contains 11 buildings totaling approximately 26,468 square feet of space. Current range of uses include storage and administrative. Future uses may include administrative, storage or residential.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96-12158 Filed 5-14-96; 8:45 am]

BILLING CODE 3710-41-M

Department of the Navy

Chief of Naval Operations (CNO) Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet on June 3, 1996 from 2:30 to 4:00 at the office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350-2000. This session will be closed to the public.

The purpose of this meeting is to conduct the final briefing of the Naval Warfare Innovations Task Force to the Chief of Naval Operations. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of the national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b (c) (1) of title 5, United States Code.

For further information concerning this meeting, contact Janice Graham, Assistant for CNO Executive Panel

Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302-0268, Telephone (703) 681-6205.

Dated: May 6, 1996.

M.A. Waters,
LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96-12117 Filed 5-14-96; 8:45 am]

BILLING CODE 3810-FF-P

Notice of Availability of Invention for Licensing; Combustion Chamber Drain System

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy.

Requests copies of the patent application cited should be directed to the Office of Naval Research, ONR OCCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217-5660 and must include the application serial number.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR, OCCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217-5660, telephone (703) 696-4001.

Patent Application Serial No. 08/604,143: COMBUSTION CHAMBER DRAIN SYSTEM; filed February 20, 1996.

Dated: May 6, 1996.

M. A. Waters,
LCDR, JAGC, USN Federal Register Liaison Officer.

[FR Doc. 96-12116 Filed 5-14-96; 8:45 am]

BILLING CODE 3810-FF-P

Notice of Availability of Invention for Licensing; Liquid Crystal Composition and Alignment Layer

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy.

Requests copies of the patent application cited should be directed to the Office of Naval Research, ONR OCCC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217-5660 and must include the application serial number.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR, OCCC, Ballston Tower One, 800 North Quincy

Street, Arlington, Virginia 22217-5660, telephone (703) 696-4001.

Patent Application Serial No. 08/559,318: LIQUID CRYSTAL COMPOSITION AND ALIGNMENT LAYER, filed November 15, 1995.

Dated: May 6, 1996.

M. A. Waters,
LCDR, JAGC, USN Federal Register Liaison Officer.

[FR Doc. 96-12115 Filed 5-14-96; 8:45 am]

BILLING CODE 3810-FF-P

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 22, 1996. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1:00 p.m. in the First Floor Meeting Room of the Rachel Carson State Office Building at 400 Market Street, Harrisburg, Pennsylvania.

A briefing of the Delaware River Basin's Pennsylvania legislators will be held at 11:00 a.m. at the same location.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Holdover Project: Borough of Berlin D-95-24 CP.* An application for approval of a ground water withdrawal project to supply up to 27.5 million gallons (mg)/30 days of water to the applicant's distribution system from new Well No. 12, and to limit the withdrawal from all wells located within the Delaware River Basin to 27.5 mg/30 days. The project is located in Berlin Borough, Camden County, New Jersey. This hearing continues those of March 26, 1996 and April 24, 1996.

2. A request by C S Water & Sewer Associates to extend the deadline completion and operation date in Condition "g." of Docket No. D-76-21 (Revised) from May 1 to June 30, 1996. Delay in securing funding postponed the construction start until April 23, 1996. No other changes are requested.

3. *Birmingham Township Sewer Authority D-95-52 CP.* A project to expand a 40,000 gallons per day (gpd) sewage treatment plant (STP) to ultimately treat an average monthly flow of 80,000 gallons per day (gpd) which will serve the residential developments of the Ridings of Chadds Ford and the

Ridings II, both located approximately one-half mile west of U.S. Route 202 in Birmingham Township, Delaware County, Pennsylvania. The STP will provide advanced secondary biological treatment utilizing the activated sludge process and tertiary filtration. After disinfection, treated effluent will be discharged to an unnamed tributary of Harvey Run.

4. *Borough of Fleetwood D-95-58 CP.* An application for approval of a ground water withdrawal project to supply up to 17.3 mg/30 days of water to the applicant's distribution system from new Well No. 13, and to limit the existing withdrawal limit from all sources to 27.5 mg/30 days. The project is located in Fleetwood Borough, Berks County, Pennsylvania.

5. *Lower Salford Township Authority D-95-63 CP.* A project to construct a 0.90 million gallons per day (mgd) average monthly capacity STP to serve the eastern drainage area of Lower Salford Township, Montgomery County, Pennsylvania. The STP will provide secondary biological treatment utilizing an orbital oxidation ditch and will also provide tertiary filtration and ultraviolet disinfection. The STP will treat excess hydraulic overload at a maximum monthly average of 1.976 mgd. The STP will be located approximately 1,000 feet north of State Route 63 and just west of Skippack Creek, to which it will discharge, in Lower Salford Township, Montgomery County, Pennsylvania.

6. *Pennsylvania-American Water Company D-96-12.* A project to treat up to 72,000 gpd of water captured from dewatering operations during construction of the applicant's new water treatment plant located in the Borough of Norristown, Montgomery County, Pennsylvania, and situated just downstream of the Danne Hower Bridge on the north bank of the Schuylkill River. The dewatering facilities will convey water contaminated with Diesel Range Organics (DROs) and oil and grease to the applicant's proposed treatment facilities including Particle Bay Filters and carbon adsorption units.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: May 7, 1996.

Susan M. Weisman,
Secretary.

[FR Doc. 96-12102 Filed 5-14-96; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP96-496-000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

May 9, 1996.

Take notice that on May 6, 1996, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP96-496-000 a request pursuant to Sections 179.205, 157.212, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216) for authorization to abandon the existing meter located at the Texaco South Kermit Plant Receipt Point and the related service; and to operate a new meter to be constructed by Texaco Natural Gas Inc. (Texaco) as a delivery point under El Paso's blanket certificate issued in Docket No. CP82-435-000 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.

El Paso states that Texaco converted its South Kermit Gas Plant to a field compressor station. Consequently, Texaco will no longer deliver gas to El Paso at the Texaco South Kermit Receipt Point. Texaco now requires deliveries of pipeline quality gas to its South Kermit Gas Plant for use as compressor fuel. Consequently, Texaco requested that El Paso convert the Texaco South Kermit Receipt Point to a delivery point to facilitate delivery of compressor fuel. On November 10, 1995, El Paso and Texaco entered into Transportation Service Agreement that provides for interruptible transportation service from any receipt point on El Paso's system to all available delivery points on El Paso's system.

El Paso states that operation of the Texaco South Kermit Meter Station as a delivery point is not prohibited by El Paso's existing tariff. El Paso further states that it has sufficient capacity to accomplish the transportation and delivery of the requested volumes without detriment or disadvantage to El Paso's 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-12138 Filed 5-14-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-499-000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

May 9, 1996.

Take notice that on May 6, 1996, Northwest Pipeline Corporation (Northwest), P.O. Box 58900, Salt Lake City, Utah 84158-0900, filed in Docket No. CP96-499-000 a request pursuant to Sections 157.205, and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, and 157.216) for approval to abandon by removal its William Austin Farm tap (Farm tap) located in Douglas County, Oregon, under the blanket certificate issued in Docket No. CP82-433-000, 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.

Northwest states that the certificate authorization for the construction and operation of the Farm tap for which Northwest now seeks abandonment authorization was issued in Docket No. CP65-128 for delivery of natural gas to The Washington Water Power Company's (Water Power) for service to a single customer. Northwest further states that there have been no deliveries to the Farm tap since September 1994. It is asserted that the distribution facilities served by this tap have been directly connected by Water Power to its Roseburg distribution system which is served by a different delivery point from Northwest.

Northwest indicates that by amendment dated February 1, 1995, the Farm tap was removed from Water Power's transportation service agreement with Northwest dated July 31, 1991. Northwest asserts that it currently has a contractual obligations to provide to the Farm tap.

Northwest states that the Farm tap was dismantled and removed from the

site on May 25, 1995, at the landowner's request, although due to an administrative oversight, Northwest had not yet received abandonment approval. Therefore, Northwest now is requesting approval for abandonment by removal of the Farm tap. It is indicated that the actual cost of removing these facilities was \$713.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-12140 Filed 5-14-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-497-000]

Valero Transmission Company and West Texas Gas, Inc.; Notice of Application for Authorization To Operate Border Facilities and for Presidential Permit

May 9, 1996.

Take notice that on May 6, 1996, Valero Transmission Company (Valero), General Partner of Valero Transmission, L.P., P.O. Box 500, San Antonio, Texas 78292 and West Texas Gas, Inc. (WTG), 211 North Colorado, Midland, Texas 79701, filed in Docket No. CP96-497-000, a joint application pursuant to Section 3 of the Natural Gas Act and Sections 153.10-153.12 of the Commission's Regulations and Executive Order 10485, as amended by Executive Order 12038 to: (1) terminate the Presidential Permit and Section 3 authorization previously issued to Valero to own, operate, and maintain border facilities near Eagle Pass, Texas; and (2) simultaneously issue a Presidential Permit and Section 3 authorization to WTG to own, operate, and maintain the Eagle Pass border facilities, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicants state that Valero was issued a Presidential Permit and Section 3 authorization in Docket Nos. CP84-361-000 and CP84-366-000, respectively, to construct or repair and operate on the international boundary between the U.S. and Mexico near Eagle Pass, Texas, two parallel eight-inch pipelines which connect with the facilities of Petroleos Mexicanos.

Applicants further state that on March 18, 1996, Valero Transmission, L.P. and WTG entered into an Asset Acquisition Proposal pursuant to which WTG has agreed to purchase certain intrastate pipeline facilities in Texas, including the Eagle Pass border facilities, which are the subject of this joint application. The sale occurred on April 30, 1996, with the sale of the Eagle Pass facilities conditioned upon (1) the termination of Valero's Presidential Permit and Section 3 authorization; and (2) the issuance of a Presidential Permit and Section 3 authorization to WTG to own, operate, and maintain the facilities. No new facilities or service are proposed by WTG in this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1996, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 3 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the authorization is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Valero and WTG to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-12139 Filed 5-14-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC96-22-000, et al.]

Milford Power Limited Partnership, et al.; Electric Rate and Corporate Regulation Filings

May 9, 1996.

Take notice that the following filings have been made with the Commission:

1. Milford Power Limited Partnership

[Docket No. EC96-22-000]

Take notice that on May 3, 1996, Milford Power Limited Partnership (Applicant) submitted for filing an application under Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations seeking authorization from the Commission for the transfer of partnership interests in Milford Power Limited Partnership to TEVCO Cogeneration Company and ANP Milford Power Company. Applicants have served copies of the filing on the Massachusetts Department of Public Utilities and New England Power Company.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. In the Matter of LG&E Power 21 L.P.

[Docket No. EG96-63-000]

On May 3, 1996, LG&E Power 21 L.P. ("LP21 LP"), a California limited partnership with its principal place of business at 12500 Fair Lakes Circle, Suite 350, Fairfax, Virginia 22033-3822, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

LP21 LP owns and operates directly, or indirectly through affiliates, wind-powered eligible facilities located near Buffalo Ridge, Minnesota and Palm Springs, California, of approximately 25 MW and 34.5 MW, respectively.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. In the Matter of LG&E Power 21 Incorporated

[Docket No. EG96-64-000]

On May 3, 1996, LG&E Power 21 Incorporated ("LP21"), a California corporation with its principal place of business at 12500 Fair Lakes Circle, Suite 350, Fairfax, Virginia 22033-3822, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

LP21 owns and operates directly, or indirectly through affiliates, wind-powered eligible facilities located near Buffalo Ridge, Minnesota and Palm Springs, California, of approximately 25 MW and 34.5 MW, respectively.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. In the Matter of LG&E Power 31 Incorporated

[Docket No. EG96-65-000]

On May 3, 1996, LG&E Power 31 Incorporated ("LP31"), a California corporation with its principal place of business at 12500 Fair Lakes Circle, Suite 350, Fairfax, Virginia 22033-3822, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

LP31 owns and operates directly, or indirectly through affiliates, a wind-powered eligible facility of approximately 35 MW located in Culberson County, Texas.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. In the Matter of LG&E Power 31 L.P.

[Docket No. EG96-66-000]

On May 3, 1996, LG&E Power 31 L.P. ("LP31 LP"), a California limited partnership with its principal place of business at 12500 Fair Lakes Circle, Suite 350, Fairfax, Virginia 22033-3822, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

LP31 LP owns and operates directly, or indirectly through affiliates, a wind-powered eligible facility of approximately 35 MW located in Culberson County, Texas.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. Fauji Kabirwala Power Company Limited

[Docket No. EG96-67-000]

On May 6, 1996, Fauji Kabirwala Limited Partnership, a public limited company incorporated and existing under the laws of the Islamic Republic of Pakistan, having its registered office at c/o Fauji Foundation, Harley Street, P.O. Box 84, Rawalpindi, Pakistan (the "Applicant"), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator ("EWG") status pursuant to Part 365 of the Commission's Regulations.

The Applicant will be engaged directly in owning an eligible facility located near Kabirwala, Province of Punjab, Pakistan (the "Kabirwala Plant"). The Kabirwala Plant will consist of a 166 MW combined-cycle power plant, fueled by low Btu-gas.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. PECO Energy Company

[Docket No. EL96-50-000]

Take notice that on April 8, 1996, PECO Energy Company tendered for filing a letter requesting a declaratory order regarding changes to depreciation accruals and amortization of certain assets.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Burney Forest Products A Joint Venture

[Docket No. EL96-51-000]

Take notice that on April 30, 1996, Burney Forest Products A Joint Venture (Burney) filed a Petition for a Declaratory order or, in the alternative, an Initial Rate Schedule and Petition for Acceptance of Initial Rate Schedule and Request for Waivers and Blanket Approval.

Burney has contracted for the sale of up to 31 megawatts (net) of electricity from its biomass-fueled small power production facility to Pacific Gas and Electric Company (PG&E) pursuant to a Power Purchase Agreement entered into between the parties. Burney requests a determination by the Commission that

its power sales to PG&E are not subject to the Commission's jurisdiction or, in the alternative, to accept the Power Purchase Agreement for filing as an initial rate schedule.

Comment date: May 30, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Citizens Power & Light Company, Eclipse Energy, Inc., Direct Electric Inc., R.J. Dahnke & Associates, Cenerprise, Inc., Electrade Corporation, Engelhard Power Marketing, Inc.

[Docket No. ER89-401-026, ER94-1099-008, ER94-1161-008, ER94-1352-007, ER94-1402-007, ER94-1478-007, ER94-1690-008 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On April 25, 1996, Citizens Power & Light Company filed certain information as required by the Commission's August 8, 1989 order in Docket No. ER89-401-000.

On April 24, 1996, Eclipse Energy, Inc. filed certain information as required by the Commission's June 15, 1994 order in Docket No. ER94-1099-000.

On May 6, 1996, Direct Electric Inc. filed certain information as required by the Commission's July 18, 1994 order in Docket No. ER94-1161-000.

On April 11, 1996, R.J. Dahnke & Associates filed certain information as required by the Commission's August 10, 1994 order in Docket No. ER94-1352-000.

On April 29, 1996, Cenerprise, Inc. filed certain information as required by the Commission's December 7, 1994 order in Docket No. ER94-1402-000.

On April 24, 1996, Electrade Corporation filed certain information as required by the Commission's August 25, 1994 order in Docket No. ER94-1478-000.

On April 24, 1996, Engelhard Power Marketing, Inc. filed certain information as required by the Commission's December 29, 1994 order in Docket No. ER94-1690-000.

10. Western Systems Power Pool

[Docket No. ER91-195-024]

Take notice that on April 30, 1996, the Western Systems Power Pool (WSPP) filed certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991, Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992, Order on Rehearing Denying Request Not To Submit Information, And Granting In Part And Denying in

Part privileged treatment for some of the information filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

11. PanEnergy Power Services, Inc. IEP Power Marketing, LLC, PacifiCorp Power Marketing, U.S. Power & Light, Inc., Greenwich Energy Partners, Global Petroleum Corporation, Westar Electric Marketing, Inc.

[Docket No. ER95-7-009, ER95-802-004, ER95-1096-004, ER96-105-002, ER96-116-002, ER96-458-003, ER96-553-002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On April 30, 1996, PanEnergy Power Services, Inc. filed certain information as required by the Commission's December 16, 1994 order in Docket No. ER95-7-000.

On May 6, 1996, IEP Power Marketing, LLC filed certain information as required by the Commission's May 11, 1995 order in Docket No. ER95-802-000.

On April 30, 1996, PacifiCorp Power Marketing filed certain information as required by the Commission's February 2, 1996 order in Docket No. ER95-1096-000.

On April 30, 1996, U.S. Power & Light, Inc. filed certain information as required by the Commission's December 6, 1995 order in Docket No. ER96-105-000.

On April 18, 1996, Greenwich Energy Partners filed certain information as required by the Commission's December 20, 1995 order in Docket No. ER96-116-000.

On April 29, 1996, Global Petroleum Corporation filed certain information as required by the Commission's December 20, 1995 order in Docket No. ER96-359-000.

On April 30, 1996, Westar Electric Marketing, Inc. filed certain information as required by the Commission's January 31, 1996, order in Docket No. ER96-458-000.

On April 22, 1996, QST Energy Trading, Inc. filed certain information as required by the Commission's March 14, 1996, order in Docket No. ER96-553-000.

12. Wisconsin Public Service Corp., WPS Energy Services, Inc. WPS Power Development, Inc.

[Docket No. ER96-1088-001]

Take notice that on May 1, 1996, Wisconsin Public Service Corporation (WPSC) tendered for filing a revised Tariff for selling power at market-based rates and a supplemental Code of Conduct, and WPS Energy Services, Inc. and WPS Power Development, Inc., tendered for filing a revised Rate Schedule No. 1 and revised Codes of Conduct with respect to the relationship between WPSC and its affiliates in compliance with the Commission's order of April 16, 1996 in the captioned docket.

Comment date: May 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. MidAmerican Energy Company

[Docket No. ER96-1549-000]

Take notice that on April 9, 1996, MidAmerican Energy Company tendered for filing revised tariff sheets to reflect an index of customers under its point to point transmission tariff.

Comment date: May 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Southern California Edison Company

[Docket No. ER96-1677-000]

Take notice that on April 29, 1996, Southern California Edison Company (Edison) tendered for filing the following Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operations Agreement (1990 IOA) with the City of Riverside (Riverside), FERC Rate Schedule No. 250, and associated Firm Transmission Service Agreements (FTS Agreement):

Supplemental Agreement Between Southern California Edison Company and City of Riverside for the Integration of the Bonneville Power Administration-Riverside 1996 Diversity Exchange Agreement

Edison-Riverside 1996 BPA Firm Transmission Service Agreement Between Southern California Edison Company and City of Riverside

The Supplemental Agreement sets forth the terms and conditions by which Edison will integrate capacity and associated energy under Riverside's 1996 Diversity Exchange Agreement with Bonneville Power Administration (BPA Agreement). The FTS Agreement sets forth the terms and conditions by which Edison, among other things, will provide firm bi-directional transmission service for the BPA Agreement. Edison

seeks waiver of the 60-day prior notice requirement and requests the Commission assign an effective date of April 30, 1996, to the Supplemental and FTS Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 23, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-12170 Filed 5-14-96; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00435; FRL-5368-9]

Renewal of Agency Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that the following Information Collection Request (ICR) is coming up for renewal. This ICR, Compliance Requirements for Child Resistant Packaging, OMB No. 2070-0052, expires on October 31, 1996. Before submitting the renewal package to the Office of Management and Budget (OMB), EPA is soliciting comments on the specific aspects of the collection described below.

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

ADDRESSES: Submit written comments identified by the docket control number OPP-00435 and the ICR number by mail to: Public Response Section, Field

Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments directly to the OPP docket which is located in Rm. 1132 of 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 a ASCII file avoiding the use of special characters and any form or 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-00435" and the ICR number. 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 III. 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 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

Ellen Kramer, Policy and Special Projects Staff, Office of Pesticide Programs, Environmental Protection Agency, Mail Code (7501C), 401 M St., SW., Washington, DC 20460, Telephone: (703) 305-6475, e-mail: kramer.ellen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Copies of the complete ICR and accompanying appendices may be obtained from the OPP docket at the above address or by contacting the person whose name appears under FOR FURTHER INFORMATION CONTACT.

Electronic Availability: Electronic copies of each ICR are available from the EPA Public Access gopher (gopher.epa.gov) at the Environmental Sub-Set entry for this document under "Rules and Regulations."

I. Information Collection Requests

EPA is seeking comments on the following Information Collection Request (ICR) renewal.

Title: Compliance Requirement for the Child Resistant Packaging Act. ICR No. 0616.06. OMB No. 2070-0052.

Expiration date: October 31, 1996.

Affected entities: This is a recertification of all registrants to ensure they are in compliance with the revised effectiveness standards and protocol test procedures by January 21, 1998. All registrants subject to child-resistant packaging (CRP) (unless exempted under 40 CFR 157.24), including those whose products are currently registered with certifications on file, must submit a new certification. After January 21, 1998, CRP certification will usually be conducted only when a registrant notifies EPA by application of their intention to either change packaging, enter the residential market, or otherwise become subject to CRP regulations.

Abstract: Section 25(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) establishes standards for the packaging of pesticides or devices to protect children and adults from serious illness or injury resulting from accidental ingestion or contact with these pesticides or devices. These standards are designed to be consistent with those under the Poison Prevention Packaging Act, administered by the Consumer Product Safety Commission (CPSC). The Poison Prevention Packaging Act previously included the packaging of pesticides, but was amended in 1976 to exclude them and that responsibility now rests with EPA.

EPA's CRP regulations reference the CPSC packaging standards and protocol testing procedures for CRP to avoid duplicative testing of packages for pesticidal and nonpesticidal purposes.

To ensure that all pesticide registrants are in compliance with the revised effectiveness standards and protocol test procedures, by January 21, 1998, all registrants subject to CRP (unless exempted under 40 CFR 157.24) must submit (1) a new certification and (2) a description of the type of package used and its designation using the American Society for Testing and Materials (ASTM) Standard D3475-95 "Standard Classification of Child-Resistant Packages." The ASTM Standard D3475-95 provides uniform terminology and universal descriptions of various types of CRPs. The statements "I certify that the packaging used for this product meets the standards of 40 CFR 157.32, including the revised effectiveness standards in 16 CFR 1700.15(b), when

tested by the revised testing procedures in 16 CFR 1700.20, as published in 60 FR 37710 (July 21, 1995)," and "the type of package is a (describe closure) with (describe method of using closure), ASTM Type _____ with a (describe container)," will suffice for this purpose.

Burden statement: This is a recertification required for all pesticide products subject to CRP regulations or first time certification for products which are under CRP requirements. The annual respondent burden for this program is estimated to average 1.7 hours per response, including time for: reading instructions, planning activities, creating information, processing, compiling, and reviewing information for reliability and appropriateness, completing written compliance documents, and storing, filing, and maintaining the data.

The total number of registrants affected by this ICR is estimated to be 449 per year. Total cost per respondent to comply with the CRP, including capital costs, labor costs, and other operating and maintenance costs is estimated at approximately \$109.90 per response.

The change in the Agency activities, which require 30 minutes maximum, relate to the screening of the CRP certifications to ensure they reference the new effectiveness standards and protocol testing procedures. Incomplete/incorrect certifications will be returned to registrants. Complete certifications including the description of the package used will be acknowledged, entered into the Office of Pesticide Programs Data Systems (OPUS), and filed in the pesticide product registration jacket. The self-certification will demonstrate to the Agency that the respondents are aware of the revised effectiveness standards and protocol testing procedures regarding CRP, and are in compliance with them. In turn, the Agency will know the type of CRP being used, and thus, be able to review CRP exemption requests more rapidly.

Any Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are contained in 40 CFR part 9.

II. Request for Comments

EPA solicits comments to:

(i) Evaluate whether the proposed collections of information described above are 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 estimates of the burdens of the proposed collections of information.

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

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

Send comments regarding these matters, or any other aspect of these information collections, including suggestions for reducing the burdens, to the docket under ADDRESSES listed above.

III. Public Record

A record has been established for this action under docket number "OPP-00435" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in 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 this 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 rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects

Environmental protection and Information collection requests.

Dated: May 8, 1996.
 Susan H. Wayland,
*Acting Assistant Administrator, Office of
 Prevention, Pesticides, and Toxic Substances.*
 [FR Doc. 96-12189 Filed 5-14-96; 8:45 am]
 BILLING CODE 6560-50-F

[OPPTS-00184; FRL-5366-1]

Agency Information Collection Activities

AGENCY: Environmental Protection
 Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collection as described below. The ICR is a continuing ICR entitled *Alternate Threshold for Low Annual Reportable Amounts*, EPA ICR No. 1704, OMB No. 2070-0143. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

DATES: Written comments must be submitted on or before July 15, 1996.

ADDRESSES: Submit three copies of all written comments to: TSCA Document Receipts (7407), Room NE-G99, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-7099. All comments should reference administrative record number AR-156. This ICR is available for public review at, and copies may be requested from, the docket address and phone number listed above. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the administrative record number AR-156" and ICR number 1704. No 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 III. of this document.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-554-1404, TDD: 202-554-0551, e-mail: TSCA-Hotline@epamail.epa.gov. For technical information contact: Brian Symmes, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-9121; Fax: 202-401-8142; e-mail: symmes.brian@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Entities potentially affected by this action are those chemical facilities that manufacture, process, or otherwise use certain toxic chemicals and which are required, under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), to report annually to EPA their environmental releases of such chemicals. For the collection of information addressed in this notice, EPA would like to solicit 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.

(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.

II. Information Collection

EPA is seeking comments on the following Information Collection Request.

Title: Alternate Threshold for Low Amounts in Waste, EPA ICR No. 1704, OMB No. 2070-0143, expires September 30, 1996.

Abstract: EPCRA section 313 requires certain facilities manufacturing, processing, or otherwise using certain toxic chemicals in excess of specified threshold quantities to report their environmental releases of such chemicals annually. Each such facility must file a separate report for each such chemical. EPA has authority to revise the threshold amounts.

EPA has established an alternate threshold for those facilities with low amounts of a listed toxic chemical in wastes. A facility that otherwise meets the current reporting thresholds but estimates that the total amount of the chemical in total waste does not exceed 500 pounds per year, and that the chemical was manufactured, processed, or otherwise used in an amount not exceeding 1 million pounds during the reporting year, can take advantage of reporting under the alternate threshold option for that chemical for that reporting year.

Each qualifying facility that chooses to apply the revised threshold must file an annual certification statement in lieu of a complete report form. The annual certification certifies that the sum of the amount of the EPCRA section 313 chemical in wastes did not exceed 500 pounds for the reporting year, and that the chemical was manufactured, processed, or otherwise used in an amount not exceeding 1 million pounds during the reporting year. Use of the certification, rather than submitting a complete reporting form, represents a substantial savings to respondents, both in burden hours and in labor costs.

The primary function served by the certification statement is to satisfy the statutory requirement to maintain reporting on a substantial majority of releases for all listed chemicals. Without the certification statement, users of TRI data would not have access to any information on these chemicals. The certification statement is also a de facto range report, which is useful to any party interested in amounts being handled at a particular facility or for broader statistical purposes.

Additionally, the certification statement provides compliance monitoring and enforcement programs and other interested parties a means to track chemical management activities and verify overall compliance with the rule.

Responses to the collection of information are mandatory (see 40 CFR part 372). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

It should be noted that at the time of its last approval of this collection, OMB placed conditions on the subsequent clearance of the collection. OMB directed EPA to analyze TRI reports submitted for reporting year 1995, recalculate the number of respondents and the respondent burden resulting from this collection, and determine if the alternative threshold should be changed. Additionally, if EPA determined that changes in the regulation were warranted, OMB directed EPA to initiate rulemaking to make the necessary changes. However, time constraints specified by OMB in its conditions leave insufficient time for EPA to comply with the above requirements. Accordingly, EPA proposes to request renewed OMB approval for this collection without, at this time, attempting to meet the conditions outlined by OMB. EPA will, however, proceed in a timely fashion with the analysis and related actions and decisions to satisfy OMB's conditions, in expectation of being able to respond to those conditions upon the next following request for OMB approval of this collection.

Burden Statement: The burden to respondents for complying with this ICR is estimated to total 803,669 hours per year, with an annual cost of \$43.7 million. These totals are based on an average burden of approximately 34.5 hours per response for an estimated 11,678 respondents, submitting an average of two reports of information annually. There are recordkeeping requirements associated with this collection. This estimate includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

III. Public Record

A record has been established for this action under docket number "OPPTS-00184" (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 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

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

The official record for this 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 record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

List of Subjects

Environmental protection and Information collection requests.

Dated: May 8, 1996.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 96-12193 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-34096; FRL 5366-7]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on August 13, 1996.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the Federal Register. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the five pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names, active ingredients and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before August 13, 1996 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Reg No.	Product Name	Active Ingredient	Delete From Label
000239-02483	Ortho Methoxychlor 70	Methoxychlor	Ornamental & vegetable uses
000707-00203	Kelthane Technical Agricultural Miticide	Dicofol	Residential home lawns
007501-00054	Terraclor Super-X 20-5 Dust w/Graphite	Pentachloronitro-benzene	Sugar beets

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

EPA Reg No.	Product Name	Active Ingredient	Delete From Label
047000-00026	Garden & Pet Dust	Rotenone; Cube resins other than rotenone	All home garden use
051036-00073	Dibrom 8EC	Naled	Soybeans, cucumbers, turnip greens, winter squash, rice, tobacco, pumpkins, tomatoes (field)

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Company No.	Company Name and Address
000239	The Solaris Group of Monsanto Co., P.O. Box 5006, San Ramon, CA 94583.
000707	Rohn & Haas Co., 100 Independence Mall West, Philadelphia, PA 19106.
007501	Gustafson Inc., P.O. Box 66065, Dallas, TX 75266.
047000	Chem-Tech Ltd., 4515 Fleur Dr., Suite #303, Des Moines, IA 50321.
051036	Micro Flo Company, P.O. Box 5948, Lakeland, FL 33807.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: April 30, 1996.

Frank Sanders,

Director, Program Management and Support Division, Office of Pesticide Programs.

[FR Doc. 96-12079 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-34093; FRL-5354-5]

Reregistration Eligibility Decision (RED) Development Schedule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's schedule for Reregistration Eligibility Decisions (REDs) during fiscal year 1996, and invites public comment to assist the Agency in prioritizing a list of candidate pesticides for completion of REDs in fiscal year 1997. A list of the 40 REDs completed by the Agency during fiscal year 1995 also is provided.

DATES: Written comments must be submitted by July 15, 1996.

ADDRESSES: Three copies of comments identified with the docket number

“OPP-34093” and the case should be submitted to: By mail: OPP Pesticide Docket, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person deliver comments to: OPP Pesticide Docket, 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-34093). No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in “SUPPLEMENTARY INFORMATION” at the end of this document.

Information submitted as a comment in response to this notice 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 docket.

Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in Rm. 1132 at the address given above, from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

Walter I. Waldrop, Reregistration Branch, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Crystal Station 1, WF33G5, 2800 Crystal Drive, Arlington, VA. By telephone, call, (703) 308-8062. E-mail: waldrop.walter@epamail.epa.gov.

To request a copy of a completed RED document listed below or of a RED Fact Sheet, contact the OPP Pesticide Docket, Public Response and Program Resources Branch, in Rm. 1132 at the address given above or call (703) 305-5805. RED documents and RED Fact Sheets can also be obtained from the National Center for Environmental Publications and Information (NCEPI), P. O. Box 42419, Cincinnati, OH 45242 - 0419. Tel: (513) 489-8190. Fax: (513) 489-8695.

Electronic copies of many completed REDs and RED fact sheets can be downloaded from the Pesticide Special Review and Reregistration Information System at 703-308-7224, and also can be reached on the Internet via fedworld.gov and EPA's public access gopher server (gopher.epa.gov).

SUPPLEMENTARY INFORMATION: EPA is required by law to reregister existing

pesticides that originally were registered years ago when the standards for government approval were less stringent than they are today. This comprehensive reevaluation of pesticide safety is critical to protecting human health and the environment. In 1988, Congress amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to strengthen and accelerate EPA's reregistration program. The reregistration scheme mandated by "FIFRA '88" applies to each registered pesticide product containing an active ingredient initially registered before November 1, 1984.

In 1988 approximately 600 groups of related pesticide active ingredients, or "cases," representing 1,150 active ingredients in 45,000 formulated products, required reevaluation. Of those, over 200 cases and 20,000 products have been cancelled because the producers failed to support them or EPA has taken regulatory action to cancel them. Of the remaining 382 cases being supported, EPA has made reregistration eligibility decisions on 129 cases, to date.

In reviewing pesticides for reregistration, EPA gathers a substantially complete set of data on each chemical case, examines related health and environmental effects, and employs measures to most effectively mitigate risks. This evaluation and risk mitigation process is complete when EPA is satisfied that the pesticide(s), used in accordance with approved labeling, will not pose unreasonable risks to human health or the environment.

EPA's regulatory conclusion about each case is presented in a RED document. Later, once product-specific data and revised labeling are submitted to EPA and approved, the Agency reregisters products containing the eligible pesticide(s). A pesticide product is not reregistered, however, until all of its active ingredients are eligible for reregistration.

EPA completed 40 REDs in fiscal year 1995 (FY '95). (The federal government's fiscal year begins on October 1 and ends on September 30 of the named year.) Several of the FY '95 RED documents, while signed, still are undergoing in house processing including printing. Copies of most, but not all, of these REDs are available. The FY '95 REDs follow:

- Agrobacterium Radiobacter
- Aliphatic Alcohols
- Alkyl Imidazolines
- Amitraz
- Ancymidol
- Asulam
- Benzocaine

- BHAP
- Bis(trichloromethyl) Sulfone
- Bronopol
- Chlorhexidine Diacetate
- Chlorpropham
- 4-Chlorophenoxyacetic Acid (4-CPA)
- Cyanazine
- Cytokinin
- DCPA
- Dimethoxane
- Diquat Dibromide
- Dowicil 100
- Ethalfuralin
- Ethephon
- Fenitrothion
- Fosamine Ammonium
- Linuron
- Methyl Nonyl Ketone
- Metolachlor
- Nabam
- Nuranone
- O-Benzyl-Chlorophenol
- Picloram
- Polybutene
- Prometryn
- Propamocarb Hydrochloride
- Sodium Fluoroacetate-1080
- Sodium Omadine
- Starlicide
- Terbuthylazine
- Tetrachlorvinphos
- Trichlorfon
- Trifluralin

During FY '96, EPA's goal is to complete 40 REDs from the following list of 50 candidate pesticide reregistration cases. The Agency believes it has a substantially complete data base regarding the human health and environmental effects of each of these pesticides. However, due to the complexities involved in refining risk mitigation measures, and available Agency resources, EPA's goal is to complete REDs for only 40 of these 50 candidates, this year.

- Alachlor
- Aldicarb
- Amitrole
- B. popilliae & B. lentimorb
- Bromacil
- Bromadiolone
- Bromethalin
- Captan
- Chlorothalonil
- Chlorpyrifos
- Colletotrichum Gloesporioides Spores
- Coumaphos
- Cryolite
- DEET
- Desmedipham
- Dibromodicyanobutane
- Dichlobenil
- Dicofol
- Diflubenzuron
- Dimethyloxazolidine
- Ethion
- Fenamiphos
- Fenthion
- Gibberellic Acid
- Hydroprene
- Hydroxyethyl Octyl Sulfide
- Hydroxypropyl Methanethiosulfonate
- Mepiquat Chloride

- Methylene Bisthiocyanate
- Methylisothiazoline
- Metribuzin
- MitinFF
- Naled
- 4-Nitrophenol
- Norflurazon
- NPV (Nuclear Polyhedral Viruses)
- Inclusion Bodies
- Paraquat Dichloride
- p-Chlor-m-cresol
- Pendimethalin
- Phorate
- Profenofos
- Propoxur
- Strychnine
- Tanol Derivatives
- Terbufos
- Tridencenyl Acetate
- Troysan KK-108A
- Vanicide
- Vinclozolin
- Virelure

EPA's goal is to complete an additional 40 REDs during FY '97. These most likely will consist of some FY '96 RED candidates from the list above, plus other RED candidates from the two lists below. The first list below contains 17 pesticide reregistration cases for which the Agency already has begun to develop scientific assessments.

- Benomyl
- Bromoxynil
- Butralin
- Cypermethrin
- DEF
- Dimethoate
- Fluvalinate
- Fonofos
- Methidathion
- Oxamyl
- Oxyfluorfen
- PCNB
- Permethrin
- Sulprofos
- Thiobencarb
- Thiodicarb
- Triclopyr

EPA expects to have complete data sets in FY '97 for the following pesticide reregistration cases, but has not yet scheduled scientific assessments or REDs for these cases. Due to the limited Agency resources available to make reregistration eligibility decisions, EPA's goal is to complete a total of about 40 REDs during the next fiscal year. In addition to the cases listed above, science reviews will be completed for some of the cases listed below, in preparation for REDs in future years.

The public is invited to submit information to assist the Agency in prioritizing the following pesticides for reregistration eligibility decisions in FY '97. EPA is interested in knowing which of these pesticides are of the greatest interest or concern to the public from a human health or environmental perspective, and why, so that our

limited resources may be focused most effectively.

Of these pesticides, those that the Agency believes may pose high dietary, occupational, or residential exposure or risk are ones that the Agency would give priority to in its reregistration evaluation. Therefore, information of particular value to the Agency in prioritizing these FY '97 candidates should relate to exposure and risks from use of the chemicals.

2,4-D
2,4-DB
2,4-DP
Acrolein
Allethrin
Arsenal
Azadioxabicyclooctane
Azinphos-Methyl
Bendiocarb
Benfluralin
Bensulide
Benzisothiazolin-3-one
Bioban P-1487
Bis(bromoacetoxy)-2-butene
Brodifacoum
Bromonitrostyrene
Cacodylic Acid
Calcium Polysulfide
Carbofuran
Chlorine Dioxide
Chloroneb
Chloropicrin
Chlorphacinone
Chlorsulfuron
Coal Tar/Creosote
Cycloate
Dazomet
Diiodomethyl *p*-Tolyl Sulfone
Dipropyl Isocinchomeronate
Dikegulac Sodium
Diphacinone
Diphenylamine
Diuron
EPTC
Endosulfan
Flumetralin
Fluometuron
Formaldehyde
Formetanate HCl
Grotan
Iprodione
Irgasan
Malathion
MCPB
Mefluidide and Salts
Methomyl
Methyl Esters of Fatty Acids
Naphthalene
Octhilinone
Oil of Pennyroyal
Oxadiazon
Oxydemeton Methyl (ODM)
Oxythioquinox
Pentachlorophenol
Perbulate
Phenmedipham
Phenol
Phosmet
Pine Oil
Piperonyl Butoxide
Pirimiphos-Methyl
Prometon

Propanil
Propetamphos
Propylene Oxide
Pyrazon
Pyrethrin
Pyrimidinone (Amdro)
Sethoxydim
Siduron
Sodium Bisulfite and Sulfur Dioxide
Sodium Chlorate
Sulfonated Oleic Acid
Sumithrin
Telone
Terbacil
Terrazole
Tetramethrin
Thiabendazole
Triallate
Zinc Omadine
Zinc Phosphide

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

List of Subjects

Environmental protection.

Dated: May 6, 1996.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 96-12080 Filed 5-14-96; 8:45am]

BILLING CODE 6560-50-F

[PF-651; FRL-5365-7]

Dicamba; Notice of Filing of Pesticide Tolerance Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from Sandoz Agro, Inc., 1300 E. Touhy Avenue, Des Plaines, IL 60018, pesticide petition proposing to establish tolerances for the herbicide dicamba on various agricultural commodities.

DATES: Comments, identified by the document control number [PF-651], must be received on or before June 14, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,

Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF-651]. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6800; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency has received pesticide petition (PP) 4F3041 proposing to amend 40 CFR 180.227 to establish tolerances for the use of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid and 3,6-dichloro-2-hydroxy benzoic acid in or on wheat grain at 0.5 parts per million (ppm), wheat straw at 50 ppm, barley grain at 0.5 ppm, barley straw at 50 ppm, soybean grain at 1.0 ppm, soybean hulls at 5.0 ppm, soybean forage at 0.5 ppm and soybean, aspirated grain fractions at 75 ppm. The petition was submitted by

Sandoz Agro, Inc. 1300 E. Touhy Avenue, Des Plaines, IL 60018.

A record has been established for this notice of filing under docket number [PF-651] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis 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 this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

List of subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 136a.

Dated: May 6, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 96-12194; Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-181012; FRL 5368-5]

Carbofuran; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Louisiana Department of Agriculture and Forestry, and from the Oklahoma Department of Agriculture (hereafter referred to as the "Applicants") to use the pesticide flowable Carbofuran (Furadan 4F Insecticide/Nematicide) (EPA Reg. No. 279-2876) to treat up to 750,000 acres of cotton in Louisiana, and up to 148,000 acres of cotton in Oklahoma, to control cotton aphids. The Applicants propose the use of a chemical which has been the subject of a Special Review within EPA's Office of Pesticide Programs, and the proposed use could pose a risk similar to the risk assessed by EPA under the Special Review of granular carbofuran. Therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

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

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181012," should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, 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-181012]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice 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 provided by the submitter for inclusion in the public record. Information not marked

confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: David Deegan, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8327; e-mail: deegan.dave@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicants have requested that the Administrator issue specific exemptions for the use of carbofuran on cotton to control aphids.

Information in accordance with 40 CFR part 166 was submitted as part of these requests. As part of these requests, the Applicants assert that the states of Louisiana and Oklahoma are likely to experience nonroutine infestations of aphids during the 1996 cotton growing season. The applicants further claim that, without specific exemptions of FIFRA for the use of flowable carbofuran on cotton to control cotton aphids, cotton growers in much of these states will suffer significant economic losses. The applicants also detail use programs designed to minimize risks to pesticide handlers and applicators, non-target organisms (both Federally-listed endangered species, and non-listed species), and to reduce the possibility of drift and runoff.

The applicants propose to make no more than two applications at the rate of 0.25 lb. active ingredient [(a.i.)] (8 fluid oz.) in a minimum of 2 gallons of finished spray per acre by air, or 10 gallons of finished spray per acre by ground application. The total maximum proposed use during the 1996 growing season (Louisiana proposes a use season of June 01, 1996 until September 30, 1996; Oklahoma proposes a use season from July 10, 1996 until October 15, 1996) would be 0.5 lb. a.i. (16 fluid oz.) per acre. The applicants propose that the maximum acreage which could be treated under the requested exemptions would be 750,000 acres (Louisiana) and 148,000 acres (Oklahoma). If all acres

were treated at the maximum proposed rates, then 375,000 lbs. a.i. would be used in Louisiana, and 74,000 lbs. a.i. would be used in Oklahoma.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a chemical (i.e., an active ingredient) which has been the subject of a Special Review within EPA's Office of Pesticide Programs, and the proposed use could pose a risk similar the risk assessed by EPA under the previous Special Review. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP-181012] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resource 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 this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Louisiana Department of Agriculture and Forestry, and from the Oklahoma Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: May 1, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96-12078 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-181013; FRL 5369-1]

Puma 1EC; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the North Dakota State Department of Agriculture (hereafter referred to as the "Applicant") for use of the pesticide fenoxyprop-p-ethyl plus a new inert ingredient safener, 1-(2,4-dichlorophenyl)-4,5-dihydro-5-methyl-1H-pyrazole-3,5-dicarboxylic acid, diethyl ester to control green and yellow foxtail on up to 300,000 acres of durum wheat. The Applicant proposes the first food use of an inert ingredient; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

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

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181013," should be submitted by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, 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-181013]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic

comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice 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 provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Pat Cimino, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA (703) 308-8328; e-mail: cimino.pat@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicants have requested the Administrator to issue a specific exemption for the use of the herbicide Puma 1EC which contains the registered herbicide active ingredient, fenoxyprop-p-ethyl, plus an unregistered inert ingredient safener, to control green and yellow foxtail on up to 300,000 acres of durum wheat in North Dakota. Information in accordance with 40 CFR part 166 was submitted as part of this request.

The Applicant states that green and yellow foxtails, major weed pests in North Dakota durum wheat, have developed resistance to trifluralin herbicide. The applicant indicates that alternative, registered herbicides do not provide reliable control of these weed pests and that significant yield losses will occur if only currently available materials can be used.

This is the first year that the Applicant has requested this pesticide for any use. The Applicant indicates

that North Dakota durum wheat acreage totals about 2.5 million acres. Not all durum wheat acres are infested with trifluralin resistant foxtails and the applicant requests that Puma 1EC treatments be permitted on up to 300,000 acres of durum wheat which are infested with trifluralin resistant foxtails. Applications of Puma 1EC would be made postemergent to wheat and foxtail emergence via ground or aerial application methods between May 15 and July 15, 1996 when foxtail weeds are susceptible to control by this product. Application rates range from 0.33 to 0.66 pints of Puma 1EC per acre depending on weed species controlled.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the Federal Register and solicit public comment on an application for a specific exemption if an emergency exemption proposes use of a new chemical (40 CFR 166.24).

A record has been established for this notice under docket number [OPP-181013] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resource 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 this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document. Accordingly, interested persons may submit written views on this subject to the Filed Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received

during the comment period in determining whether to issue the emergency exemption requested by the North Dakota State Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: May 7, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 96-12192 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50818; FRL-5365-9]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location, telephone number, or e-mail address cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

45639-EUP-56. Extension. AgrEvo USA Company, Little Falls Centre One, 2711 Centerville Rd., Wilmington, DE 19808. This experimental use permit allows the use of 3,939 pounds of the herbicide butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-, monoammonium salt on 4,993 acres of corn and 400 acres of soybeans to evaluate the control of annual and perennial grass and broadleaf weeds. The program is authorized in the States of Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin.

The experimental use permit is effective from March 25, 1996 to March 15, 1997. Temporary tolerances for residues of the active ingredient in or on corn and soybeans have been established (Joanne Miller, PM 23, Rm. 237, CM #2, 703-305-6224, e-mail: miller.joanne@epamail.epa.gov.)

264-EUP-91. Extension. Rhone-Poulenc AG Company, P.O. Box 12014, Research Triangle Park, NC 27709. This experimental use permit allows the use of 1,632 pounds of the fungicides aluminum tris (O-ethyl phosphonate) and 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide on 4,080 acres of cotton to evaluate the control of various cotton diseases. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from April 1, 1996 to January 1, 1997. A temporary tolerance for residues of the active ingredient in or on cotton has been established. (Terri Stowe, PM 22, Rm. 229, CM #2, 703-305-7740, e-mail: stowe.terri@epamail.epa.gov.)

264-EUP-101. Issuance. Rhone-Poulenc AG Company, P.O. Box 12014, Research Triangle Park, NC 27709. This experimental use permit allows the use of 31.46 pounds of the insecticide 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl-4-((1R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-carbonitrile on 242 acres of field corn to evaluate the control of corn rootworms. The program is authorized only in the States of Indiana, Illinois, Iowa, Minnesota, Nebraska, Ohio, and Wisconsin. The experimental use permit is effective from April 4, 1996 to March 28, 1997. A temporary tolerance for residues of the active ingredient in or on field corn grain has been established. (Rick Keigwin, PM 10, Rm. 210, CM #2, 703-305-6788, e-mail: keigwin.rick@epamail.epa.gov.)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquires concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection,
Experimental use permits.

Dated: May 5, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 96-12190 Filed 5-14-96; 8:45 am]

BILLING CODE 6560-50-F

[PP 5G4513/T688; FRL 5369-2]

**Ciba Plant Protection; Establishment
of a Temporary Tolerance**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for residues of the herbicide CGA-277476 (2-[[[(4,6-dimethyl-2-pyrimidinyl)-amino]carbonyl]amino]-sulfonyl]benzoic acid, 3-oxetanyl ester in or on the raw agricultural commodity soybeans at 0.01 part per million (ppm). This temporary tolerance was requested by Ciba Plant Protection.

DATES: This temporary tolerance expires December 31, 1997.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703) 557-6800; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Ciba Plant Protection, P.O. Box 18300, Greensboro, NC 27419-8300, has requested in pesticide petition (PP) 5G4513 the establishment of a temporary tolerance

for residues of the herbicide CGA-277476 (2-[[[(4,6-dimethyl-2-pyrimidinyl)-amino]carbonyl]amino]-sulfonyl]benzoic acid, 3-oxetanyl ester in or on the raw agricultural commodity soybeans at 0.01 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit 100-EUP-101, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of a temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1997. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit

is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

List of Subjects

Environmental protection,
Administrative practice and procedure,
Agricultural commodities, Pesticides
and pests, Reporting and recordkeeping
requirements.

Dated: May 6, 1996.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 96-12191 Filed 5-14-96; 8:45]

BILLING CODE 6560-50-F

**FEDERAL COMMUNICATIONS
COMMISSION**

**Renewal Application Designated for
Hearing**

1. The Assistant Chief, Audio Services Division, has before him the following application for renewal of broadcast license

Licensee	City/State	File No.	MM docket No.
Clarence E. Jones	Elloree, South Carolina	BR-950802YE	96-107

(seeking renewal of the license for WMNY(AM))

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon the following issues:

(a) To determine whether Clarence E. Jones has the capability and intent to expeditiously resume the broadcast operations of WMNY(AM), consistent with the Commission's Rules.

(b) To determine whether Clarence E. Jones has violated Sections 73.1740

and/or 73.1750 of the Commission's Rules.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the subject renewal of license application would service the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the dockets section of the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The

complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037 (telephone 202-857-3800).

Federal Communications Commission.

Stuart B. Bedell,
Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 96-12218 Filed 5-14-96; 8:45 am]

BILLING CODE 6712-01-P

Renewal Application Designated for Hearing

before him the following application for renewal of broadcast license:

1. The Assistant Chief, Audio Services Division, Mass Media Bureau, has

Licensee	City/State	File No.	MM docket No.
JOTOCON COMMUNICATIONS, INC.	Windber, Pennsylvania	BR-910828YA .....	.....

(Seeking renewal of the license for WBEM(AM))

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon the following issues:

(a) To determine whether JOTOCON COMMUNICATIONS, INC. has the capability and intent to expeditiously resume the broadcast operations of WBEM(AM), consistent with the Commission's Rules.

(b) To determine whether JOTOCON COMMUNICATIONS, INC. has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the subject renewal of license application would serve the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the dockets section of the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, N.W., Suite 140,

Washington, D.C. 20037 (telephone 202-857-3800).

Federal Communications Commission.
Stuart B. Bedell,
Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 96-12220 Filed 5-14-96; 8:45 am]

BILLING CODE 6712-01-P

Renewal Application Designated for Hearing

1. The Assistant Chief, Audio Services Division, Mass Media Bureau, has before him the following application for renewal of broadcast license:

Licensee	City/State	File No.	MM docket No.
The University of Kansas	Lawrence, Kansas	BR-900208YC	96-109

(Seeking renewal of the license of KFKU(AM))

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon the following issues:

(a) To determine whether The University of Kansas has the capability and intent to expeditiously resume the broadcast operations of KFKU(AM), consistent with the Commission's Rules.

(b) To determine whether The University of Kansas has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the subject renewal of license application would serve the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the dockets section of the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, N.W., Suite 140,

Washington, D.C. 20037 (telephone 202-857-3800).

Federal Communications Commission.
Stuart B. Bedell,
Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 96-12219 Filed 5-14-96; 8:45 am]

BILLING CODE 6712-01-P

Renewal Application Designated for Hearing

1. The Assistant Chief, Audio Services Division, has before him the following application for renewal of broadcast license

Licensee	City/State	File No.	MM docket No.
WKZF-FM, Inc.	Bayboro, North Carolina	BRED-950814UC	96-110

(seeking renewal of the license for WKZF(FM))

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon the following issues:

(a) To determine whether WKZF-FM, Inc. has the capability and intent to expeditiously resume the broadcast

operations of WKZF(FM), consistent with the Commission's Rules.

(b) To determine whether WKZF-FM, Inc. has violated §§ 73.1740 and/or 73.1750 of the Commission's Rules.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the subject renewal of license application would service the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the dockets section of the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, N.W., Suite 140,

Washington, D.C. 20037 (telephone 202-857-3800).

Federal Communications Commission.

Stuart B. Bedell,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 96-12221 Filed 5-14-96; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

Agreement; Request for Additional Information

Agreement No.: 203-011279-004.

Title: Caribbean and Central America Discussion Agreement.

Parties: Central America Discussion Agreement Panam Discussion Agreement Southeastern Caribbean Discussion Agreement Hispaniola Discussion Agreement U.S./Jamaica Discussion Agreement Puerto Rico/Caribbean Discussion Agreement Venezuela American Maritime Association Caribbean Shipowners Association Aruba Bonaire Curacao Line Association.

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701-1720) has requested additional information from the parties to the Agreement in order to complete the statutory review of Agreement No. 203-011279-004 as required by the Act. This action extends the review period as provided in section 6(c) the Act.

By Order of the Federal Maritime Commission

Dated: May 9, 1996

Joseph C. Polking,

Secretary.

[FR Doc. 96-12151 Filed 5-14-96; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation

Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (46 U.S.C. § 817(e)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. Part 540, as amended:

Celebrity Cruises, Inc. and Seabrook Maritime, Inc., 5201 Blue Lagoon Drive, Miami, Florida 33126, Vessel: Mercury

Norwegian Cruise Line Limited (d/b/a Norwegian Cruise Line) 95 Merrick Way, Coral Gables, Florida 33134, Vessel: Royal Odyssey

Dated: May 9, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-12152 Filed 5-14-96; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (46 U.S.C. § 817(d)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. Part 540, as amended:

Norwegian Cruise Line Limited (d/b/a Norwegian Cruise Line) and F & A Corp., Ltd., 95 Merrick Way, Coral Gables, Florida 33134/ Vessel: Royal Odyssey
Dated: May 9, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-12153 Filed 5-14-96; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

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 May 29, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. *Community Bank System Inc.*, Dewitt, New York; to acquire Mayer Management, Inc. (d/b/a/ Benefit Plans Administrators), Utica, New York, and thereby engage in providing administrative services for defined benefit contribution plans, defined benefit plans, cafeteria plans, and non-qualified defined benefit plans and post-retirement life and health insurance plans, including: (i) the preparation of periodic reports, including daily valuation reports for defined contribution plans; (ii) actuarial valuations for defined benefit plans; (iii) reporting of plan assets, account balances, performance data, and financial information to plan participants and assistance with related communications to plan participants including provision of administrative services related to participant directed investment option savings and retirement plans; (iv) assistance with preparation and filing of IRS Form 5500, PBGC Form 1, and other regulatory forms for employee benefit plans; (v) assistance with preparation and filing of plan documents with the Internal Revenue Service; (vi) record keeping services for employee benefit plans; (vii) consulting on qualified and non-qualified defined benefit plans; and (viii) acting as liaison with outside auditors, including the Internal Revenue

Service and the Department of Labor, in connection with providing plan administration services (*Norstar Bancorp, Inc.* 71 Fed. Res. Bull. 656 (1985), *BankVermont Corporation* 72 Fed. Res. Bull. 337 (1986), *Norstar Bancorp, Inc.* 72 Fed. Res. Bull. 729 (1986), *Centerre Bancorporation* 73 Fed. Res. Bull. 365 (1987)).

Board of Governors of the Federal Reserve System, May 9, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-12135 Filed 5-14-96; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Public Workshop on Consumer Privacy on the Global Information Infrastructure

AGENCY: Federal Trade Commission.

ACTION: Announcement of public workshop.

SUMMARY: The Bureau of Consumer Protection of the Federal Trade Commission announces it will host a one and one-half day public workshop on consumer privacy on the Global Information Infrastructure (GII). Online transactions, such as the purchase of goods, generated electronic data that are easily duplicated, stored, retrieved, analyzed and re-used. Advances in hardware, software, and communications technologies additionally allow previously impossible or impractical manipulation of information. The Bureau's purposes for conducting this workshop are to gather information on consumers' and industry's understanding of the privacy issues posed by the emerging online marketplace, and also to gather information on online protections for consumer privacy.

DATES: The workshop will be held on June 4, 1996 from 9:00 am to 5:00 pm (Room 432) and on June 5, 1996 from 9:00 am to 12:30 pm (Room 332), at the Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW, Washington, DC 20580. All interested parties are welcome to attend.

ADDRESSES: Requests to participate in the workshop should be mailed, on or before May 24, 1996, to Martha Landesberg, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580. Written comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, NW Washington, DC 20580. Comments

should be identified as "Consumer Privacy—Comment."

FOR FURTHER INFORMATION CONTACT: Martha Landesberg, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington DC 20850. Telephone: (202) 326-2825; electronic mail address: mlandesberg@ftc.gov.

SUPPLEMENTARY INFORMATION:

Public Workshop on Consumer Privacy on the Global Information Infrastructure

Agenda

June 4, 1996

Session 1—The Use of Consumer Information

Issues

How is personal information currently used by online businesses? What do consumers know about the use of consumer information in online marketing and commercial transactions? What kinds of disclosure and notice might be provided to consumers? What choices can or should consumers have in exercising control over uses of personal information? How can the security and accuracy of personal information used online be assured? Are voluntary standards useful in this area?

Session 2—Electronic Regimes for Protecting Consumer Privacy Online

Issues

Can technological standards such as the Platform for Internet Content Selection (PICS) system be used as models to facilitate automatic disclosure of privacy policies and the availability of consumer choice regarding the use of personal information?

Session 3—Consumer and Business Education in Online Privacy Issues

Issues

What are the various means of educating consumers and industry about the use of personal information in online transactions?

Session 4—The Use of Medical and Financial Information Online

Issues

What kinds of heightened protections might be afforded medical and financial information? What role, if any should such information play in online transactions?

Session 5—The Impact of the European Commission's Council Directive on the Protection of Personal Data

Issues

What does the Directive require of government and industry with respect

to the free flow of personal information? Can industry satisfy the Directive's "adequacy" requirement through the use of interactive privacy regimes?

June 5, 1996

Session 6—The Collection and Use of Information about Children

Issues

What information is currently collected about children online and how is it being used? Is it appropriate to place limits on the online collection and/or use of information from and about children? What limits could be recommended? Who may consent and exercise choice in this context?

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96-12017 Filed 5-13-96; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions and Delegation of Authority

Part A (Office of the Secretary), Chapter AE (Office of the Assistant Secretary for Planning and Evaluation (OASPE)), of the Statement of Organization, Functions and Delegation of Authority for the Department of Health and Human Services (most recently amended at 58 FR 68649 on December 28, 1993) is amended as follows:

I. Chapter AE, paragraph B. "The Office of Program Systems," delete in its entirety and replace with the following:

B. The Office of Program Systems—The Office of Program Systems is responsible for providing guidance and direction to the Department's strategic, policy, and support planning, conducting policy and economic analyses of crosscutting issues, developing planning and policy information and related support systems, and providing technical and policy support services.

1. The Division of Decision Systems is responsible for managing major planning systems for the Department and the OASPE, including strategic, legislative, policy and policy support planning. The Division manages the development and implementation of the Department's strategic plan, provides policy guidance and assistance to the Operating Divisions and Staff Divisions in the development of their components for the plan and coordinates the

development and maintenance of performance measurements and reporting under the plan. The Division coordinates these activities with other offices with implementation responsibilities and functions related to the Government Performance and Results Act. The Division manages the establishment of schedules and procedures to ensure the availability of supporting information. The Division also develops functional requirements for departmental policy support systems in the legislative and strategic planning areas; coordinates the planning of evaluation and social research agenda across the Department and coordinates the regulatory review process within the OASPE. Finally, the Division coordinates and conducts policy analysis in subjects and areas not covered by, or cutting across, the programmatic offices of the OASPE. In collaboration with the Assistant Secretary for Management and Budget, conducts policy reviews related to the Department's Continuous Improvement Program.

2. The Division of Data Policy serves as the HHS focal point for data policy analysis, planning and development, as well as for coordination of data and statistical policy within HHS. The Division provides an Executive Secretary, as well as leadership and staff support, to the HHS Data Council, the principal internal forum and advisory body to the Secretary on data policy issues, including data strategy, data standards, and privacy issues. The Division also provides direction and oversight and serves as the HHS Executive Director to the National Committee on Vital and Health Statistics, the statutory public advisory body to the Secretary on health data and statistics, and serves as the focal point within HHS for all matters relating to the Committee. The Division also provides staff support to the ASPE and OS leadership on a variety of Departmentwide data policy issues and initiatives, including statistical policy, privacy, data standards, and data planning issues, as well as data issues in support of performance measurement and performance partnership grants, and directs a portfolio of developmental projects in those areas. The Division also maintains liaison with other agencies and organizations on a variety of data and statistical policy issues.

3. The Division of State and Local Initiatives assists State, local and Tribal governments, as well as community-based programs, in developing, implementing and evaluating innovative approaches to improving programs and systems which cut across the

programmatic offices of the ASPE. The Division coordinates with the Department's OPDIVS and STAFFDIVS to provide technical assistance. The Division also coordinates with other Federal Departments and agencies to identify opportunities to improve linkages, develop collaborative efforts, and/or to establish partnerships to improve the overall effectiveness of federally funded programs. The Division provides analytic support as well as policy guidance to Departmental OPDIVS and STAFFDIVS to improve services delivered by community-based organizations as well as State and local governments for crosscutting program areas. The Division collaborates with State and local governments, in cooperation with the Office of Intergovernmental Affairs, to develop mutually acceptable goals, objectives, and performance measures for achieving effective outcomes measures.

4. The Division of Modeling, Computer and Technical Systems is responsible for providing statistical, scientific programming, modeling, computer systems and other technical staff services to policy analyses, research and evaluation activities of the OASPE. It coordinates on departmental issues concerning income and poverty with the Bureau of the Census and annually revises and publishes the Poverty Income Guidelines. Finally, it provides technical assistance and advice to other policy offices within the Department on certain statistical and specialized scientific policy analyses, and administers a policy information center for identifying and retrieving evaluative and policy research studies.

Dated: May 8, 1996.

John J. Callahan,

Assistant Secretary for Management and Budget.

[FR Doc. 96-12068 Filed 5-14-96; 8:45 am]

BILLING CODE 4110-12-M

Agency for Health Care Policy and Research

Notice of Health Care Policy and Research; Special Emphasis Panel Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2) announcement is made of the following special emphasis panel scheduled to meet during the month of June 1996:

Name: Health Care Policy and Research Special Emphasis Panel.

Date and Time: June 5, 1996, 11:30 a.m.

Place: Agency for Health Care Policy and Research, 2101 E. Jefferson Street, Suite 400, Rockville, MD 20852.

Open June 5, 1996, 11:30 a.m. to 11:45 a.m.
Closed for remainder of meeting.

Purpose: This Panel is charged with conducting the initial review of grant applications proposing conferences on issues relevant to health services research.

Agenda: The open session of the meeting on June 5, from 11:30 a.m. to 11:45 a.m., will be devoted to a business meeting covering administrative matters. During the closed session, the committee will be reviewing and discussing grant applications dealing with health services research issues. In accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members or other relevant information should contact Linda Blankenbaker, Agency for Health Care Policy and Research, Suite 400, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594-1438.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: May 6, 1996.

Clifton R. Gaus,

Administrator.

[FR Doc. 96-12207 Filed 5-14-96; 8:45 am]

BILLING CODE 4160-90-M

Food and Drug Administration

[Docket No. 95N-0013]

Benton County Ag Center, Inc.; Withdrawal of a Notice of Opportunity for Hearing Proposing To Withdraw Approval of Medicated Feed Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Center for Veterinary Medicine (CVM), Food and Drug Administration (FDA), is withdrawing a notice of opportunity for hearing (NOOH) on a proposal to withdraw approval of 11 medicated feed applications (MFA's) held by Benton County Ag Center, Inc. CVM has determined that the firm is in compliance with current good manufacturing practice (CGMP) regulations for medicated animal feeds and has instituted a system to maintain its compliance status.

EFFECTIVE DATE: May 15, 1996.

FOR FURTHER INFORMATION CONTACT:

Karen A. Kandra, Center for Veterinary Medicine (HFV-246), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1765.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 26, 1995 (60 FR 20497), CVM provided an opportunity for hearing on a proposal to withdraw approval of 11 MFA's held by Benton County Ag Center, Inc., for the manufacture of animal feeds bearing or containing new animal drugs. CVM took this action based on the firm's apparent failure to comply with agency CGMP requirements for medicated animal feeds as evidenced by inspections conducted on December 22, 1992, and May 3, 4, 10, and 11, 1994.

In a letter that FDA received on May 23, 1995, in response to the notice, Benton County Ag Center, Inc., stated it had made the necessary corrections to bring its operations into compliance with CGMP requirements since the last inspection. The letter requested that FDA reinspect the feed mill to verify its compliance status, and to withdraw the NOOH.

On July 17 through 19, 1995, the Iowa Department of Agriculture, under contract with FDA pursuant to section 702(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 372(a)), reinspected the feed mill and found that the firm had corrected the previously noted CGMP deficiencies that had formed the basis for the NOOH. Additionally, FDA believes that the firm has taken measures to ensure that it will remain in compliance with CGMP's. Accordingly, CVM is withdrawing the April 26, 1995, NOOH on the proposal to withdraw approval of the firm's MFA's.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512 (21 U.S.C. 360b)) and under authority delegated to the Director, Center for Veterinary Medicine (21 CFR 5.84).

Dated: April 2, 1996.

Michael J. Blackwell,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 96-12155 Filed 5-14-96; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 91F-0424]

Witco Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4282) proposing that the food additive regulations be amended to provide for the safe use of imidazolium compounds, 2-(C₁₇ and C₁₇ unsaturated alkyl)-1-[2-(C₁₈ and C₁₈ unsaturated amido)ethyl]-4,5-dihydro-1-methyl, methyl sulfates as a debonding agent in paper products intended to contact food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 29, 1991 (56 FR 61022), FDA announced that a food additive petition (1B4282) had been filed on behalf of Sherex Chemical Co., Inc., P.O. Box 6464, Dublin, OH 43017 (currently Witco Corp., Frantz Rd., P.O. Box 646, Dublin, OH 43017). The petition proposed to amend the food additive regulations to provide for the safe use of imidazolium compounds, 2-(C₁₇ and C₁₇ unsaturated alkyl)-1-[2-(C₁₈ and C₁₈ unsaturated amido)ethyl]-4,5-dihydro-1-methyl, methyl sulfates as a wet strength agent in paper products intended to contact food. Subsequently, upon a request from the petitioner, FDA published an amended notice in the Federal Register of April 15, 1992 (57 FR 13104), stating that the additive is intended for use as a debonding agent rather than as a wet strength agent as indicated in the previous filing notice. Witco Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: April 30, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96-12206 Filed 5-14-96; 8:45 am]

BILLING CODE 4160-01-F

Health Care Financing Administration

[HCFA R-0107]

Submitted for Collection of Public Comment: Submission for OMB Review

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the

collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid—Determining Liability of Third Parties; *Form No.:* HCFA-R-0107; *Use:* The information collected from Medicaid applicants and recipients as well as from State and local agencies is necessary to determine the legal liability of third parties to pay for medical services in lieu of Medicaid payment; *Frequency:* On occasion; *Affected Public:* Federal Government and State, local, or tribal government; *Number of Respondents:* Varies; *Total Annual Responses:* Varies; *Total Annual Hours:* 171,165.

To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Linda Mansfield, Room C2-26-17, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Date: May 8, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96-12106 Filed 5-14-96; 8:45 am]

BILLING CODE 4120-03-P

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

AGENCY: Health Care Financing Administration.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Health Care Financing

Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. Type of Information Collection Request: Reinstatement, without change, of a previously approved collection for which approval has expired; **Title of Information Collection:** Medicare and Medicaid Disclosure of Ownership and Control Interest Statement; **Form No.:** HCFA-1513; **Use:** The information provided on this form is used by State agencies and HCFA regional offices to determine whether providers meet the eligibility requirements for Titles 18 and 19 (Medicare and Medicaid) and for grants under Titles 5 and 20. Review of ownership and control is particularly necessary to prohibit ownership and control for individuals excluded under Federal Fraud statutes; **Frequency:** On Occasion; **Affected Public:** Business or other for profit, not-for-profit; **Number of Respondents:** 60,000; **Total Annual Hours:** 30,000.

2. Type of Information Collection Request: Extension of a currently

approved collection; **Title of Information Collection:** Evaluation of the Program of All-Inclusive Care for the Elderly (PACE) Demonstration; **Form No.:** HCFA-R-165; **Use:** This survey will collect data on functional status, service utility, and out-of-pocket costs, and satisfaction for a sample of applicants to the PACE program. This information will be analyzed to determine to participate in PACE and the impact of the program; **Frequency:** Semi-annually; **Affected Public:** Individuals and households; **Number of Respondents:** 1,833; **Total Annual Hours:** 3,745.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at <http://www.ssa.gov/hcfa/hcfahp2.html>, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: May 7, 1996.
 Kathleen B. Larson,
 Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.
 [FR Doc. 96-12104 Filed 5-14-96; 8:45 am]
BILLING CODE 4120-03-P

Office of Inspector General

Program Exclusions: April 1996

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of April 1996, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, Maternal and Child Health Services Block Grant and Block Grants to States for Social Services programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
Program-Related Convictions	
Broxmeyer, Lawrence, Bay Terrace, NY	04/25/96
Center for Mental Health SVCS, Leavenworth, KS	05/06/96
Christa Corporation, Uniontown, PA	05/02/96
Draper, Milo, Yerington, NV	05/02/96
Dupuis, Joseph, Lower Jug Bend Road, LA	04/23/96
Echols, Alton D, Germantown, TN	04/24/96
Gailey, Dennis Keith, Fallon, NV	05/02/96
Gilliam, Mary Ann, Ada, OK	04/23/96
Heard, Terrie, Homer, LA	04/23/96
Jewell, Eldin Carnell, Little Rock, AR	04/23/96
Kammerer, Chad M, Pittsburgh, PA	05/02/96
Lagundino, Flordelino C, State Farm, VA	05/02/96
Lucey, Cornelius J, Albany, NY	04/25/96
Martin, Agnes Antonette, Dayton, TX	04/23/96
McGhee, Harold L, Memphis, TN	04/24/96
Morris, Beatrice Conita, Dallas, TX	04/23/96
Paar, Steven V, Onalaska, WI	05/06/96
Pismenny, Alexander, Brooklyn, NY	04/25/96
Silver, Browley, Newport News, VA	05/02/96
Tucker, George Robert Jr, Fernley, NV	05/02/96

Subject, city, state	Effective date
Willis, Vincent J, Newport News, VA	05/02/96
Patient Abuse/Neglect Convictions	
Alterman, Marinika, Denver, CO	04/25/96
Bell, Catherine L, Picayune, MS	04/23/96
Boyd, John, Memphis, TN	04/23/96
Carr, David S, Orleans, MA	04/29/96
Coppedge, Shirley Pirleen, Robert Lee, TX	04/23/96
Crowder, Anthony E, Bogue Chitto, MS	04/23/96
Folse, Suzanne Marie, Baton Rouge, LA	04/23/96
Francis, Lesa Diann, Oak Grove, LA	04/23/96
Gordon, Robin Ann, Beeville, TX	04/23/96
Hutchinson, Theresa Ann, Buffalo, NY	04/25/96
Jenkins, Katherine E, Prichard, AL	04/24/96
Martinez, Cheryl Lynn, Denver, CO	04/25/96
McCoy, Kim Charlotte, Greenbriar, AR	04/23/96
McCullough, Verna Dean, Slidell, LA	04/23/96
Newton, George Allan, Cleveland, TN	04/24/96
Qualls, Pearline, Jonesboro, LA	04/23/96
Schultz, Paul, Bay City, MI	05/06/96
Smith, Inez, Waco, TX	04/23/96
Williams, Michelle L, Conway, AR	04/23/96
Conviction for Health Care Fraud	
Daniels, Sheila Jefferson, Houston, TX	04/23/96
Wallace, Denise, Westwego, LA	04/23/96
Controlled Substance Convictions	
Habenicht, James C, Oakdale, CA	05/06/96
License Revocation/Suspension	
Abdelmessih, Azmi L, Vestal, NY	04/25/96
Agbebiyi, Jonathan Adeshina, Corpus Christi, TX	04/23/96
Aguirre-Moran, Rafael, Winnie, TX	04/23/96
Atocha, Jose, Orange, CT	04/29/96
Bergeaux, Gary Herbert, New Orleans, LA	04/23/96
Black, Lydia Lou, Judsonia, AR	04/23/96
Black, Shirley Ellena, Longview, TX	04/23/96
Bushart, James Frederick, Ridgeland, MS	04/23/96
Cinsavich, Scott A, Salem, MA	04/29/96
Clay, Sandra, Stamford, CT	04/29/96
Cook, Burr L, Costa Mesa, CA	05/06/96
Fanous, Michael M, Dove Canyon, CA	05/06/96
Farber, Harold I, Reading, PA	05/02/96
Garza, David, Houston, TX	04/23/96
Girtanner, Robert Edward, Houston, TX	04/23/96
Golden, David Lee, New Orleans, LA	04/23/96
Gonzales, Alfred J, El Paso, TX	04/23/96
Greiner, Jay R, Harrisburg, PA	05/02/96
Guthrie, Tammy Lynn, Searcy, AR	04/23/96
Hamilton, Audra Ann, Lake Jackson, TX	04/23/96
Hoffman, Jane E, St Cloud, MN	05/06/96
Hoopes, Carolyn Jean, Marshall, TX	04/23/96
Ibarra, Theresa C, Pearsall, TX	04/23/96
Jenny, Samuel, Mount Vernon, IL	05/06/96
Key, Donna A, Dayton, TX	04/23/96
Konialian, Arthur R, Newtown Square, PA	05/02/96
Landry, Linda, Croton, CT	04/29/96
Layman, Greg O, La Verne, CA	05/06/96
Leblanc, John N, Cut Off, LA	04/23/96
Lehmiller, John Erich, Lafayette, LA	04/23/96
Lontine, Richard M, Denver, CO	04/25/96
Love, Jacqueline L, Corpus Christi, TX	04/23/96
Marchand, Jacqueline Bo, San Antonio, TX	04/23/96
Martin, Nina Marie, Payneway Station, AR	04/23/96
McCord, Sherry Lynn, Moore, OK	04/23/96
McGuire, Kathleen P, Bellvue, CO	04/25/96
Minutella, Jack, Philadelphia, PA	05/02/96

Subject, city, state	Effective date
Morris, Annette E, Houston, TX	04/23/96
Murray, Carol Ann, Dallas, TX	04/23/96
Nadal-Ginard, Bernardo, Boston, MA	04/29/96
Oparah, Victor O, Apapa-Lagos, Nigeria	04/23/96
Parsons, Lydia K, Odem, TX	04/23/96
Robertson, Charles A, Newport Beach, CA	05/06/96
Robinson, Mary, Windham, CA	04/29/96
Rose, David M, Brookline, MA	04/29/96
Ryan, Tamisha Kay, Temple, TX	04/23/96
Sands, Harold R, West Chester, PA	05/02/96
Schoolnik, Philip, West Hartford, CT	04/29/96
Schuyler, Lorraine, Greeley, CO	04/25/96
Shird, Shirley Kay, Woodville, TX	04/23/96
Sohl, Frederick, South Pasadena, CA	05/06/96
Srivastava, Krishna K, Alta Loma, CA	05/06/96
Super S Pharmacy, San Antonio, TX	04/23/96
Turner, Ruediger, Cogan Station, PA	05/02/96
Vinup, Joan Louise, New Park, PA	05/02/96
Winchester, John D, Clinton, CT	04/29/96
Wooliams, Stanley J, Ann Arbor, MI	05/06/96
Wyble, Timothy J, Canyon, TX	04/23/96
Yates, Michele, Turtle Creek, PA	05/02/96

Federal/State Exclusion/Suspension

Connell, David C Jr, Shreveport, LA	04/23/96
Gesch, Lyle A, Tacoma, WA	05/06/96
Hauman, Robert L, Toledo, OH	05/06/96
Lewis, Royston C, Cleveland, OH	05/06/96
Miller, Geraldine, Hazel Crest, IL	05/06/96
Sklass Drug Company, Chicago, IL	05/06/96
TDM Transportation, Hazel Crest, IL	05/06/96

Owned/Controlled by Convicted/Excluded

Chiropractic Associates, Inc., Ludington, MI	05/06/96
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Default on Heal Loan

Barnhart, Jerome M, McClellandtown, PA	05/02/96
Budsock, Leonard A, Acworth, GA	04/24/96
Burton, Ann Y, Chicago, IL	05/06/96
Cafaro, Virginia I, San Francisco, CA	05/06/96
Costaras, Bill C, Parma, OH	05/06/96
Crislip, David F, Johnson City, TN	04/24/96
Diaz, Fred, Bronx, NY	04/25/96
Emmerson, Ronald Eugene, Merced, CA	05/06/96
Gomez, Mario Humbarto, Richmond, VA	05/02/96
Green, Judith G, Louisville, KY	04/24/96
Martin, David Z, Floydada, TX	04/23/96
Munoz, Luis R, Chicago, IL	05/06/96
Nelson, Robert A, Suisun City, CA	05/06/96
Oetzel, Stephen L, Wilmington, OH	05/06/96
Owens, Gregory A, Claremore, OK	04/23/96
Pikoris, Bernadette, Brooklyn, NY	04/25/96
Ramirez, Jesus R, El Paso, TX	04/23/96
Roberts-Dukes, Barbara T, Marlton, NJ	04/25/96
Schaeffer, Wally S, Coralville, IA	05/06/96
Scott, Dwight E, Cleveland Hgts, OH	05/06/96
Shear, David Steven, Staten Island, NY	04/25/96
Smith, Cecil P, Garland, TX	04/23/96
Sullivan, Joseph C, Burbank, CA	05/06/96
Swanson, Timothy D, Chicago, IL	05/06/96
Tracy, James M, Campbell, CA	05/06/96
Wasilko, Thomas J, White Oak, PA	05/02/96
Wies, David L, Westlake Village, CA	05/06/96

Dated: May 7, 1996.

William M. Libercci,

Director, Health Care Administrative Sanctions, Office of Civil Fraud and Administrative Adjudication.

[FR Doc. 96-12105 Filed 5-14-96; 8:45 am]

BILLING CODE 4150-04-P-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Office of Trust Funds Management National Tribal Consultation

AGENCY: Office of Trust Funds Management, Interior.

ACTION: Notice of Tribal Consultation Meeting—Financial Trust Services Improvement.

SUMMARY: Notice is hereby given that the Office of the Special Trustee (OST), Office of Trust Funds Management (OTFM), will conduct four (4) consultation meetings with any Indian tribe, band, nation, Individual Account holders or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat.688), which is recognized as eligible for the trust programs and services provided by the United States to Indians because of their status as Indians.

The purpose is to obtain oral and written comments regarding a number of options to improve Individual Indian Money (IIM) accounting and customer service with approximately 300,000 nationwide account holders. The options were developed by a Tribal/Federal Work Group which was established to assist OTFM in developing a number of recommendations to resolve technical and customer service problems. A number of General Accounting Office (GAO), Office of Management and Budget (OMB), and Department of Interior (DOI) audits of the IIM function have concluded that internal controls are inadequate for controlling receipts and disbursements for this function.

DATES (1996): Four (4) consultation sessions will be conducted:

June 25-27, Tulsa, OK, Adam's Mark Hotel, 100 East 2nd Street, Tulsa, OK 74103, 918-582-9000.

July 9-11, Phoenix, AZ, The Pointe at Squaw Peak, 7677 North 16th Street, Phoenix, AZ 85020, 602-997-2626.

July 30-August 1, Portland, OR, Red Lion Columbia River, 1401 N. Hayden Island Dr., Portland, OR 97217, 503-283-2111.

August 20-22, Bismarck, ND, Holiday Inn, 605 East Broadway, Bismarck, ND 58501, 701-255-6000.

All sessions will begin at 8:30 am and adjourn at 5:00 pm. Public attendance may be limited to the space available.

FOR FURTHER INFORMATION CONTACT: Patricia Gerard, Program Analyst, Office of Trust Funds Management, Department of the Interior 505 Marquette NW., Suite 700, Albuquerque, New Mexico 87102, telephone number 505-248-5751 and fax number 505-248-5782.

SUPPLEMENTARY INFORMATION: The purpose of the consultation meeting is to provide Indian tribes and individuals an opportunity for participation in the improvement of IIM customer service. The anticipated result of the consultation is to ensure that the Department adheres to the mandates of Pub. Law 103-412, the American Indian Trust Fund Management Reform Act. Specifically, the Department must ensure that: (1) IIM funds are deposited on a timely basis; (2) IIM interest is paid on a timely basis; (3) proper accounting for IIM daily and annual balances exists; and (4) periodic statements to IIM account holders will be provided.

All oral and written comments presented by tribes and individual account holders at the tribal consultation meetings will be recorded, transcribed and taken into consideration by the agency.

Summaries of the meetings will be available for public inspection and copying ten days following the meeting.

Dated: May 8, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96-12142 Filed 5-14-96; 8:45 am]

BILLING CODE 4310-02-P

Bureau of Land Management

[NV-030-96-1020-00-24-1 A]

Sierra Front/Northwest Great Basin Resource Advisory Council—Notice of Meeting Locations and Times

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council meeting locations and times.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), the Department of the Interior, Bureau of Land Management (BLM) Council meetings will be held as indicated below. The agenda includes discussion of laws and regulations that pertain to

grazing, a statewide update of standards and guidelines, public comment period and determination of the subject matter for future meetings.

All meetings are open to the public. The public may present written comments to the council. Each formal council meeting will have a time allocated for hearing public comments. The public comment period for the council meeting is listed below. Depending on the number of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Joan Sweetland at the Carson City District Office 1535 Hot Springs Road, Carson City, NV 899706, telephone (702) 885-6000.

DATES, TIMES: The council will meet on June 12th and 13th at the Bureau of Land Management, Nevada State Office, 850 Harvard Way, Reno, NV 89520-0006 on June 12 from 8:00 a.m.-5:00 p.m. Public comment period will be at 1:30 p.m. On June 13 council will meet from 8:00 a.m. to 3:00 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the public lands.

FOR FURTHER INFORMATION CONTACT: Joan Sweetland, Public Affairs Specialist, Carson City District, telephone (702) 885-6000.

Dated: May 3, 1996.

John O. Singlaub,

District Manager.

[FR Doc. 96-12101 Filed 5-14-96; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.):

PRT-814542.

Applicant: Gary Parker, Columbus, NE.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygarcus dorcas*) culled from a captive herd

maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT-812428.

Applicant: Dwanton Seals, Pointe Vedra Beach, FL.

The applicant requests a permit to import a sport-hunted trophy of a male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT-813403.

Applicant: Bruce Rendall, Kipling, NC.

The applicant requests a permit to purchase in interstate commerce snow leopards (*Panthera unica*), clouded leopards (*Neofelis nebulosa*) Ruffed lemur (*Varecia v. ruber*) from Nashville Zoo for the purpose of enhancement of the survival of the species through propagation.

PRT-813960.

Applicant: Duke University Primate Center, Durham, NC.

The applicant requests a permit to export tissues from Aye-aye (*Daubentonia madagascarensis*), Diademmed sifaka (*Propithecus verreauxi coquereli*), lemur (*Eulemur coronatus*), Flat-tailed dwarf lemur (*Cheirogaleus medius*), Ring-tailed lemur (*Lemur catta*), Grey gentle lemur (*Haplemur griseus*) for the purpose of the survival of the species through scientific research.

PRT-814414.

Applicant: San Diego Wild Animal Park, Escondido, CA.

The applicant requests a permit to import 200 vials of blood, serum and tissue samples from Sclater's Monal pheasant (*Lophophorus sclateri*) for the purpose of enhancement of the survival of the species through scientific research.

PRT-814585.

Applicant: Wildlife Conservation Society, Bronx, NY.

The applicant requests a permit to import biological samples of tiger (*Panthera tigris*), Swamp deer (*Cervus eldi*), Leopard cat (*Felis bengalensis bengalensis*), Clouded leopard (*Neofelis nebulosa*), Asian golden cat (*Felis temmincki*), Marble cat (*Pardofelis marmorata*), Malabar large sport civet (*Viverra civettina*) from Dusit Zoo and Khao Kheow Zoo, Thailand for the purpose of enhancement of the survival of the species through scientific research.

PRT-777744.

Applicant: The Hawthorn Corporation, Grayslake, IL.

The applicant requests a permit to export and import captive-born tigers (*Panthera tigris*) and progeny of the animals is currently held by the applicant and any animals acquired in the United States by the applicant to/from world wide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

PRT-814415.

Applicant: International Wildlife Veterinary Services, Fair Oaks, CA.

The applicant requests a permit to import sera and plasma samples and red and white cells from Black Rhino (*Diceros bicornis*) from Zimbabwe Parks and Wildlife Management for the purpose of enhancement of the survival of the species through scientific research.

PRT-814588.

Applicant: Brian McMillan, Canyon Country, CA.

The applicant requests a permit to export and import captive-born tigers (*Panthera tigris*) and leopards (*Panthera pardus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from world wide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

PRT-814593.

Applicant: Duke University Primate Center, Durham, NC.

The applicant requests a permit to export one male and one female Gentle gray lemur (*Haplemur griseus griseus*) and one male and one female of the Red-bellied lemur (*Eulemur rubriventer*) to the Banham Zoo, United Kingdom for the purpose of enhancement of the survival of the species through propagation.

PRT-814589.

Applicant: Miami Metrozoo, Miami, FL.

The applicant requests a permit to import the carcass of a female Harpy eagle (*Harpia harpyja*) from Summit Gardens, Panama for the purpose of enhancement to the survival of the species through conservation education.

PRT-814586.

Applicant: Christine Fiorello, Worcester, MA.

The applicant requests a permit to import cheetah (*Acinonyx jubatus*)

skulls from Cheetah Conservation Fund, Namibia for the purpose of enhancement of the survival of the species through scientific research.

PRT-814765.

Applicant: Jayne Gerson, Duke University, Durham, NC.

The applicant requests a permit to import blood samples from brown lemur (*Lemur fulvus rufus*) from Madagascar for the purpose of the enhancement of the survival of the species through scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application(s) for permits to conduct certain activities with marine mammals. The application(s) was/were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and the regulations governing marine mammals (50 CFR 18).

PRT-814695.

Applicant: G.F. Cota, Old Dominion University, Norfolk, VA.

Type of Permit: Import for scientific research.

Name and Number of Animals: Polar Bear (*Ursus maritimus*) and walrus (*Odobenus rosmarus*), 1 each.

Summary of Activity to be Authorized: The applicant has requested a permit to import tissue samples from one polar bear and one walrus for the purposes of scientific research related to environmental contamination.

Source of Marine Mammals for Research/ Public Display: Canada; samples to be obtained from legally harvested animals.

Period of Activity: Up to five years from issuance of a permit, if issued.

Concurrent with the publication of this notice in the Federal Register, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate.

The holding of such hearing is at the discretion of the Director.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice at the above address.

Dated: May 10, 1996.

Mary Ellen P. Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96-12196 Filed 5-14-96; 8:45 am]

BILLING CODE 4310-55-P

Issuance of Permit for Marine Mammals

On March 6, 1996, a notice was published in the Federal Register, vol. 61, no. 45, page 8969, that an application had been filed with the Fish and Wildlife Service by the Zoological Society of San Diego for a permit (PRT-811418) to import two orphaned polar bear cubs from Canada.

Notice is hereby given that on May 6, 1996, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone (703) 358-2104 or Fax (703) 358-2281.

Dated: May 10, 1996.

Mary Ellen P. Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 96-12197 Filed 5-14-96; 8:45 am]

BILLING CODE 4310-55-P

Minerals Management Service

Outer Continental Shelf, Alaska Region, Beaufort Sea Lease Sale 144

AGENCY: Minerals Management Service.

ACTION: Notice of availability of the final environmental impact statement.

The Minerals Management Service (MMS) has prepared a final Environmental Impact Statement (EIS) relating to the proposed 1996 Outer Continental Shelf oil and gas lease sale of available unleased blocks in the

Beaufort Sea. The proposed Beaufort Sea Sale 144 will offer for lease approximately 9.8 million acres. Single copies of the final EIS can be obtained from the Regional Director, Minerals Management Service, Alaska Region, 949 East 36th Avenue, Anchorage, Alaska 99503-4302, Attention: Public Information. Copies can be requested by telephone, (907) 271-6070.

Copies of the final EIS will also be available for inspection in the following public libraries:

Alaska Resource Library, U.S.

Department of the Interior,
Anchorage, AK

Alaska State Library, Juneau, AK

Army Corps of Engineers Library, U.S.

Department of Defense, Anchorage,
AK

Elmer E. Rasmuson Library, 310 Tanana Drive, Fairbanks, AK

Fairbanks North Star Borough Public

Library (Noel Wien Library), 1215

Cowles Street, Fairbanks, AK

George Francis Memorial Library,

Kotzebue, AK

Kaveelook School Library, Kaktovik, AK

Kegoayah Kozga Public Library, Nome,
AK

Nellie Weyiouanna Ilisaavik Library,

Shishmaref, AK

North Slope Borough School District

Library/Media Center, Barrow, AK

Northern Alaska Environmental Center

Library, 218 Driveway, Fairbanks, AK

Nuiqsut Library, Nuiqsut, AK

Tikigaaq Library, Point Hope, AK

University of Alaska, Anchorage

Consortium Library, 3211 Providence Dr., Anchorage, AK

University of Alaska, Fairbanks Institute of Arctic Biology, 311 Irving Bldg., Fairbanks, AK

University of Alaska-Juneau Library,
11120 Glacier Highway, Juneau, AK.

Dated: April 19, 1996.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 96-12168 Filed 5-14-96; 8:45 am]

BILLING CODE 4310-MR-P

Outer Continental Shelf, Gulf of Mexico Region, Proposed Central and Western Gulf Sales 166 and 168

AGENCY: Minerals Management Service (DOT).

ACTION: Notice of Availability of the Draft Environmental Impact Statement (EIS) and Intent to Hold Public Hearings Regarding Proposed Central and Western Gulf of Mexico Sales 166 and 168.

The Minerals Management Service has prepared a draft EIS relating to

proposed 1997 Outer Continental Shelf (OCS) oil and gas lease sales in the Central and Western Gulf of Mexico. The proposed Central Gulf Sale 166 will offer for lease approximately 30.3 million unleased acres, and the proposed Western Gulf Sale 168 will offer approximately 28.2 million unleased acres. The EIS analyzes a range of potential resources and projected activities for each proposed lease sale. In an effort to make this EIS more focused and readable, the scenario has been simplified, redundancies have been eliminated, and the format has been streamlined. This allows decisionmakers and readers to focus on the information specific to each proposed action.

Single copies of the draft EIS can be obtained from the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Unit (MS-5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123-2394 or call (800) 200-GULF.

Copies of the draft EIS will also be available for review by the public in the following libraries:

Texas

Alma M. Carpenter Public Library, 330

South Ann, Sourlake;

Aransas Pass Public Library, 110 North Lamont Street, Aransas Pass;

Austin Public Library, 402 West Ninth Street, Austin;

Bay City Public Library, 1900 Fifth Street, Bay City;

Brazoria County Library, 410 Brazoport Boulevard, Freeport;

Calhoun County Library, 301 South Ann, Port Lavaca;

Chambers County Library System, 202 Cummings Street, Anahuac;

Comfort Public Library, Seventh & High Streets, Comfort;

Corpus Christi Central Library, 805 Comanche Street, Corpus Christi;

Dallas Public Library, 1513 Young Street, Dallas;

Houston Public Library, 500 McKinney Street, Houston;

Jackson County Library, 411 North Wells Street, Edna;

Lamar University, Gray Library, Virginia Avenue, Beaumont;

LaRatama Library, 505 Mesquite Street, Corpus Christi;

Liberty Municipal Library, 1710 Sam Houston Avenue, Liberty;

Orange Public Library, 220 North Fifth Street, Orange;

Port Arthur Public Library, 3601

Cultural Center Drive, Port Arthur;

Port Isabel Public Library, 213 Yturria Street, Port Isabel;

Reber Memorial Library 193 North Fourth, Raymondville;

Refugio County Public Library, 815 South Commerce Street, Refugio;
 Rice University, Fondren Library, 6100 South Main Street, Houston;
 R.J. Kleberg Public Library, Fourth and Henrietta, Kingsville;
 Rockwall County Library, 108 South Fannin Street, Rockwall;
 Rosenberg Library, 2310 Sealy Street, Galveston;
 Sam Houston Regional Library & Research Center, FM 1011 Governors Road, Liberty;
 Texas A&M University, Corpus Christi Library, 6300 Ocean Drive, Corpus Christi;
 Texas A&M University, Evans Library, Spence and Lubbock Streets, College Station;
 Texas Southmost College Library, 1825 May Street, Brownsville;
 Texas State Library, 1200 Brazos Street, Austin;
 University of Houston Library, 4800 Calhoun Boulevard, Houston;
 University of Texas at Brownsville, Oliveria Memorial Library, 80 Fort Brown, Brownsville;
 University of Texas Law School, Tarlton Law Library, 727 East 26th Street, Austin;
 University of Texas, LBJ School of Public Affairs Library, 2313 Red River Street, Austin;
 University of Texas Library, 21st and Speedway Streets, Austin;
 Victoria Public Library, 320 North Main, Victoria.

Louisiana

Calcasieu Parish Library, 327 Broad Street, Lake Charles;
 Cameron Parish Library, Marshall Street, Cameron;
 Grand Isle Branch Library, Highway 1, Grand Isle;
 Government Documents Library, Loyola University, 6363 St. Charles Avenue, New Orleans;
 Iberville Parish Library, 24605 J. Gerald Berret Boulevard, Plaquemine;
 Jefferson Parish Lobby Branch Library, 3410 North Causeway Boulevard, Metairie;
 Jefferson Parish West Bank Outreach Branch Library, 2751 Manhattan Boulevard, Harvey;
 Lafayette Public Library, 301 W. Congress Street, Lafayette;
 Lafitte Branch Library, Route 1, Box 2, Lafitte;
 Lafourche Parish Library, 303 West 5th Street, Thibodaux;
 Louisiana State University Library, 760 Riverside Road, Baton Rouge;
 Louisiana Tech University, Prescott Memorial Library, Everet Street, Ruston;
 LUMCON, Library, Star Route 541, Chauvin;

McNeese State University, Luther E. Frazar Memorial Library, Ryan Street, Lake Charles;
 New Orleans Public Library, 219 Loyola Avenue, New Orleans;
 Nicholls State University, Nicholls State Library, Leighton Drive, Thibodaux;
 Plaquemines Parish Library, 203 Highway 11, South, Buras;
 St. Bernard Parish Library, 1125 East St. Bernard Highway, Chalmette;
 St. Charles Parish Library, 105 Lakewood Drive, Luling;
 St. John The Baptist Parish Library, 1334 West Airline Highway, Laplace;
 St. Mary Parish Library, 206 Iberia Street, Franklin;
 St. Tammany Parish Library, Covington Branch, 310 West 21st Street, Covington;
 St. Tammany Parish Library, Slidell Branch, 555 Robert Boulevard, Slidell;
 Terrebonne Parish Library, 424 Roussell Street, Houma;
 Tulane University, Howard Tilton Memorial Library, 7001 Freret Street, New Orleans;
 University of New Orleans Library, Lakeshore Drive, New Orleans;
 University of Southwestern LA, Dupre Library, 302 East St. Mary Boulevard, Lafayette;
 Vermilion Parish Library, Abbeville Branch, 200 North Street, Abbeville.

Mississippi

Gulf Coast Research Laboratory, Gunter Library, 703 East Beach Drive, Ocean Springs;
 Hancock County Library System, 312 Highway 90, Bay Saint Louis;
 Harrison County Library, 14th and 21st Avenues, Gulfport;
 Jackson George Regional Library System, 3214 Pascagoula Street, Pascagoula.

Alabama

Dauphin Island Sea Lab, MESC Library, Bienville Boulevard, Dauphin Island;
 Gulf Shores Public Library, Municipal Complex, Route 3, Gulf Shores;
 Mobile Public Library, 701 Government Street, Mobile;
 Montgomery Public Library, 445 South Lawrence Street, Montgomery;
 Thomas B. Norton Public Library, 221 West 19th Avenue, Gulf Shores;
 University of South Alabama, University Boulevard, Mobile.

Florida

Bay County Public Library, 25 West Government Street, Panama City;
 Florida A&M University, Coleman Memorial Library, M.L. King Boulevard, Tallahassee
 Florida Northwest Regional Library, 25 West Government Street, Panama City;

Florida State University, Strozier Library, Call Street and Copeland Avenue, Tallahassee;
 Fort Walton Beach Public Library, 105 Miracle Strip Parkway, Fort Walton Beach;
 Leon County Public Library, 200 West Park Avenue, Tallahassee;
 University of Florida Library, University Avenue, Gainesville;
 University of Florida, Holland Law Center Library, SW 25th and 2nd Ave., Gainesville;
 West Florida Regional Library, 200 West Gregory Street, Pensacola.

Public hearings for proposed Central and Western Gulf of Mexico Sales 166 and 168: In accordance with 30 CFR 256.26, the Minerals Management Service will hold two public hearings (dates, times, and locations are listed below) soliciting comments on the draft EIS for proposed 1997 Gulf of Mexico Sales 166 and 168. The hearings will provide the Secretary of the Interior with information from interested parties that will help in the evaluation of the potential effects of proposed lease Sales 166 and 168:

Texas—Houston, on July 17, 1996; 1:00 to 3:00 p.m. at the Marriott International Airport Hotel, 18700 John F. Kennedy Boulevard, and
Louisiana—New Orleans, on July 18, 1996; 1:00 to 3:00 p.m. at the Minerals Management Service, 1201 Elmwood Park Boulevard, Conference Room 111, Jefferson, Louisiana.

These hearings will also serve as an early opportunity for determining the scope of significant issues related to the development of draft EIS's for Central and Western Gulf of Mexico Sales proposed in the 5-Year OCS Oil and Gas Leasing Program for 1997-2002. The MMS proposes to prepare separate EIS's for the Western Gulf and the Central Gulf. Each EIS will address all of the proposed sales in that planning area as scheduled in the 5-year program. The hearings will provide information for the development of appropriate alternatives and mitigating measures, as well as for the identification of significant issues.

Persons who wish to testify at these hearings may register the day of the hearing at the hearing sites beginning 1 hour prior to the meeting. Oral testimony should be limited to 10 minutes. Each hearing will begin at the specified time and will recess when all speakers have had an opportunity to testify. If there are no additional speakers, the hearing will adjourn immediately after the recess. Testimony may be supplemented by a written statement that, if submitted at a hearing,

will be considered as part of the hearing record.

Those unable to attend the hearing may submit written statements until the close of the comment period. Written statements should be submitted to the Regional Director, Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. The comment period closes August 10, 1996.

Dated: May 7, 1996.

Thomas Gernhofer,
Associate Director for Offshore Minerals Management.
[FR Doc. 96-12169 Filed 5-14-96; 8:45 am]
BILLING CODE 4310-MR-P

National Park Service

Petroglyph National Monument; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92-463, that a public meeting of the Petroglyph National Monument Advisory Commission will be held on Friday, June 21, 1996.

The Public meeting will be held from 9 a.m.-12 noon at the Indian Pueblo Cultural Center, 2401 12th Street N.W., Albuquerque, New Mexico.

Petroglyph National Monument Advisory Commission was chartered pursuant to Public Law 101-313, which established Petroglyph National Monument, to advise the Secretary of the Interior on the management and development of the monument and on the preparation of the monument's general management plan.

At the June 21, 1996 meeting, the status of the general management planning process will be discussed, Commission members will be introduced to the new Superintendent and an election of Commission officers will be conducted. Any member of the public may file a written statement concerning the matters to be discussed at the Commission meeting with the Superintendent, Petroglyph National Monument.

Persons who wish further information concerning the meeting may contact Judith Cordova, Superintendent, Petroglyph National Monument, 6001 Unser Blvd. N.W., Albuquerque, New Mexico, 87120, telephone 505/899-0205.

Minutes of the Commission will be available for public inspection six weeks after the meeting, at Petroglyph National Monument headquarters.

Dated: May 8, 1996.

Diane E. Souder,
Acting Superintendent, Petroglyph National Monument.
[FR Doc. 96-12118 Filed 5-14-96; 8:45 am]
BILLING CODE 4310-70-P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Proposed Collection: Comment Request

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Comments are requested concerning: (a) whether the proposed or continuing collections of information is necessary for the proper performance of the functions of the agency, including whether information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Send comments on or before June 28, 1996.

ADDRESS INFORMATION TO: Mary Ann Ball, Bureau of Management, Office of Administrative Services, Information Support Services Division, U.S. Agency for International Development, B930 N.S., Washington, D.C. (202) 736-4743 or via e-mail MABall@USAID.Gov.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412-0017.

Form Number: AID 1440-3.

Title: Contractor's Certificate and Agreement with the U.S. Agency for International Development/Contractor's Invoice and Contract Abstract.

Type of Submission: Renewal.

Purpose: USAID finances host country contracts, for technical and professional services and for the construction of physical facilities, between the contractors for such services and entities in the country receiving assistance under loan or grant agreements with the recipient country. USAID is not a party to these contracts, and the contracts are not subject to the FAR. In its role as the financing agency, USAID needs some means of collecting information directly from the

contractors supplying such services so that it may take appropriate action in the event that the contractor does not comply with applicable USAID regulations. The information collection, recordkeeping, and reporting requirements are necessary to assure that USAID funds are expended in accordance with statutory requirements and USAID policies.

Annual Reporting Burden:

Respondents: 30, Annual responses: 12, Average hours per response: .50, Total annual responses: 360.

Dated: May 1, 1996.

Genease E. Pettigrew,
Chief, Information Support Services Division,
Office of Administrative Services, Bureau of Management.
[FR Doc. 96-12126 Filed 5-14-96; 8:45 am]
BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-746 (Preliminary)]

Beryllium Metal and High-Beryllium Alloys From Kazakhstan

Determination

On the basis of the record¹ developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Kazakhstan of beryllium metal and high-beryllium alloys,² that are alleged to be sold in the United States at less than fair value (LTFV).³

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² The subject products are beryllium metal and high-beryllium alloys with a beryllium content equal to or greater than 30 percent by weight, whether in ingot, billet, powder, block, lump, chunk, blank, or other semifinished form. These are intermediate or semifinished products that require further machining, casting and/or fabricating into sheet, extrusions, forgings or other shapes in order to meet the specifications of the end user. Beryllium metal and high-beryllium alloys within the scope of this investigation are classifiable under subheadings 8112.11.60, 8112.11.30, 7601.20.90, and elsewhere in the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the scope of this investigation is dispositive; e.g., subject cut-to-size blocks and drilled tubular blanks of beryllium metal may be provided for as wrought products in HTS subheading 8112.19.00.

³ Commissioner Lynn M. Bragg finds that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Kazakhstan of beryllium

Background

On March 14, 1996, a petition was filed with the Commission and the Department of Commerce by Brush Wellman, Cleveland, OH, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of beryllium metal and high-beryllium alloys from Kazakhstan. Accordingly, effective March 14, 1996, the Commission instituted antidumping investigation No. 731-TA-746 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of March 26, 1996 (61 FR 13213). The conference was held in Washington, DC, on April 3, 1996, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on May 6, 1996. The views of the Commission are contained in USITC Publication 2959 (May 1996), entitled "Beryllium Metal and High-Beryllium Alloys from Kazakhstan: Investigation No. 731-TA-746 (Preliminary)."

By order of the Commission.

Issued: May 8, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96-12183 Filed 5-14-96; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 332-367]

General Agreement on Trade in Services: Examination of South American Trading Partners' Schedules of Commitments

AGENCY: International Trade Commission, Department of Commerce.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: May 6, 1996.

SUMMARY: Following receipt on April 9, 1996, of a request from the Office of the United States Trade Representative (USTR), the Commission instituted Investigation No. 332-367, General Agreement on Trade in Services: Examination of South American Trading Partners' Schedules of Commitments,

metal and high-beryllium alloys that are alleged to be sold in the United States at LTFV.

under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION: Information on service industries may be obtained from Mr. Richard Brown, Office of Industries (202-205-3438) and Mr. Christopher Melly, Office of Industries (202-205-3461); economic aspects, from Mr. William Donnelly, Office of Economics (202-205-3223); and legal aspects, from Mr. William Gearhart, Office of the General Counsel (202-205-3091). The media should contact Ms. Margaret O'Laughlin, Office of Public Affairs (202-205-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810).

Background

As requested by the USTR in a letter dated April 5, 1996, the Commission, pursuant to section 332(g) of the Tariff Act of 1930, has instituted an investigation and will prepare a report that (1) examines the content of foreign schedules of commitments under the General Agreement on Trade in Services (GATS), explaining the commitments in non-technical language; and (2) seeks to identify the potential benefits and limitations of foreign commitments. Also as requested, the Commission will focus on sector-specific commitments scheduled by Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, Uruguay, and Venezuela with respect to the following industries:

- distribution services (defined as wholesaling, retailing, and franchising services);
- education services;
- communication services (defined as enhanced telecommunication, courier, and audiovisual services);
- health care services;
- professional services (defined as accounting, advertising, and legal services);
- architectural, engineering, and construction (AEC) services;
- land-based transport services (defined as rail and trucking services); and
- travel and tourism.

In addition, the Commission will examine horizontal commitments relevant to the specified industries, such as those regarding investment and temporary entry and stay of foreign workers. As requested by the USTR, the Commission plans to deliver its report to the USTR by December 13, 1996.

The investigation is a follow-on to Commission Investigation No. 332-358, General Agreement on Trade in Services: Examination of Major Trading Partners' Schedules of Commitments,

requested by the USTR on December 28, 1994, also under section 332(g) of the Tariff Act of 1930. In that report, the Commission examined the commitments scheduled by the European Union (EU), Japan, Canada, and Mexico with respect to the industries delineated above. The initial report, USITC Publication 2940, was published in December 1995, and is available on the ITC Internet server (<http://www.usitc.gov> or <ftp://ftp.usitc.gov>).

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on July 18, 1996. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., July 5, 1996. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., July 5, 1996. The deadline for filing post-hearing briefs or statements is 5:15 p.m., August 1, 1996. In the event that, as of the close of business on July 5, 1996, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202-205-1816) after July 5, 1996, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 C.F.R. 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the

earliest practical date and should be received no later than the close of business on August 1, 1996. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

By order of the Commission.

Issued: May 7, 1996.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-12182 Filed 5-14-96; 8:45 am]

BILLING CODE 7020-02-P

[Investigations Nos. 731-TA-726, 727, and 729 (Final)]

Polyvinyl Alcohol from China, Japan, and Taiwan

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission determines,² pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured or threatened with material injury by reason of imports from China, Japan, and Taiwan of polyvinyl alcohol (PVA),³ provided for in subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States,⁴ that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).⁵

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Chairman Watson, Vice Chairman Nuzum, and Commissioner Rohr dissenting.

³ The imported product subject to these investigations is PVA, which is a dry, white to cream-colored, water-soluble synthetic polymer. This product consists of PVA hydrolyzed in excess of 85 percent, whether or not mixed or diluted with defoamer or boric acid. Excluded from the scope of the investigations is PVA covalently bonded with acetoacrylate, carboxylic acid, or sulfonic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, and PVA covalently bonded with silane uniformly present on all polymer chains in a concentration equal to or greater than one-tenth of one mole percent. PVA in fiber form is not included in the scope of these investigations.

⁴ Prior to Jan. 1996, PVA was provided for in subheading 3905.20.00 of the Harmonized Tariff Schedule of the United States.

⁵ Commissioner Newquist and Commissioner Bragg, who find that an industry in the United States is threatened with material injury, further determine pursuant to 19 U.S.C. § 1673d(b)(4)(B), that they would not have found material injury but for the suspension of liquidation of entries of the merchandise under investigation.

Background

The Commission instituted these investigations effective October 5, 1995, following preliminary determinations by the Department of Commerce that imports of PVA from China, Japan, and Taiwan were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of November 9, 1995 (60 FR 56614). The hearing was held in Washington, DC, on March 26, 1996, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 6, 1996. The views of the Commission are contained in USITC Publication 2960 (May 1996), entitled "Polyvinyl Alcohol from China, Japan, and Taiwan: Investigations Nos. 731-TA-726, 727, and 729 (Final)."

By order of the Commission.

Issued: May 9, 1996.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-12184 Filed 5-14-96; 8:45 am]

BILLING CODE 7020-02-P

[Investigation 332-237]

Production Sharing: Use of U.S. Components and Materials in Foreign Assembly, 1992-95 (U.S. Imports Under Production Sharing Provisions of Harmonized Tariff Schedule Heading 9802)

AGENCY: United States International Trade Commission.

ACTION: Opportunity to submit written statements in connection with the 1996 report, and retitling of investigation.

EFFECTIVE DATE: May 6, 1996.

SUMMARY: The Commission has prepared and published annual reports on production sharing under this series since 1986. The Commission plans to publish the next report in December 1996, which will cover U.S. import data on production sharing for the years 1992-95.

FOR FURTHER INFORMATION CONTACT: Questions about the production sharing report may be directed to the project leader, Adam Topolansky, Office of

Industries (202-205-3394) or the assistant project leader, Ms. Jennifer Rorke, Office of Industries (202-205-3489). For information on legal aspects, please contact Mr. William Gearhart, Office of General Counsel (202-205-3091). The media should contact Ms. Margaret O'Laughlin, Office of Public Affairs (202-205-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810).

Background

The initial notice of institution of this investigation was published in the Federal Register of September 4, 1986 (51 FR 31729). The report has been published in the current series under investigation No. 332-237 annually since December 1986. The report, originally entitled "Imports Under Items 806.30 and 807.00 of the Tariff Schedules of the United States, 1982-85," has undergone a number of changes in the title to reflect adoption of the Harmonized Tariff Schedule (HTS) and modification to the provisions in heading 9802 of that schedule. HTS provision 9802.00.60 involves tariff treatment for metal of U.S. origin processed in a foreign location and returned to the United States for further processing; provision 9802.00.80 involves tariff treatment for imported goods that contain U.S.-made components.

As in past years, the report will provide an analysis of developments in U.S. imports under the production sharing provisions of tariff heading 9802 focusing on shifts in trade and product mix, and trends by principal country sources and industry groups. The report will also assess U.S. production generated as a result of foreign assembly, the use of production sharing by foreign manufacturers, the effect of the North American Free-Trade Agreement (NAFTA) on U.S. parts producers, and developments in the global integration of specific industries. The report will also provide information on how companies involved in production sharing in Mexico have changed their operations in response to NAFTA.

Written Submissions

No public hearing is planned. However, interested persons are invited to submit written comments concerning the 1996 report. Commercial or financial information which a submitter desires the Commission to treat as confidential must be provided on separate sheets of paper, each clearly marked "Confidential Business Information" at

the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested persons. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on September 30, 1996. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000.

List of Subjects

Production sharing, Foreign assembly, Infrastructure, Globalization, Apparel, NAFTA.

Issued: May 9, 1996.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-12181 Filed 5-14-96; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department policy, 28 C.F.R. 50.7, notice is hereby given that a proposed Settlement Agreement in *In re AM International, Inc., et al.*, Case No. 82-B-04922 (Bkcty. N.D. III.) and *In re AM International, Inc., et al.*, Case No. 93-582 (Bkcty. Del.), was lodged on April 29, 1996 with the United States Bankruptcy Court for the District of Delaware. The proofs of claim in these actions seek to recover, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., response costs incurred and to be incurred by U.S. Environmental Protection Agency ("EPA") at the Solvents Recovery Service of New England, Inc. Superfund Site located in

the Town of Southington, Connecticut ("Site").

The proposed Settlement Agreement embodies an agreement with AM International, Inc. to reimburse EPA for a portion of its past and future response costs at the Site. Of the \$450,555 generated by the settlement, \$157,694 will be paid to the Hazardous Substances Superfund for reimbursement of EPA's past response costs at the Site, and \$292,861 will be deposited into a trust account to be used for the partial funding of future remedial actions at the Site. The proposed Settlement Agreement also provides for AM International, Inc. to pay the U.S. Department of the Interior ("DOI") \$10,000 to resolve potential claims for damages to natural resources under the trusteeship of DOI.

The proposed Settlement Agreement also provides AM International, Inc. with a release for civil liability for EPA's past and future CERCLA response costs and natural resource damages at the Site for resources under the trusteeship of the Secretary of the Interior and the Secretary of Commerce, through the National Oceanic and Atmospheric Administration.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *In re AM International, Inc., et al.*, DOJ Ref. No. 90-7-1-23D.

The proposed Settlement Agreement may be examined at the Office of the United States Attorney, Chemical Bank Plaza, 1201 Market Street, Suite 1100, Wilmington, Delaware 19899-2046; the New England Office of the Environmental Protection Agency, EPA-New England Records Center, 90 Canal Street, First Floor, Boston, MA 02203; and at the Consent Decree Library, 1120 G Street, N.W., Fourth Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Settlement Agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, Fourth Floor, N.W., Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$2.00 (25 cents per page

reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.

[FR Doc. 96-12112 Filed 5-14-96; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 to 9675

Notice is hereby given that a proposed consent decree in *United States v. David B. Fisher, et al.*, Civil Action No. S92-00636M, was lodged on April 23, 1996 with the United States District Court for the Northern District of Indiana, South Bend Division. The proposed consent decree resolves the United States' claims against five of twelve defendants, as well as one third-party defendant, the U.S. Army, for unreimbursed past costs incurred in connection with the Fisher-Calo Superfund Site located in Kingsbury, Indiana in return for a payment of \$345,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. David B. Fisher, et al.*, DOJ Ref. #90-11-2-549A.

The proposed consent decree may be examined at the office of the United States Attorney, 1000 Washington Street, 203 Federal Building, Bay City, Michigan 48707; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$7.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environment and Natural Resources
Division.

[FR Doc. 96-12114 Filed 5-14-96; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Order Modification Pursuant to the Clean Air Act

In accordance with Departmental policy at 28 CFR § 50.7, notice is hereby given that on April 30, 1996 a proposed Second Consent Order Modification in *United States v. New Boston Coke Corporation*, Civil Action No. C-1-84-1427 was lodged with the United States District Court for the Southern District of Ohio, Western Division. This Second Consent Order Modification represents settlement of claims by the United States against the New Boston Coke Corporation ("New Boston") for violations of the Clean Air Act, 42 U.S.C. 7401, and certain terms and conditions of a Consent Order Modification entered on September 25, 1993.

Under this settlement, New Boston will implement and complete a program for construction of a wastewater treatment system to treat all direct contact process wastewaters from its coke recovery by-product plant, with the treated wastewaters to be discharged to the Ohio River pursuant to a modified National Pollution System Discharge Elimination System ("NPDES") permit. New Boston shall then achieve compliance with certain limitations for total dissolved solids in its quench water by using only river water or non-contact process cooling water as makeup water in its quenching operations.

New Boston shall also comply with certain emission limits in connection with activities at its coke battery. In addition, New Boston will pay an aggregate civil penalty of \$295,000. Stipulated penalties may be imposed in the event New Boston does not comply with the requirements of the Second Consent Order Modification.

The Department of Justice will receive comments relating to the proposed Second Consent Order Modification for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. New Boston Coke Corporation*, D.J. # 90-5-2-1-710B.

The proposed Second Consent Order Modification may be examined at the Office of the United States Attorney, Southern District of Ohio, 220 U.S. Post Office and Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202, and at U.S. EPA Region 5, Office of Regional Counsel, 200 West Adams, Chicago, Illinois 60604, and at the Consent

Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Second Consent Order Modification may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of \$6.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 96-12111 Filed 5-14-96; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on April 26, 1996, a proposed Consent Decree in *United States v. Raymond G. Regis, Paul Wasson, and Wasson and Regis, a Partnership*, Civil Action No. 94-CV-0319C(F), was lodged with the United States District Court for the Western District of New York resolving the matters alleged in the United States' complaint filed on April 28, 1994. The proposed Consent Decree represents a settlement of the United States' claims against Raymond G. Regis, Paul Wasson, and Wasson and Regis, a Partnership ("Defendants") under the Safe Drinking Water Act for Defendants' violations of the Safe Drinking Water Act by failing to comply with the Underground Injection Control ("UIC") regulations for Class II injection wells for the secondary recovery of oil, 40 CFR Part 144.28, promulgated under sections 300h and 300h-1 of the Safe Drinking Water Act, 42 U.S.C. 1421 and 1422, and for failure to comply with the terms of a final administrative order issued pursuant to section 300h-2(c), 42 U.S.C. 1423(c), requiring compliance with the Safe Drinking Water Act UIC program.

Under the proposed Consent Decree the Defendants shall comply with the UIC regulations, including the implementing regulations pertaining to Class II Injection Wells at 40 CFR 144.22 and 144.28, and the Safe Drinking Water Act. Under the consent decree, Defendants are also required to submit a plugging and abandonment schedule (the "Schedule") for the fifteen wells at the Stillman facility in Bolivar, New York, within thirty days from the date of lodging, which provides for the proper plugging and abandonment of at least three wells per year commencing no later than calendar year 1996 and to properly plug and abandon the fifteen secondary, enhanced recovery injection

wells at the Stillman facility pursuant to the Schedule and a previously submitted and approved plugging and abandonment plan (the "Plan").

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Raymond G. Regis, Paul Wasson, and Wasson and Regis, a Partnership*, D.O.J. Ref. No. 90-5-1-1-3937.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of New York located at 68 Court Street, Buffalo, New York 14202; at the Region II Office of the Environmental Protection Agency located at 290 Broadway, New York, New York 10007; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor Washington, D.C., 20005, (202)-624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C., 20005. In requesting a copy, please enclose a check in the amount of \$15.50 (25 cents per page reproduction charge) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 96-12113 Filed 5-14-96; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Process Control Framework Initiative Program

Notice is hereby given that, on April 15, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Advanced Process Control Framework Initiative Program ("APCFIP") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to § 6(b) of the Act, the identities of the parties are: Honeywell Inc., Minneapolis, MN; and

Advanced Micro Devices, Inc., Austin, TX.

APCFIP's area of planned activity is development of advanced process control required by the semiconductor manufacturing industry.

Constance K. Robinson,
Director of Operations, Antitrust Division.
 [FR Doc. 96-12110 Filed 5-14-96; 8:45 am]
BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Integrated Intelligent Manufacturing, Planning and Execution

Notice is hereby given that, on April 24, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Consortium for Integrated Intelligent Manufacturing, Planning and Execution ("CIIMPLEX") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specific circumstances. Pursuant to § 6(b) of the Act, the identities of the parties are: International Business Machines ("IBM") Corporation, Charlotte, NC; Berclain U.S.A., Schaumberg, IL; Ingersoll Rand, Woodcliff Lake, NJ; J.D. Edwards, Denver, CO; and QUD Inc., Mt. Laurel, NJ.

The CIIMPLEX Consortium's area of planned activity is the development of open industry software protocols that will integrate manufacturing, planning and execution computing environments across the U.S. manufacturing base.
 Constance K. Robinson,
Director of Operations, Antitrust Division.
 [FR Doc. 96-12108 Filed 5-14-96; 8:45 am]
BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—the Frame Relay Forum

Notice is hereby given that, on April 29, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Frame Relay Forum ("Forum"), has filed written notifications simultaneously with the Attorney General and the Federal Trade

Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the changes are as follows: Cellstream Networks, Inc., Sarasota, FL; Comsat Corporation, Clarksburg, MD; Digital Equipment Corporation, Berks, UNITED KINGDOM; Hekemian Laboratories, Inc., Rockville, MD; and InComA, Ltd. Moscow RUSSIA; have been added as members to the venture. Nortel DASA, Friedrichs Hafem, GERMANY has been added as an affiliate member. Loral Data Systems, Sarasota, FL; and Defense Research Agency, Malvern, Worcestershire, UNITED KINGDOM have been dropped as members of the venture.

On April 10, 1992, the Forum filed its original notification pursuant to § 6(b) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on July 2, 1992 (57 FR 29537). The last notification was filed on December 27, 1995. A notice was published in the Federal Register on February 20, 1996 (61 FR 6389).

Constance K. Robinson,
Director of Operations, Antitrust Division.
 [FR Doc. 96-12109 Filed 5-14-96; 8:45 am]
BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; the ATM Forum

Notice is hereby given that, on February 2, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the ATM Forum ("Forum") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the changes are as follows: ABB, HAFO, Jarfalla, SWEDEN; Anixter, Inc., Skokie, IL; Anritsu Wiltron, Atsugi-Shi, Kanagawa, JAPAN; Belgacom, Brussels, BELGIUM; Diamond Lane Communications, Petaluma, CA; GN Nettest, Markham, Ontario, CANADA; Incite, Dallas, TX; Integrated Systems Technology, Lanham, MD; Litton-Fibercom, Roanoke, VA; Molex, Lisle, IL; Scope Communications, Northboro, MA; Southern New England Telephone,

North Haven, CT; Super Highway Company, New York, NY; US Robotics, Westborough, MA; and Wandel & Goltermann, Eningen, GERMANY have been added to the venture. Telenex has changed its name to General Signal Networks. Chipcom has withdrawn from the venture.

On April 19, 1993, the Forum filed its original notification pursuant to section 6(b) of the Act. The Department of Justice published a notice in the Federal Register pursuant section 6(b) of the Act on June 2, 1993 (58 FR 45532). The last notification was filed on August 8, 1995. A notice was published in the Federal Register on March 12, 1996 (61 FR 10011).

Constance K. Robinson,
Director of Operations, Antitrust Division.
 [FR Doc. 96-12107 Filed 5-14-96; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 2, 1996, and published in the Federal Register on February 13, 1996, (61 FR 5570), Isotec Inc., 3858 Benner Road, Miamisburg, Ohio 45342, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
2,5-Dimethoxyamphetamine (7396)	I
3,4-Methylenedioxyamphetamine (7400)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxy-methamphetamine (7405)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
Dihydromorphine (9145)	I
Normorphine (9313)	I
Acetylmethadol (9601)	I
Alphacetylmethadol Except Levo-Alphacetylmethadol (9603)	I
Normethadone (9635)	I
3-Methylfentanyl (9813)	I

Drug	Schedule	Drug	Schedule
Amphetamine (1100)	II	Cathinone (1235)	I
Methamphetamine (1105)	II	Methcathinone (1237)	I
Methylphenidate (1724)	II	Alpha-Ethyltryptamine (7249)	I
Amobarbital (2125)	II	Lysergic acid diethylamide (7315)	I
Pentobarbital (2270)	II	4-Bromo-2,5-dimethoxyamphetamine (7391)	I
Secobarbital (2315)	II	2,5-Dimethoxyamphetamine (7396)	I
1-Phenylcyclohexylamine (7460)	II	3,4-Methylenedioxyamphetamines (7405)	I
Phencyclidine (7471)	II	Dimethyltryptamine (7435)	I
Phenylacetone (8501)	II	1-[1-(2-Thienyl) cyclohexyl] piperidine (7470)	I
1-Piperidinocyclohexanecarbonitrile (8603)	II	Heroin (9200)	I
Codeine (9050)	II	Normorphine (9313)	I
Dihydrocodeine (9120)	II	Phencyclidine (7471)	II
Oxycodone (9143)	II	Benzoyllecgonine (9180)	II
Hydromorphone (9150)	II		
Benzoyllecgonine (9180)	II		
Ethylmorphine (9190)	II		
Hydrocodone (9193)	II		
Isomethadone (9226)	II		
Meperidine (9230)	II		
Methadone (9250)	II		
Methadone intermediate (9254)	II		
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II		
Morphine (9300)	II		
Levo-Alphaacetylmethadol (9648)	II		
Oxymorphone (9652)	II		
Fentanyl (9801)	II		

character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Isotec Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: May 8, 1966.
 Gene R. Haislip,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.
 [FR Doc. 96-12123 Filed 5-14-96; 8:45 am]
 BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 27, 1996, Research Biochemicals, Limited Partnership, Attn: Richard Milius, One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

The firm plans to manufacture the listed controlled substances for laboratory reference standards and neurochemicals.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than July 15, 1996.

Dated: May 6, 1996.
 Gene R. Haislip,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.
 [FR Doc. 96-12122 Filed 5-14-96; 8:45 am]
 BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar

fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

[The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.]

Volume I

Massachusetts

MA960001 (MARCH 15, 1996)
MA960007 (MARCH 15, 1996)
MA960008 (MARCH 15, 1996)
MA960012 (MARCH 15, 1996)
MA960017 (MARCH 15, 1996)
MA960018 (MARCH 15, 1996)
MA960019 (MARCH 15, 1996)
MA960021 (MARCH 15, 1996)

New York

NY960007 (MARCH 15, 1996)
NY960008 (MARCH 15, 1996)
NY960012 (MARCH 15, 1996)
NY960067 (MARCH 15, 1996)

Volume II

Maryland

MD960002 (MARCH 15, 1996)
MD960015 (MARCH 15, 1996)
MD960019 (MARCH 15, 1996)
MD960031 (MARCH 15, 1996)
MD960046 (MARCH 15, 1996)
MD960055 (MARCH 15, 1996)

Pennsylvania

PA960007 (MARCH 15, 1996)
PA960009 (MARCH 15, 1996)
PA960012 (MARCH 15, 1996)
PA960019 (MARCH 15, 1996)
PA960020 (MARCH 15, 1996)
PA960023 (MARCH 15, 1996)
PA960028 (MARCH 15, 1996)
PA960033 (MARCH 15, 1996)
PA960041 (MARCH 15, 1996)
PA960051 (MARCH 15, 1996)
PA960052 (MARCH 15, 1996)
PA960054 (MARCH 15, 1996)
PA960062 (MARCH 15, 1996)
PA960063 (MARCH 15, 1996)

Volume III

None

Volume IV

Indiana

IN960001 (MARCH 15, 1996)
IN960006 (MARCH 15, 1996)

Volume V

Arkansas

AR960001 (MARCH 15, 1996)
AR960003 (MARCH 15, 1996)
AR960008 (MARCH 15, 1996)

Iowa

IA960004 (MARCH 15, 1996)

Missouri

MO960003 (MARCH 15, 1996)
MO960058 (MARCH 15, 1996)
MO960059 (MARCH 15, 1996)
MO960060 (MARCH 15, 1996)
MO960062 (MARCH 15, 1996)
MO960063 (MARCH 15, 1996)
MO960064 (MARCH 15, 1996)
MO960065 (MARCH 15, 1996)
MO960066 (MARCH 15, 1996)
MO960067 (MARCH 15, 1996)
MO960068 (MARCH 15, 1996)
MO960069 (MARCH 15, 1996)
MO960070 (MARCH 15, 1996)
MO960071 (MARCH 15, 1996)
MO960072 (MARCH 15, 1996)
MO960073 (MARCH 15, 1996)

New Mexico

NM960002 (MARCH 15, 1996)

Oklahoma

OK960013 (MARCH 15, 1996)
OK960014 (MARCH 15, 1996)
OK960017 (MARCH 15, 1996)

Volume VI

Colorado

CO960016 (MARCH 15, 1996)

Idaho

ID960001 (MARCH 15, 1996)

Oregon

OR960001 (MARCH 15, 1996)
OR960017 (MARCH 15, 1996)

Washington

WA960001 (MARCH 15, 1996)
WA960026 (MARCH 15, 1996)

Wyoming

WY960023 (MARCH 15, 1996)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions

may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

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

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96-12160 Filed 5-14-96; 8:45 am]

BILLING CODE 4510-27-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

WTO Dispute Settlement Proceedings Concerning U.S. Restrictions on Woven Wool Shirts and Blouses From India

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that a dispute settlement panel convened under the Agreement Establishing the World Trade Organization (WTO) at the request of India will examine a U.S. transitional safeguard restriction on woven wool shirt and blouse imports from India (category 440) applied pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC). USTR also invites written comments from the public concerning the issues raised in the dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before June 12, 1996 in order to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to the Office of the General Counsel, Attn: Wool Shirts and Blouses Dispute, Room 223, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Alicia Greenidge, Special Counsel, at (202) 395-3026 or Demetri Boutris, Associate General Counsel, at (202) 395-3150, Office of the U.S. Trade

Representative, 600 17th Street, N.W., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: At the request of India, a WTO dispute settlement panel will examine whether the United States application of a transitional safeguard on U.S. imports of woven wool shirts and blouses from India is consistent with U.S. obligations under the ATC. Effective July 17, 1995, the United States applied a restriction on imports of woven wool shirts and blouses from India (category 440) at a level of 76,698 dozen (60 FR 35899). The U.S. took this action because it determined that such imports were contributing to serious damage, or actual threat thereof, to the U.S. industry. The U.S. held consultations with India in April 1995 in accordance with Article 6.7 of the Uruguay Round Agreement on Textiles and Clothing (ATC). Because no mutually satisfactory solution was reached, the U.S. applied a safeguard restriction in accordance with Article 6.10 of the ATC. Article 6.10 provides that members taking unilateral action must do so within 30 days after a 60 day consultation period, which did not result in agreement. Also pursuant to Article 6.10 of the ATC, the WTO Textiles Monitoring Body (TMB) automatically reviewed the case. The TMB examined the matter on August 28–September 1, 1995. After its examination of the case, the TMB determined that there was no serious damage to U.S. industry. However, the TMB reached consensus that there was actual threat of serious damage to the U.S. industry and such threat was properly attributed to imports from India. On October 16, 1995, India informed the TMB that it could not conform with the TMB's recommendation. The TMB subsequently issued a report on December 8, 1995, affirming its original finding and noted that it could not make any additional recommendations concerning the conclusions it reached earlier. On March 14, 1996, pursuant to Article 8.10 of the ATC, India sent a letter to the Chairman of the WTO Dispute Settlement Body requesting that a panel review the matter.

Members of the panel are currently being selected. The panel will meet with the parties to the dispute twice at WTO headquarters in Geneva, Switzerland to examine the case. The panel is expected to issue a report detailing its findings and recommendations in six to nine months from the date the panel is established.

Major Issues Raised by India and Alleged Legal Basis of the Complaint

India has alleged that the U.S. safeguard restriction on woven shirts and blouses imported from India is inconsistent with Articles 6, 8 and 2 of the ATC; that the U.S. restriction nullifies or impairs benefits accruing to India under the Agreement Establishing the WTO, GATT 1994 and under the ATC in particular; and that the U.S. must withdraw the restraint. India also requested supplementary findings from the panel that the U.S. has to choose at the beginning of the process whether it will claim existence of serious damage or actual threat because they are not interchangeable (asserting that if serious damage is not found there can be no threat); and that the U.S. cannot impose a restraint with retrospective effective because there is no provision in the ATC addressing the matter.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. The provisions of 15 CFR § 2006.13 (a) and (c) (providing that comments received will be open to public inspection) and 2006.15 will apply to comments received. Comments must be in English and provided in fifteen copies. Pursuant to 15 CFR § 2006.15, confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page.

Pursuant to § 127(e) of the URAA, USTR will maintain a public file on this dispute settlement proceeding, which will include a list of comments received, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, DC 20508. An appointment to review the docket (Docket WTO/D-5 "India-United States: U.S. Safeguard Restrictions on Woven Wool Shirts and Blouses") may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

Irving Williamson,

Deputy General Counsel.

[FR Doc. 96-12121 Filed 5-14-96; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 21947; 812-9906; International Series Release No. 975]

Minorco S.A., Notice of Application

May 9, 1996.

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

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

APPLICANT: Minorco S.A.

RELEVANT ACT SECTION: Order requested under section 3(b)(2) of the Act or, alternatively, under section 6(c) granting an exemption from all provisions of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities or, alternatively, granting it an exemption from all provisions of the Act and the rules and regulations thereunder.

FILING DATE: The application was filed on December 14, 1995, and amendment on May 7, 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 June 3, 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 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. Applicant, c/o Minorco (U.S.A.) Inc., 30 Rockerfeller Plaza, Suite 4212, New York, New York, 10112.

FOR FURTHER INFORMATION CONTACT: Mary Kay Frech, Senior Attorney at (202) 942-0579, 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, a Luxembourg corporation, is a foreign private issuer whose ordinary shares are listed on the Luxembourg, London, Johannesburg, and Paris stock exchanges. Applicant has a market capitalization of over \$6 billion and reported net earnings of \$365 million for calendar year 1995. Applicant, together with its consolidated subsidiaries (the "Group"), has over 20,000 employees worldwide and is active in international natural resources with operations across a broad geographic and commodities spectrum. The Group operates five business segments: gold, base metals, industrial minerals, paper and packaging, and agribusiness.

2. Applicant is the successor to a line of companies that have been in existence since 1928 and that had their origin in the operation of copper mines. In 1987, the Group relocated its headquarters to Luxembourg and reorganized into a structure where applicant became the parent company of the Group. At that time, applicant held within the Group significant interests in operating companies involved in natural resources businesses. Applicant subsequently has focused on operating as a natural resources company by expanding its activities into the ownership and operation of, and direct participation in, resource-based assets, and deemphasizing passive investments. Since 1989, this strategy has resulted in approximately \$5.1 billion being spent on acquisitions and other investments in operations (including capital expenditures on expansion of existing operations), and the disposition of approximately \$1.9 billion of non-controlling interests. All of the acquisitions made by applicant since 1989 have been of controlling positions, or complete ownership, of operating companies, with the exception of two small strategic investments made in connection with larger transactions.

3. Applicant's natural resources business is operated worldwide through three major wholly-owned holding companies: Minorco (U.S.A.) Inc. ("Minorco USA"), AMSA Limited ("AMSA"), and Taurus Investments S.A. ("Taurus"). Applicant, either directly or through its wholly-owned subsidiaries, provides technical services, including experts in engineering, metallurgy, and geology, to its operating subsidiaries, maintains a human resources department to coordinate compensation and benefits

among Group companies, and maintains a corporate finance department to provide financial analytical services to Group companies.

4. Applicant conducts its operations in the United States through Minorco USA and Taurus. Minorco USA wholly-owns Independence Mining Company Inc. ("IMC"), which operates various mines and processing facilities directly and indirectly through its wholly-owned subsidiary Pikes Peak Mining Company. IMC and its subsidiaries also conduct the Group's exploration programs in the United States and Mexico. Minorco USA and Taurus own 52.4% of Terra Industries Inc., a marketer of fertilizer and other agricultural products, and a producer of nitrogen products and methanol.

5. Through Taurus, applicant also owns 32% of Engelhard Corporation ("Engelhard"), a provider of specialty chemical products, engineered materials, and precious metal management services. Applicant is the largest shareholder of Engelhard's voting securities, with the next largest shareholder holding less than 7%. Applicant's directors hold four out of the ten seats on the board of directors of Engelhard and serve on several of its key board committees. Applicant states that its control position with respect to Engelhard has allowed it to actively participate in the selection of Engelhard's chief executive officer, and to regularly provide its views on strategic, policy, and management issues.

6. Applicant's European operations include the United Kingdom's only potash mine, as well as wholly-owned subsidiaries in Germany, Spain, and the United Kingdom that produce aggregates, burnt lime products, and ready-mixed concrete. The Group continues to look for growth in its European industrial minerals segment by acquisition. In 1995, the Group acquired a 100% interest in a German sand and gravel operation and a 100% interest in Tilcon Holdings Limited, the United Kingdom's seventh largest producer of aggregates. Applicant's paper and packaging business is held indirectly by Taurus and operated through Mondi European Holdings BV, incorporated in the Netherlands, and Mondi Paper (U.K.). The Group assumes management functions and provides operational advice to its subsidiaries in this segment, and participates in all important strategic decisions.

7. The Group has a 50% joint venture interest in the Lisheen Joint Venture, which owns a zinc/lead deposit in Ireland, and also owns 24.5% of Ivernia West PLC, the owner of the other 50%

joint venture interest. The Group is the manager of the joint venture.

8. Applicant's gold, base metals, and industrial minerals operations in South America are conducted through AMSA, a South American mining business whose administration is centered in Brazil. AMSA owns and operates, either directly or in associations with local partners, a range of resource companies, and is developing projects in Argentina, Brazil, Chile, Peru, and Venezuela.

9. In Brazil, the operations of the Group are conducted through AMBRAS Participações Ltda. ("AMBRAS"), a wholly-owned subsidiary of AMSA, in association with Cia. Bozano Simonsen Comercio e Industria and its subsidiaries (the "Bozano Simonsen Group"). The operations consist of a gold mining complex, several base metal producers, and, in the industrial minerals sector, an integrated petrochemical plant and phosphate mining operation. The vehicle for the association in Brazil between the Group and the Bozano Simonsen Group is MMV Participações Minerais ("MMVPM"). The Bozano Simonsen Group owns an indirect minority interest in MMVPM and acts in conjunction with the Group in a joint venture so that the Group and the Bozano Simonsen Group jointly control companies within the MMVPM group in which the Group's shareholdings are non-voting. Joint control is established by an arrangement under which 50% of MMVPM's board of directors is composed by the Group's representatives, and decisions of the board require the favorable vote of a majority of directors. All officer positions of the operating companies within the MMVPM group are occupied by the Group's representatives, so that the Group ultimately is responsible for the management and conduct of the operations. The arrangements confer upon applicant, through its majority-owned subsidiaries, the ability to manage and control its natural resources business in Brazil.

10. Applicant holds its interests in Brazil through AMBRAS and through its association with the Bozano Simonsen Group in order to reduce the impact of restrictions (which are no longer in effect) upon remittance of capital and dividends, to obtain favorable tax treatment with respect to the Group's activities outside Brazil, and to accommodate the joint venture activities of applicant's majority-owned subsidiaries.

11. In Chile, AMSA holds a 74.9% interest in Empresa Minera de Mantos Blancos S.A. ("Mantos Blancos"), the only Chilean copper producer listed on

the Santiago stock exchange. Mantos Blancos owns and operates copper mines and also owns controlling interests in important gold deposits in Chile. Applicant, through its majority-owned subsidiaries, appoints the majority of the board members of these mining operations and exercises exclusive management over their operations. The Group also currently holds a 50% interest in the Collahuasi copper project in Chile, a joint venture operation with Falconbridge Limited, which is expected to be one of the largest copper mines in the world. The Group jointly controls the management of the operations of the venture, and has three seats on the six member board.

12. In addition to the operations described above, various projects are in the course of development in South America. These include a gold and silver project in Argentina for which the Group is contributing substantial management of the project during production, and a nickel mining project in Venezuela in which the Group has an 85% equity interest and will exercise full control over the project. Applicant also holds indirectly, through wholly-owned subsidiaries and joint ventures, minority interests in certain companies and projects that are of strategic importance to the operating business of the Group.

13. Applicant states that the Group's hands-on involvement is consistent with the background, training, experience, and expertise of applicant's officers and directors in the various natural resources and related sectors. Applicant believes that the various joint ventures in which the Group has interests are characterized by the Group's economic influence and its management of the operations. Applicant asserts that the Group's complex holding company structure reflects, among other things, the manner in which natural resources companies tend to spread risk, as well as the laws and business customs of many of the countries where the Group carries on its businesses. To the extent that applicant has minority voting interests in intervening holding companies, those minority interests are in closely held companies where the majority interest is owned by applicant's joint venture partner in order to comply with former restrictions on foreign investment in Brazil. This structure, however, poses the issue of whether applicant would be considered an investment company within the meaning of the Act.

Applicant's Legal Analysis

1. Applicant seeks an order under section 3(b)(2) of the Act declaring that

it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, and therefore, is not an investment company as defined in the Act, or in the alternative, an order under section 6(c) of the Act exempting it from all provisions of the Act.

2. Under section 3(a)(3), an issuer is an investment company if it "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3(a) defines "investment securities" to include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

3. Applicant states that it is not primarily engaged in the business of investing, reinvesting, or trading in securities. Certain of applicant's businesses, however, are conducted through a controlled company, and a significant portion of the Group's assets currently consist of highly liquid investment grade securities pending use in operations and for acquisitions. Thus, approximately 30% of applicant's total assets are held in investment securities within the meaning of section 3(a)(3). If applicant's South American joint venture interests were characterized as securities, however, applicant might be deemed to own investment securities equal to approximately 52% of the value of its assets on an unconsolidated basis. Applicant, therefore, may be deemed an investment company within the meaning of section 3(a)(3).

4. Section 3(b)(2) provides that notwithstanding section 3(a)(3), the Commission may issue an order declaring an issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses. Applicant believes that it meets the requirements of section 3(b)(2) exempting it from the definition of an investment company because it is primarily engaged, through its wholly-owned or majority-owned subsidiaries, or through companies which it primarily controls, in the business of a natural resources group focused on gold, base metals, industrial minerals, paper and packaging, and agribusiness.

5. In determining whether a company is "primarily engaged" in a non-investment company business under section 3(b)(2), the Commission considers the following factors: (a) the issuer's historical development; (b) its public representations of policy; (c) the activities of its officers and directors; (d) the nature of its present assets; and (e) the sources of its present income.¹

a. Historical Development. Applicant is the successor to a line of companies that have been in existence since 1928 and that had their origin in the operation of copper mines. Although applicant contends it always has maintained significant influence over its natural resources operating companies, applicant has not always held itself out as a holding company exercising direct control over the operating businesses of the Group. Applicant states that the process of becoming a "hands on" operating group began in 1987 with the relocation of applicant's headquarters to Luxembourg, a reorientation of its asset holdings into the ownership and operation of, and direct participation in, resource-based assets, and the disposition of non-controlling passive investments. At that time, applicant articulated a strategy to focus on direct participation in operating businesses, and, since 1989, has made a series of acquisitions of controlling interests in natural resources companies with the result that applicant believes it now has established itself as an operating group. Applicant asserts that the Group today exercises primary or joint control over virtually all of its constituent companies, either through direct voting control, management agreements, or cross directorships.

b. Public Representations of Policy. Applicant states that it does not hold itself out as an investment company within the meaning of the Act, and has never been a registered investment company (or subject to any analogous regulatory scheme). Applicant further states that it consistently represents itself to its shareholders and the public as an international natural resources group. This is supported by, among other things, statements in its annual reports, news articles, and analyst reports. Applicant's 1995 annual report, for example, discusses its operations and projects, and states that applicant is continuing to expand in its five operating business segments: gold, base metals, industrial minerals, paper and packaging, and agribusiness.

c. Activities of Officers and Directors. Applicant states that its management,

¹ *Tonopah Mining Company of Nevada*, 26 S.E.C. 426, 427 (1947).

on the whole, spends substantially all of its time actively involved in the natural resources business of the Group. Of applicant's twenty-two directors, only one director, who serves as applicant's Finance Director, spends any meaningful amount of his time (approximately 5%) monitoring the Group's securities holdings and cash management activities, and that time is spent mostly on administrative and supervisory matters. Applicant's five executive directors have been with the Group for a significant amount of time and have substantial experience in applicant's natural resources operations. Of applicant's thirteen principal officers, only the Treasurer spends any time (approximately 60%) on cash management.² Applicant is represented by its directors and officers on many of the boards of directors of its subsidiaries and its controlled company. In many of those companies, applicant's directors and officers play a leading role in management's strategic decision making or in other essential operational functions.

d. Nature of Assets. As of December 31, 1995, applicant had total assets of \$5,162 million.³ For purpose of analysis under section 3(b)(2), 63% of applicant's total assets were operating assets attributed to its majority-owned subsidiaries (including wholly-owned subsidiaries), its controlled company, Engelhard, and applicant's interests in its joint ventures.

e. Sources of Income. As of December 31, 1995, applicant derived approximately 66% of its income from its operating businesses and approximately 34% from its investment activities. With respect to income earned by the Group's operations, applicant's majority-owned subsidiaries (including wholly-owned subsidiaries) accounted for approximately 26% of its income, Engelhard accounted for approximately 12% of its income, and its joint venture interests accounted for approximately 28% of its income.

6. In the alternative to exemptive relief under section 3(b)(2), applicant requests an order under section 6(c) exempting applicant from all provisions of the Act and the rules and regulations thereunder. Section 6(c) authorizes the Commission to issue a conditional or unconditional exemption from any provision of the Act or rule thereunder if the exemption is "necessary or appropriate in the public interest" and

² Approximately 40% of applicant's cash management activities are conducted through outside managers on a fully discretionary basis.

³ The methods used in the valuation of applicant's assets were in accordance with section 2(a)(41) under the Act.

is "consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Act]." Applicant states that it was structured for valid economic and legal reasons and not with the Act in mind. Consequently, applicant believed that it would be inappropriate and detrimental to applicant and its shareholders to be treated as an investment company and made subject to the Act. Furthermore, applicant believes that it is not the type of company and does not engaged in the activities the Act was designed to regulate. Accordingly, applicant submits that the requested exemption is necessary and appropriate in the public interest, is consistent with the protection of investors, and is consistent with the purposes of the Act.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12128 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37179; File No. SR-Amex-96-11]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 to Proposed Rule Change by the American Stock Exchange, Inc., To Establish a Firm Facilitation Exemption

May 8, 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 April 9, 1996, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.³

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4 (1994).

³ On May 2, 1996, the Amex filed Amendment No. 1 to the proposed rule change to include within the rule text the requirement that if the Exchange grants a facilitation exemption on the basis of oral representations, the member organization must file the appropriate forms and documentation substantiating the basis for the exemption within either two business days or a period of time to be designated by the Exchange ("Amendment No. 1"). See Letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief,

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Exchange Rules 904, 905, 904C, and 906G to provide for an exemption from standardized equity and index and Flexible Exchange option position and exercise limits for member firms seeking to facilitate customer orders.

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 Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Amex is proposing to establish a firm facilitation exemption⁴ for all non-multiply-listed Exchange option classes. This exemption would be available to the Exchange's standardized equity and index and Flexible Exchange option classes. In addition, the firm facilitation exemption will be twice the standard limit.

Under the proposal, the procedures set forth in Exchange Rule 950(d) Commentary .02 for crossing a customer order with a firm facilitation order must be followed. In this regard, before a customer order can be crossed with a firm facilitation order, the trading crowd must be given a reasonable opportunity to participate. Moreover, only after it has been determined that the trading crowd will not fill the order, may the firm's customer order be crossed with the firm's facilitation order.

The Amex notes that the firm facilitation exemption will be in addition to and separate from the standard limit, as well as other exemptions available under the Exchange's position limit rules. For example, if a firm desires to facilitate customer orders in the XYZ option

Derivatives Regulation, Division of Market Regulation, Commission, dated May 2, 1996.

⁴ The Commission notes that a facilitation trade is defined as a transaction that involves crossing an order of a member firm's public customer with an order for the member firm's proprietary account.

class, which is assumed not to be multiply-listed and also assumed to have a 25,000 contract standard position limit, the firm may qualify for a firm facilitation exemption of up to twice the standard limit (50,000 contracts), as well as an equity hedge exemption of up to twice the standard limit (50,000 contracts), in addition to the 25,000 contract standard limit. If both exemptions are allowed, the facilitation firm may hold or control a combined position of up to 125,000 XYZ contracts on the same-side of the market.

Initially, the Exchange intends to provide the facilitation exemption to member firms only for positions in equity options that are solely listed on the Exchange and not for multiply-listed equity options. The reason for this temporary limitation is to allow the options exchanges, working through the Intermarket Surveillance Group ("ISG"), to develop uniform procedures to assure that all market participants at each exchange are given an opportunity to participate in an order before a member firm is given an exemption from the position limit rules.

Under the proposal, member firms must receive approval from the Exchange prior to executing the facilitating order which would result in the firm exceeding position limits. Although permission may be obtained based on oral representations, the facilitation firm is required to furnish to the Exchange, within two business days or such other time period designated by the Exchange, forms and documentation substantiating the basis for the exemption. Further, to remain qualified for the exemption, the member firm must, within five business days after the execution of the exempted order, hedge all exempt option positions that have not previously been liquidated, and furnish to the Exchange documentation reflecting the resulting hedging position. In meeting this requirement, the facilitation firm must liquidate and establish its customer's and its own option and stock positions or their equivalent in an orderly fashion, and not in a manner calculated to cause unreasonable price fluctuations or unwarranted price changes. In addition, a facilitation firm is not permitted to use the facilitation exemption for the purpose of engaging in index arbitrage. Moreover, the facilitation firm is required to promptly provide to the Exchange any information or documents requested concerning the exempted option positions and the positions hedging them, as well as to promptly notify the Exchange of any material change in the exempted option positions or the hedge.

2. Statutory Basis

The Exchange believes that the proposed rule change 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 is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers, and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe 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

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) was provided to the Commission for its review at least five business days prior to the filing date; and (4) does not become operative for 30 days from April 9, 1996, the date on which it was filed, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(e)(6) thereunder. In particular, the Commission believes that the proposal qualifies as a "noncontroversial filing" in that the proposed amendments do not significantly affect the protection of investors or the public interest and do not impose any significant burden on competition. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate for the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No SR-Amex-96-11 and should be submitted by June 5, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12174 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37186; File No. SR-PSE-96-12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Financial Arrangements of Market Makers

May 9, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on April 5, 1996, the Pacific Stock Exchange Incorporated ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested Persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend its rules on the trading restrictions that apply to Options Floor Members with "financial arrangements" as defined in PSE Rule 6.40.

⁵ 17 CFR 200.30-3(a)(12) (1994).

¹ 15 U.S.C. 78s(b)(1) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

PSE Rule 6.40(a) currently provides that two Members have a "financial arrangement" with each other for purposes of Rule 6.40 if: (1) one Member directly finances the other Member's dealings on the Exchange and has a beneficial interest in the other Member's trading account such that the first Member is entitled to at least 10% of the second Member's trading profits; or (2) both Members are trading for the same joint account. Rule 6.40(b) provides that two Members with a financial arrangement may not bid, offer and/or trade in the same trading crowd without a written exemption from two floor officials.² Commentary .06 sets forth the circumstances under which the Options Floor Trading Committee ("OFTC") ordinarily may grant an exemption to those trading restrictions, *i.e.*, to provide liquidity in the trading crowd.

The Exchange proposes to redefine the term "financial arrangements" for purposes of Rule 6.40, so that two Members have a financial arrangement with each other if: (1) One Member directly finances the other Member's dealings on the Exchange, the amount financed is \$5,000 or more, and the Member providing the financing is entitled to a share of the other Member's trading profits; or (2) both Members are registered with the Exchange as nominees of the same Member Organization; or (3) both Members are registered with the Exchange to trade on behalf of the same joint account; or (4) both Members' dealings on the Exchange are financed by the same

² Under PSE Rule 6.40, Commentary .05, two or more Lead Market Makers ("LMMs") who are trading on behalf of the same Member organization may not trade in the same option series at the same time, but may trade in the same trading crowd at the same time.

source, the amount financed is \$5,000 or more, and the Member providing the financing is entitled to a share of each of the other Members' trading profits. The proposal states that Members with "financial arrangements," as defined, may not bid, offer and/or trade in the same trading crowd at the same time in the absence of an exemption from the OFTC.

The proposal further provides for both long-term and short-term exemptions that can be provided by the OFTC or two Floor Officials, respectively. Proposed Rule 6.40(b)(4) states, more specifically, that the OFTC may grant long-term exemptions to Members on a case-by-case basis if it determines that a fair and orderly market would not be impaired by allowing such Members with financial arrangements to trade in the same trading crowd at the same time. It further states that in making such determinations, the Committee shall consider the following factors; (1) The nature of the financial arrangement; (2) the degree of independence to be maintained by the applicants in making trading decisions; (3) the impact on competition in the trading crowd if an exemption were granted; (4) the applicants' prior patterns of trading if they have traded previously in the same trading crowd at the same time; and (5) any other information relevant to whether the applicants would tend collectively to dominate the market in a particular trading crowd or a particular option series. The proposal further states that the Committee may revoke any long-term exemption granted pursuant to this subsection if it determines that a fair and orderly market otherwise would be impaired by a continuation of the exemption. The Exchange believes that the proposed criteria to be used by the OFTC in granting long-term exemptions will provide for even-handed treatment of Members who apply for a long-term exemption. With respect to short-term exemptions, the proposal states that two Floor Officials may grant short-term exemptions to Members on a case-by-case basis if such Floor Officials determine that a fair and orderly market would not be impaired and that the need for liquidity in the trading crowd warrants such action.

The Exchange believes that the proposed definition improves upon the current definition by expanding, to an appropriate extent, the scope of persons who are covered by its terms. Specifically, the current rule allows two or more Members who are backed financially by the same source (*i.e.*, Members with "indirect" financial arrangements), to trade in the same

crowd or same series as long as they are not receiving trading profits from each other and are not trading for the same joint account. This however, allow for certain situations where the spirit (*i.e.*, to prevent one source from dominating the market in a particular option issue or dominating a particular trading crowd), but not the letter, of Rule 6.40 might be violated. The Exchange believes that the proposed rule would better assure that such situations do not occur and that competition will continue to be maintained in each trading crowd.³

The Exchange also proposed to remove a provision in the current rule that states that the primary appointment of a market maker may not include trading posts that constitute the primary appointment of any market maker with whom the first market maker has an existing financial arrangement.⁴ The Exchange believes that that rule is superfluous in light of the trading restrictions set forth in Rule 6.40. Moreover, the Exchange believes that Members trading for joint accounts should be permitted to establish overlapping primary appointment zones to allow for coverage on the floor when members who trade for those accounts are temporarily absent from the floor. In this regard, the Exchange notes that the Commission recently approved a PSE rule change to increase from two to six the maximum number of trading posts that may be included within a market maker's primary appointment zone.⁵

Finally, the PSE proposes to add violations of Rule 6.40(b) to the Exchange's Minor Rule Plan⁶ with recommended fines of \$500, \$1,000 and \$1,500 for first-, second- and third-time violations, respectively. The Exchange believes that violations of Rule 6.40(b) are easily ascertainable and easily verifiable, and, therefore, are appropriate for inclusion in the Minor Rule Plan.

The Exchange believes that the proposal is consistent with Section 6(b) of the Act, in general, and Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade, and to protect investors and the public interest.

³ Current Commentary .04 to Rule 6.40 attempts to address the problem of market domination by multiple traders with "indirect" financial arrangements by expressly prohibiting unfair domination of markets. In this regard, the Exchange believes that the proposed rule improves upon the current rule by relying more on the nature of the financial arrangement and less on patterns of trading.

⁴ See PSE Rule 6.35, Commentary .05.

⁵ See Exchange Act Release No. 36370 (October 13, 1995), 60 FR 54273.

⁶ PSE Rule 10.13.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) By order approve such proposed rule change, or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-PSE-96-12 and should be submitted by June 5, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12172 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37178; File No. SR-PSE-96-10]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Pacific Stock Exchange, Inc., To Establish a Firm Facilitation Exemption

May 8, 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 April 4, 1996, the Pacific Stock Exchange, Inc. ("PSE" 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 PSE subsequently filed Amendment No. 1 to the proposed rule change on May 2, 1996.³ The PSE has requested accelerated approval for the proposal. This order approves the PSE'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 PSE is proposing to amend its rules on option position limits in order to establish a firm facilitation exemption to such limits.

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 PSE 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 PSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The PSE is proposing to establish a firm facilitation exemption⁴ for all non-multiply-listed Exchange option issues by adding new Commentary .08 to Exchange Rule 6.8, the general options position limit rule.⁵ The exemption would be available to equity, broad-based index, narrow-based index, Flexible Exchange ("FLEX"), interest rate, and government securities option issues to the extent and at the levels specified therein.

Under the proposal, the procedures in Exchange Rule 6.47(b) and Options Floor Procedure Advice A-6 for crossing a customer order with a firm facilitation order must be followed. In this regard, before a customer order can be crossed with a firm facilitation order, the trading crowd must be given a reasonable opportunity to participate. Moreover, only after it has been determined that the trading crowd will not fill the order, may the firm's customer order be crossed with the firm's facilitation order.

In addition, except for an interest rate firm facilitation exemption, which is set at a higher level, the firm facilitation exemption will be twice the standard limit.

The PSE notes that the firm facilitation exemption will be in addition to and separate from the standard limit, as well as other exemptions available under Exchange position limit rules. For example, if a firm desires to facilitate customer orders in the XYZ option issue, which is assumed not to be multiply-listed and also assumed to have a 25,000 contract standard position limit, the firm may qualify for a firm facilitation exemption of up to twice the standard limit (50,000 contracts), as well as an equity hedge exemption of up to twice the standard limit (50,000 contracts), in addition to

⁴ The Commission notes that a facilitation trade is defined as a transaction that involves crossing an order of a member firm's public customer with an order for the member firm's proprietary account.

⁵ The PSE's exercise limit provisions will correspond to the increase in position limit levels permitted by the firm facilitation exemption.

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1) (1988).

² 17 CFR 240.19b-4 (1994).

³ On May 2, 1996, the PSE filed Amendment No. 1 to the proposed rule change to include within the rule text the requirement that if the Exchange grants a facilitation exemption on the basis of oral representations, the member organization must file the appropriate forms and documentation substantiating the basis for the exemption within either two business days or a period of time to be designated by the Exchange ("Amendment No. 1"). See Letter from Michael D. Pierson, Senior Attorney, Market Regulation, PSE, to Matthew S. Morris, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, dated May 2, 1996.

the 25,000 contract standard limit. If both exemptions are allowed, the facilitation firm may hold or control a combined position of up to 125,000 XYZ contracts on the same-side of the market.

The PSE notes, however, that the firm facilitation exemption will not presently extend to all option issues listed on the Exchange. Rather, until coordinated intermarket procedures are developed, the exemption will be extended only to non-multiply-listed option issues.⁶

Under the proposal, the facilitation firm must receive approval from the Exchange prior to executing facilitating trades. Although Exchange approval may be granted on the basis of verbal representations, the facilitation firm is required to furnish to the Exchange's Department of Options Surveillance, within two business days or such other time period designated by the Exchange, forms and documentation substantiating the basis for the exemption. Within five business days after the execution of a facilitation exemption order, a facilitation firm must hedge all exempt option positions that have not previously been liquidated, and furnish to the Exchange's Department of Options Surveillance documentation reflecting the resulting hedging positions. In meeting this requirement, the facilitation firm must liquidate and establish its customer's and its own option and stock positions or their equivalent in an orderly fashion, and not in a manner calculated to cause unreasonable price fluctuations or unwarranted price changes. In addition, a facilitation firm is not permitted to use the facilitation exemption for the purpose of engaging in index arbitrage. Moreover, the facilitation firm is required to promptly provide to the Exchange any information or documents requested concerning the exempted option positions and the positions hedging them, as well as to promptly notify the Exchange of any material change in the exempted options position or the hedge.

Lastly, to aid in understanding the scope of the firm facilitation exemption, Commentary .08 will include both a table and an example showing how the exemption will be applied.

2. Statutory Basis

The PSE 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 is designed to facilitate transactions in

securities while continuing to further investor protection and the public interest, and will accommodate the needs of investors and other market participants without substantially increasing concerns regarding manipulation and other trading abuses.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PSE 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, N.W., Washington, D.C. 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, N.W., Washington, D.C. 20549. Copies of such filings also will be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR-PSE-96-10 and should be submitted by [insert date 21 days from date of publication].

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 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).⁷ Specifically, the Commission believes that the PSE's proposal is reasonably designed to accommodate the needs of investors and other market participants

without substantially increasing concerns regarding the potential for manipulation and other trading abuses. The Commission also believes that the proposed rule change has the potential to enhance the depth and liquidity of the options market by providing Exchange members greater flexibility in executing large customer orders. Accordingly, as discussed below, the Commission believes that the rule proposal is consistent with the requirements of Section 6(b)(5) that exchange rules facilitate transactions in securities while continuing to further investor protection and the public interest.

The PSE proposal contains several safeguards that will serve to minimize any potential disruption or manipulation concerns. First, the facilitation firm must receive approval from the Exchange prior to executing facilitating trades. Although Exchange approval may be granted on the basis of verbal representations, the Commission believes that trading abuses are unlikely because the facilitation firm is required to furnish to the Exchange's Department of Options Surveillance, within two business days or such other time period designated by the Exchange, forms and documentation substantiating the basis for the exemption.

Second, a facilitation firm must, within five business days after the execution of a facilitation exemption order, hedge all exempt options positions that have not previously been liquidated, and furnish to the Exchange's Department of Options Surveillance documentation reflecting the resulting hedging positions. In meeting this requirement, the facilitation firm must liquidate and establish its customer's and its own options and stock positions or their equivalent in an orderly fashion, and not in a manner calculated to cause unreasonable price fluctuations or unwarranted price changes. In addition, a facilitation firm is not permitted to use the facilitation exemption for the purpose of engaging in index arbitrage. The Commission believes that these requirements will help to ensure that the facilitation exemption will not have an undue market impact on the options or any underlying stock positions.

Third, the facilitation firm is required to promptly provide to the Exchange any information or documents requested concerning the exempted options positions and the positions hedging them, as well as to promptly notify the Exchange of any material change in the exempted options position or the hedge.

Fourth, neither the member's nor the customer's order may be contingent on

⁶The PSE notes, however, that the Intermarket Surveillance Group ("ISG") is currently working on developing such procedures.

⁷ 15 U.S.C. 78f(b)(5) (1988).

"all or none" or "fill or kill" instructions, and the orders may not be executed until the procedures in Exchange Rule 6.47(b) and Options Floor Procedure Advice A-6 have been satisfied, and crowd members have been given a reasonable time to participate in the trade.

Fifth, in no event may the aggregate exempted position under Commentary .08 exceed the number of contracts specified in the exemption's table, *i.e.*, twice the applicable standard limit, excluding interest rate options which are set at three times the applicable standard limit.

Sixth, the facilitation firm may not increase the exempted options position once it is closed, unless approval from the Exchange is again received pursuant to a reapplication under Commentary .08.

In summary, the Commission believes that the safeguards built into the facilitation exemption process discussed above should serve to minimize the potential for disruption and manipulation, while at the same time benefitting market participants by allowing member firms greater flexibility to facilitate large customer orders. This structure substantially mirrors the firm facilitation exemption process that was recently approved for the Chicago Board Options Exchange, Inc. ("CBOE").⁸ The PSE also has surveillance procedures to surveil for compliance with the rule's requirements. Accordingly, the Commission believes it is appropriate to extend the benefits of a firm facilitation exemption to non-multiply-listed PSE option issues.

The Commission finds good cause to approve the proposed rule change, including Amendment No. 1, prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Specifically, by accelerating the approval of the Exchange's rule proposal, as amended, the Commission is conforming the Exchange's firm facilitation exemption to the relief recently approved for the CBOE. Accelerated approval of the proposed rule change will thereby provide for the desired uniformity of the exchanges' position limit exemptions. Any other course of action could lead to unnecessary investor confusion. In addition, the CBOE's proposal was noticed for the entire twenty-one day comment period and generated no responses. 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, as amended, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2)⁹ of the Act, that the proposed rule change (File No. SR-PSE-96-10), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12173 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-37180; File No. SR-Phlx-96-04]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 Relating to Amendment of Its By-Laws To Require That the Chairman of Each Standing Committee Must Be a Member of the Board of Governors

May 9, 1996.

I. Introduction

On January 22, 1996, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to require that the Chairman of each Standing Committee of the Exchange's Board of Governors must be a member of the Board of Governors.

The proposed rule change was published for comment in Securities Exchange Act Release No. 36832 (February 12, 1996), 61 FR 6280 (February 16, 1996). No comments were received on the proposal. On May 9, 1996, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change.³ This order

⁹ 15 U.S.C. 78s(b)(2) (1988).

¹⁰ 17 CFR 200.30-3(a) (12) (1994).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Letter from Murray L. Ross, Secretary, Phlx, to Jon Kroeper, Attorney, SEC, dated May 8, 1996 ("Amendment No. 1"). Amendment No. 1 amends the text of the proposed rule change to delay the implementation of the proposed rule change until March 26, 1997, which is the organizational meeting of the Phlx Board of Governors after the next scheduled annual election of governors. In its April 17, 1996 meeting, the Board resolved by

approves the proposal, including Amendment No. 1 on an accelerated basis.

II. Description

The proposed rule change to Article X, Section 10-1(a) of the Exchange's By-Laws mandates that, effective March 26, 1997, the Chairman of each Standing Committee of the Phlx's Board of Governors shall be a member of the Board of Governors. The proposed rule change is intended to update the structural composition of the Standing Committees and make them more directly responsive to the Board of Governors.

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).⁴ Specifically, the Commission believes that the proposed rule change is consistent with the Section 6(b)(1)⁵ requirement that an exchange be organized to carry out the purposes of the Act and to enforce compliance by its members and persons associated with its members with the provisions of the Act and the rules and regulations thereunder.

By requiring that the Chairman of each Standing Committee of the Board of Governors⁶ must be a member of the Board of Governors, the proposed rule change will enable the Board to more closely oversee the exercise of the authority it has delegated to the Standing Committees and increase the responsiveness of the Committees to the Board's concerns therewith. As a result, the proposed rule change may enhance the Board's ability to perform its responsibilities under the By-Laws and Rules of the Exchange and, in turn, the

consensus to retain for the 1996-97 governance year recently appointed Chairmen of Standing Committees that are not members of the Board. Amendment No. 1 also contains representations by the Exchange as to the application of its conflict of interest policy to Standing Committees of the Board and the Chairmen thereof. See *infra* note 7 for a description of such representations.

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(1).

⁶ Presently, the Standing Committees of the Phlx Board of Governors consist of the following: an Admissions Committee, an Allocation, Evaluation and Securities Committee, an Arbitration Committee, an Audit Committee, a Business Conduct Committee, an Elections Committee, an Executive Committee, a Finance Committee, a Foreign Currency Options Committee, a Marketing Committee, a Nominating Committee, and an Options Committee. See Phlx By-Laws, Art. X, § 10-1(a).

⁸ See Securities Exchange Act Release No. 36964 (March 13, 1996), 61 FR 11453 (March 20, 1996) (File No. SR-CBOE-95-68).

Exchange's performance of its obligations under the Act.⁷

The Commission finds good cause for approving Amendment No. 1 prior to the thirtieth day after the date of publication of notice thereof in the Federal Register. Amendment No. 1 merely delays the implementation of the rule until the 1997-98 governance year, and does not propose new substantive provisions to the proposed rule change. Accordingly, the Commission believes that consistent with Section 19(b)(2), good cause exists to accelerate approval of Amendment No. 1.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules change that are filed with the Commission, and all written communications relating to Amendment No. 1 between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-96-04 and should be submitted by [insert date 21 days from date of publication].

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁸ that the proposed rule change (SR-Phlx-96-04), as amended, is approved.

⁷ In Amendment No. 1 the Exchange has represented that Art. IV, § 4-8 of the Phlx By-Laws, which provides that "no person shall participate in the adjudication of a matter in which he is personally interested," specifically applies to members of the Board of Governors acting as such. The Exchange also has represented that it has applied this conflict of interest provision to the conduct of all Standing Committee, subcommittee, hearing panel and panel members. Moreover, in the context of the proposed rule change, the Exchange has represented that no Chairman of a Standing Committee may participate in the deliberation or voting on any matter in which such member or his or her affiliated firm may have an interest in the outcome. See Amendment No. 1, *supra* note 3.

⁸ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12175 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-96-24]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT:

Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 10, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No: 009SW

Petitioner: Kaman Aerospace Corporation

Sections of the FAR Affected: 14 CFR 27.1(a)

Description of Relief Sought: To allow an increase in the maximum gross weight of the Kaman Model K-1200

from 6,000 lbs. to 6,500 lbs. while maintaining the original normal category rotorcraft certification.
GRANT, April 25, 1996, Exemption No. 6433

Docket No: 25726

Petitioner: Valley Flying Service, Inc.
Sections of the FAR Affected: 14 CFR 21.197(c)(2)

Description of Relief Sought/Disposition: To allow the issuance of a special flight permit with continuing authorization to the petitioner for aircraft that are operated and maintained in accordance with §§ 135.411(a)(1) and 135.419.

DENIAL, March 18, 1996, Exemption No. 6414

Docket No: 25738

Petitioner: CCAir, Inc.
Sections of the FAR Affected: 14 CFR 21.197(c)

Description of Relief Sought/Disposition: To allow the issuance of a special flight permit with continuing authorization to the petitioner for aircraft that are operated and maintained in accordance with §§ 135.411(a)(1) and 135.419.

DENIAL, March 18, 1996, Exemption No. 6415

Docket No: 28269

Petitioner: Learjet, Inc.
Sections of the FAR Affected: 14 CFR 25.562(c)(5) and 25.785(a)

Description of Relief Sought/Disposition: To allow exemption from the Head Injury Criterion (HIC) of §§ 25.562(c)(5) and 25.785(a) for passenger seating in Learjet Model 45 airplanes.

PARTIAL GRANT, April 9, 1996, Exemption No. 6420

Docket No: 28345

Petitioner: Air Vegas, Inc.
Sections of the FAR Affected: 14 CFR 135.180(a)

Description of Relief Sought/Disposition: To permit Air Vegas, Inc., to operate 6 turbine-powered Beechcraft C99 (B-C99) airplanes that have a passenger seat configuration of 15 seats without those airplanes being equipped with an approved traffic alert and collision avoidance system (TCAS I).

DENIAL, April 4, 1996, Exemption No. 6419

Docket No: 28452

Petitioner: Boeing Commercial Airplane Group
Sections of the FAR Affected: 14 CFR 25.562(b)(2)

Description of Relief Sought/Disposition: To permit exemption from the floor warpage testing requirement of § 25.562(b)(2), as amended by Amendment 25-64, for

⁹ 17 CFR 200.30-3(a)(12).

flight deck seats on Boeing Model 737-600, -700, and -800 airplanes.
GRANT, April 12, 1996, Exemption No. 6425

Docket No.: 28460

Petitioner: Mr. Robert W. Stamm

Sections of the FAR Affected: 14 CFR 121.383(c)

Description of Relief Sought/

Disposition: To permit Mr. Stamm to act as a pilot in operations conducted under part 121 after reaching his 60th birthday.

DENIAL, April 12, 1996, Exemption No. 6421

Docket No.: 28464

Petitioner: Campbell Industries, Inc.

Sections of the FAR Affected: 14 CFR 135.143(c)(2)

Description of Relief Sought/

Disposition: To permit Campbell Industries, Inc., to operate a Beechcraft B-55 (Registration No. N8079R, Serial No. TC-1251) under part 135 without a TSO-C112 (Mode S) transponder installed.

GRANT, April 22, 1996, Exemption No. 6412

[FR Doc. 96-12213 Filed 5-14-96; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., Special Committee 185, Aeronautical Spectrum Planning Issues

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 185 meeting to be held on June 5-6, 1996, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036.

The agenda will be as follows: (1) Administrative Remarks; (2) General Introductions; (3) Approval of the Agenda; (4) Review and Approval of the Summary of the Previous Meeting; (5) Review and Resolve Comments on Draft Version 8 of SC-185 Report; (6) Consider/Approve Version 8 with Corrections as Proposed Final Draft; (7) Other Business; (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone) or (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 96-12209 Filed 5-14-96; 8:45 am]

BILLING CODE 4810-13-M

RTCA, Inc., Special Committee 184; Minimum Performance and Installation Standards for Runway Guard Lights

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 184 meeting to be held June 4, 1996, starting at 9:30 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036.

The agenda will be as follows: (1) Administrative Announcements; (2) Chairman's Introductory Remarks; (3) Review and Approval of Meeting Agenda; (4) Review and Approval of Minutes of the Previous Meeting; (5) Review Comments Received from Proposed Final Draft; (6) Complete Editorial and Comment Cleanup on Proposed Final Draft; (7) Other Business; (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone) or (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 96-12210 Filed 5-14-96; 8:45 am]

BILLING CODE 4810-13-M

RTCA, Inc., RTCA Special Committee 188; Minimum Aviation System Performance Standards for High Frequency Data Link (HF DL)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA Special Committee 188 meeting to be held June 10-13, 1996, starting at 9:30 a.m. on June 10. (On subsequent days, meeting begins at 9:00 a.m.) (June 10 will address the Working Group 1 MASPS; June 11 will continue Working Group 1 discussion (a.m.) and begin discussion of Working Group 2 MOPS (p.m.); June

12 will continue working Group 2 MOPS; and June 13 will be the Plenary Session.) The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036.

The agenda of the Plenary Session will be as follows: (1) Introductory Remarks; (2) Review and Approval of Meeting Agenda; (3) Approval of the Summary of the Previous Meeting; (4) Presentations; (5) Reports From Working Groups 1 and 2; (6) Other Business; (7) Set Agenda for Next Meeting; (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone) or (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 96-12211 Filed 5-14-96; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., Joint RTCA Special Committee 180 and Eurocae Working Group 46 Meeting; Design Assurance Guidance for Airborne Electronic Hardware

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a joint RTCA Special Committee 180 and EUROCAE Working Group 46 meeting to be held June 18-20, 1996, starting at 8:30 a.m. on June 18. (On subsequent days, meeting begins at 8:00 a.m.) The meeting will be held at RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036.

The agenda will be as follows: (1) Chairman's Introductory Remarks; (2) Review and Approval of Meeting Agenda; (3) Review and Approval of Minutes of Previous Joint Meeting; (4) Leadership Team Meeting Report; (5) Consensus Items; (6) Review Action Items; (7) Review Issue Logs; (8) Issue Teams' Status, Meeting Plans, New Members; (9) Issue Team Working Sessions; (10) Issue Team Reports; (11) New Items for Consensus; (12) Other Business; (13) Establish Agenda for Next Meeting; (14) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone) or (202) 833-9434 (fax). Members of the public may present a written statement to the committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 96-12212 Filed 5-14-96; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects. Further, the notice requests suggestions for topics to be presented by the agency.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on June 12, 1996, beginning at 1:30 p.m. and ending at approximately 5:00 p.m. The deadline for interested parties to suggest agenda topics is 4:15 p.m. on May 24, 1996. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by June 3, 1996, to the address given below. If sufficient time is available, questions received after the June 3 date will be answered at the meeting in the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by June 3 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Royce Hotel-Detroit Metro Airport, 31500 Wick Road, Romulus, Michigan 48174. Suggestions for specific R&D topics as described below and questions for the June 12, 1996, meeting relating to the agency's research and development programs should be

submitted to the Office of the Associate Administrator for Research and Development, NRD-01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St., SW., Washington, DC 20590. The fax number is 202-366-5930.

SUPPLEMENTARY INFORMATION: NHTSA intends to provide detailed presentations about its research and development programs in a series of public meetings. The series started in April 1993. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This thirteenth meeting in the series will be held on June 12, 1996.

NHTSA requests suggestions from interested parties on the specific agenda topics to be presented. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on May 24, 1996. Before the meeting, it will publish a notice with an agenda listing the research and development topics to be discussed. The agenda can also be obtained by calling or faxing the information numbers listed elsewhere in this notice. NHTSA asks that the suggestions be limited to six, in priority order, so that the presentations at the June 12 R&D meeting can be most useful to the audience. Specific R&D topics are listed below. Many of these topics have been discussed at previous meetings. Suggestions for agenda topics are not restricted to this listing, and interested parties are invited to suggest other R&D topics of specific interest to their organizations.

Specific R&D topic is:

On-line tracking system for NHTSA's research projects.

Specific Crashworthiness R&D topics are:

Improved frontal crash protection (program status, problem identification, offset testing),
Advanced glazing research,
Vehicle aggressivity and fleet compatibility,
Upgrade side crash protection,
Upgrade seat and occupant restraint systems,
Child safety research (ISOFIX),
Child restraint/air bag interaction (CRABI) dummy testing,
Electric and alternate fuel vehicle safety,
Truck crashworthiness/occupant protection,
Highway traffic injury studies,
Head and neck injury research,
Lower extremity injury research,
Thorax injury research,
Human injury simulation and analysis,
Refinements to the Hybrid III dummy, and
Advanced frontal test dummy.

Specific Crash Avoidance R&D topics are:

Truck tire traction,
Portable data acquisition system for crash avoidance research (DASCAR),
Systems to enhance EMS response (automatic collision notification),
Vehicle motion environment data collection system,
Crash causal analysis,
Human factors guidelines for crash avoidance warning devices,
Longer combination vehicle safety,
Drowsy driver monitoring,
Driver workload assessment,
Pedestrian detection devices for school bus safety,
Performance guidelines for ITS systems (approach),
Variable dynamics test vehicle,
Engineering description of precrash events,
Preliminary rearend collision avoidance system guidelines,
Preliminary road departure collision avoidance system guidelines,
Preliminary intersection collision avoidance system guidelines, and
Preliminary lane change/merge collision avoidance system guidelines.

Separately, questions regarding research projects that have been submitted in writing not later than close of business on June 3, 1996, will be answered. A transcript of the meeting, copies of materials handed out at the meeting, and copies of the suggestions offered by commenters will be available for public inspection in the NHTSA's Technical Reference Division, Room 5108, 400 Seventh St., SW., Washington, DC 20590. Copies of the transcript will then be available at 10 cents a page, upon request to NHTSA's Technical Reference Division. The Technical Reference Division is open to the public from 9:30 a.m. to 4:00 p.m.

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons on 202-366-4862 by close of business June 5, 1996.

FOR FURTHER INFORMATION CONTACT: Rita Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202-366-4862. Fax number: 202-366-5930.

Issued: May 9, 1996.

William A. Boehly,

Associate Administrator for Research and Development.

[FR Doc. 96-12164 Filed 5-14-96; 8:45 am]

BILLING CODE 4910-59-P

Research and Special Programs Administration

[Notice No. 96-8]

Improving the Hazardous Materials Safety Program; Public Meetings Related to Regulatory Review and Customer Service

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces two public meetings, one to be held in St. Louis, Missouri, and the other in Atlanta, Georgia, to seek information from the public on regulatory reform and improved customer service for RSPA's hazardous materials safety program. These meetings are a continuation of the initial series of public outreach meetings held between April 19, 1995 and January 25, 1996.

ADDRESSES: See Supplementary Information for specific time, location, and agenda.

DATES: Public Meetings will be held as follows:

(1) June 26, 1996, in St. Louis, Missouri.

(2) September 12, 1996, in Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Edmund J. Richards, Interagency Hazardous Materials Program Coordinator, (202) 366-0656; or Suezett Edwards, Training and Information Specialist, (202) 366-4900; Hazardous Materials Safety, RSPA, Department of Transportation, Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton issued a memorandum to heads of departments and agencies calling for a review of all agency regulations to eliminate or revise those regulations that are outdated or in need of reform. In addition, the President directed front line regulators to " * * * get out of Washington and create grassroots partnerships" with people affected by agency regulations.

In response to the President's directive, RSPA performed an extensive review of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and associated procedural rules (49 CFR Parts 106, 107 and 110). In April and July 1995, RSPA published notices in the Federal Register (60 FR 17049 and 60 FR 38888, respectively) that announced public meetings and requested comments on ways to improve the HMR and the kind and quality of services RSPA's customers expect. RSPA held 12 public meetings and received over 50 written comments

in response to the Federal Register notices.

Based on its review of the HMR and on written and oral comments received from the public, RSPA has initiated eight separate rulemakings to eliminate or revise those regulations that have been identified as being outdated or in need of reform (Dockets HM-200, HM-207C, HM-207E, HM-216, HM-220A, HM-220B, HM-222A, HM-222B). Except for Docket HM-200, RSPA expects all of these rulemakings to be issued as final rules by early June 1996. These rulemakings address areas of the HMR dealing with "materials of trade", training frequency, 24-hour emergency response telephone numbers, incident reporting, shipping papers, marketing, labeling, and placarding, elimination of over 100 sections of the HMR, restructuring of the Hazardous Materials Table and Hazardous Substance Table, restructuring of the cylinder specifications and cylinder requalification requirements, and rail and highway modal requirements. In addition, RSPA has initiated a two-year pilot ticketing program to streamline and simplify enforcement of certain violations which do not have a direct impact on the safe transportation of hazardous materials, such as failure to register, obtain renewed exemptions in a timely manner, retain training records, and file incident reports. In the international area, RSPA has incorporated requirements for the transportation of radioactive materials that are compatible with the regulations of the International Atomic Energy Agency, and continued to adopt regulations towards harmonization with the United Nations Recommendations and other international regulatory bodies.

Significant actions have also been taken to improve management practices and operations. In 1995, RSPA implemented a toll-free number for obtaining assistance on the HMR, reporting potential violations of the regulations, and obtaining copies of training materials. In response to comments to improve responses to inquiries, RSPA has made a commitment to respond to phone calls before the end of the next business day, and to mail training materials and publications in a timely manner.

Conduct of the Meetings

The meetings will be informal and are intended to produce a dialogue between agency personnel and persons affected by the hazardous materials safety programs. The meeting officer may find it necessary to limit the time allocated each speaker to ensure that all

participants have an opportunity to speak. Conversely, the meeting may conclude before the time scheduled if all persons wishing to participate have been heard.

The meetings will have an open agenda and will be held as follows:

(1) June 26, 1996, from 9:00 a.m. to 4:00 p.m., at the Henry VIII Hotel, 4690 N. Lindbergh Boulevard, St. Louis, Missouri, 63044 (near the airport).

(2) September 12, 1996, from 9:00 a.m. to 4:00 p.m., at the Omni Hotel, 100 CNN Center, Atlanta, Georgia, 30335.

Issued in Washington, DC on May 10, 1996.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 96-12178 Filed 5-14-96; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099-DIV

AGENCY: Internal Revenue Service (IRS), 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 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099-DIV, Dividends and Distributions.

DATES: Written comments should be received on or before July 15, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Dividends and Distributions.

OMB Number: 1545-0110.

Form Number: Form 1099-DIV.

Abstract: This form is used by the Service to insure that dividends are

properly reported as required by Internal Revenue Code section 6042, that liquidation distributions are correctly reported as required by Code section 6043, and to determine whether payees are correctly reporting their income.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 140,560.

Estimated Time per Respondent: 165 hr. 45 min.

Estimated Total Annual Burden Hours: 23,297,824.

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, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: May 1, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-12202 Filed 5-14-96; 8:45 am]

BILLING CODE 4830-01-U

Proposed Collection; Comment Request for Form CT-1

AGENCY: Internal Revenue Service (IRS), 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 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form CT-1, Employer's Annual Railroad Retirement Tax Return.

DATES: Written comments should be received on or before July 15, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Railroad Retirement Tax Return.

OMB Number: 1545-0001.

Form Number: Form CT-1.

Abstract: Railroad employers are required to file an annual return to report employer and employee Railroad Retirement Tax Act (RRTA) taxes. Form CT-1 is used for this purpose. IRS uses the information to insure that the employer has paid the correct tax.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and State, local or tribal governments.

Estimated Number of Respondents: 2,387.

Estimated Time per Respondent: 20hr. 23 min.

Estimated Total Annual Burden Hours: 48,646.

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, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: May 8, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-12203 Filed 5-14-96; 8:45 am]

BILLING CODE 4830-01-U

Proposed Collection; Comment Request for Form 941c and 941cPR

AGENCY: Internal Revenue Service (IRS), 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 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 941c, Supporting Statement To Correct Information and Form 941cPR, Planilla Para La Correccion De Informacion.

DATES: Written comments should be received on or before July 15, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 941c, Supporting Statement To Correct Information and Form 941cPR, Planilla Para La Correccion De Informacion.

OMB Number: 1545-0256.

Form Number: Forms 941c and 941cPR.

Abstract: Form 941c (or Form 941cPR for use in Puerto Rico to correct FICA tax only) is used by employers to correct previously reported FICA or income tax data. The forms may be used to support a credit or adjustment claimed on a current return for an error in a prior return period. The information is used to reconcile wages and taxes previously reported or used to support a claim for refund credit or adjustment of FICA or income tax.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and State, local or tribal governments.

Estimated Number of Respondents: 958,050.

Estimated Time per Respondent: 8hr. 54 min.

Estimated Total Annual Burden Hours: 8,528,697.

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, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Approved: May 8, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96-12204 Filed 5-14-96; 8:45 am]

BILLING CODE 4830-01-U

Office of the Comptroller of the Currency

[Docket No. 96-12]

Order of Succession

By virtue of the authority contained in 12 U.S.C. 4, it is ordered as follows:

During a vacancy in the Office of the Comptroller of the Currency or during any period in which the Comptroller of the Currency is unable to perform the duties of such office due to absence or disability, the following officials—each of whom has received appointment under 12 U.S.C. 4 as a Deputy Comptroller of the Currency—shall possess the power and perform the duties attached by law to the Office of the Comptroller of the Currency in the order of succession enumerated:

1. Konrad S. Alt, Senior Deputy Comptroller for Economic Analysis and Public Affairs;
2. Julie L. Williams, Chief Counsel;
3. Susan F. Krause, Senior Deputy Comptroller for Bank Supervision Policy;
4. Leann G. Britton, Senior Deputy Comptroller for Bank Supervision Operations.

Dated: May 7, 1996.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 96-12208 Filed 5-14-96; 8:45 am]

BILLING CODE 4810-33-P

Office of Thrift Supervision

[AC-31; OTS Nos. H-2678 and 00423]

Kenwood Federal M.H.C., Cincinnati, Ohio; Approval of Conversion Application

Notice is hereby given that on April 30, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Kenwood Federal M.H.C., Cincinnati, Ohio, 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 Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: May 9, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96-12127 Filed 5-14-96; 8:45 am]

BILLING CODE 6720-01-P

Corrections

Federal Register
Vol. 61, No. 95
Wednesday, May 15, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget

Unified Agenda of Federal Regulatory and Deregulatory Actions

Correction

In the Unified Agenda of Federal Regulatory and Deregulatory Actions published in the issue of Monday, May 13, 1996, Book 2, make the following corrections:

In proposed rule document 96-12159 appearing on the back of the inside cover page, the page number should be "22701" and the FR Doc. line and billing code were inadvertently omitted and should read as set forth below:
[FR Doc. 96-12159 Filed 5-10-96; 10:36 am]

BILLING CODE 3110-01-P
BILLING CODE 1505-01-D

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1996-11]

Candidate Debates and News Stories

Correction

In rule document 96-10038 beginning on page 18049, in the issue of Wednesday, April 24, 1996, make the following corrections:

1. On page 18050, in the 1st column, in the 1st full paragraph, in the 12th line, "express" should read "expressed".

§110.13 [Corrected]

2. On page 18051, in the third column, in §110.13 (a)(2), in the third line from the top, after the word "are" insert "not".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96-AGL-4]

Establishment of Class E Airspace; Menomonie, WI

Correction

In proposed rule document 96-10967 beginning on page 19592 in the issue of

Thursday, May 2, 1996, make the following correction:

On page 19592, in the third column, in the SUMMARY, in the sixth line, "???" should read "approach".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 27264]

RIN 2120-AF96

The Age 60 Rule

Correction

In proposed rule document 96-9991 beginning on page 18099 in the issue of Wednesday, April 24, 1996, make the following correction:

On page 18099, in the third column, in the SUPPLEMENTARY INFORMATION, in the 2d paragraph, in the 14th line, "into" should read "not".

BILLING CODE 1505-01-D

Federal Register

Wednesday
May 15, 1996

Part II

Department of State

Office of Protocol

Gifts to Federal Employees From Foreign
Government Sources Reported to
Employing Agencies in Fiscal Year 1995;
Notice

DEPARTMENT OF STATE

Office of Protocol

[Public Notice 2365]

Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 1995

The Department of State submits the following comprehensive listing of the

statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1995 concerning gifts received from foreign governments sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the Federal Register is required by Section 7342(f) of Title 5, United States Code, as

added by Section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105, August 17, 1977, 91 Stat. 865).

Dated: March 19, 1996.
Richard Moose,
Under Secretary for Management.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family	25"x33" gold-framed portrait of an Asian woman in native dress. Recd—September 7, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Punsalmaagiin Ochirbat, President of Mongolia, and Mrs. Tsevelmaa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	(1) Tyrone leaded crystal vase with an engraving of Belfast City Hall, on wooden base inscribed to the President. (2) Eight Tyrone leaded crystal napkin rings engraved "Belfast." (3) Eight Irish linen napkins. Recd—November 30, 1995. Est. Value—\$1150. Archive Foreign.	The Right Honorable Councillor Eric Smyth, The Lord Mayor of Belfast.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Four dozen red roses. Recd—January 9, 1995. Est. Value—\$300. Accepted by Another Government Agency.	His Excellency Dr. Muhammad Abdul Ghaffar Abdulla, Ambassador of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Multicolored cloisonne plate with wooden stand. Recd—January 18, 1995. Est. Value—\$250. Archive Foreign.	His Excellency Tomiichi Murayama, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Watercolor painting titled, "Sax-O-Ton." Recd—February 9, 1995. Est. Value—\$1200. Archive Foreign.	His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Framed poster that celebrates the 50th anniversary of the Battle of the Bulge. (2) Framed lithograph of the Hotel de Ville. Recd—February 11, 1995. Est. Value—\$775. Archive Foreign.	Petra Jercic (Private Citizen of the Federal Republic of Germany). His Excellency Jean-Luc Dehaene, Prime Minister of Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Book of photographs from 50th anniversary of D-Day celebrations. Recd—January 25, 1995. Est. Value—\$500. Archive Foreign.	His Excellency Francois Mitterrand, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	12" diameter silver display bowl mounted on a pedestal. Recd—February 13, 1995. Est. Value—\$250. Archive Foreign.	His Excellency Dr. Zhelyu Zhelev, President of the Republic of Bulgaria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	18k gold table clock and case with amethyst crystal panels and diamond and sapphire ornamentation. Recd—March 15, 1995. Est. Value—\$26,000. Archive Foreign.	His Majesty Hassan, II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Waterford crystal bowl, signed by artist; approximately 9½" diameter. Recd—March 17, 1995. Est. Value—\$650. Archive Foreign. Sterling silver bowl with etched pattern around its rim; approximately 8½" diameter. Recd—March 17, 1995. Est. Value—\$1,000. Archive Foreign	His Excellency John G. Bruton, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Gold replica of the funeral box that contained the bones of King Philip of Macedonia. Recd—March 27, 1995. Est. Value—\$6,500. Archive Foreign.	His Excellency Konstandinos Triaridhis, Minister For Macedonia and Thrace of the Hellenic Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Two gold bracelets with garnets and diamonds. Recd—April 11, 1995. Est. Value—\$7,000. Archive Foreign.	Her Excellency Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Marble coffee table. Approximately 32" x 60". Recd—March 31, 1995. Est. Value—\$4,000. Archive Foreign.	His Excellency Jean-Bertrand Aristide, President of the Republic of Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Two ceremonial robes in blue, purple and gold. Recd—July 21, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Nicephore Soglo, President of the Republic of Benin, and Mrs. Soglo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	(1) Hardcover book. "Palau: Portrait of Paradise." (2) Ongall (a plate used to serve the members of high ranking clan in Palau. Recd—July 28, 1995. Est. Value—\$250. Archive Foreign.	The Honorable Gloria Salii, The Bilung of the Palau Islands.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	(1) "Upper Canada Sketches" by Thomas Conant, dated 1898. (2) Eskimo greenstone carving of a musk ox. (3) "Roots" brand sports jacket Recd—February 23, 1995. Est. Value—\$450. Archive Foreign.	The Right Honorable Jean Chretien, P.C., M.P., Prime Minister of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Two shalwar kameez. Recd—March 26, 1995. Est. Value—\$300. Archive Foreign.	Her Excellency Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	(1) Silver plate that reads "President of India." (2) Rosewood framed wood inlay of a mountain scene with a cottage. (3) Marble plate with inlay work and marble base. (4) Black silk and wool sari with grey paisley print. (5) Green suede belt embroidered with yellow thread. (6) Green suede two pocket handbag with border embroidery. (7) Red and gold bag that contains tea. (8) Blue velvet presentation case. Recd—March 29, 1995. Est. Value—\$1560. Archive Foreign.	His Excellency Shankar Dayal Sharma, President of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Painting of three women. Recd—March 30, 1995. Est. Value—\$700. Archive Foreign.	Coligny Chery, Departmental Surrogate, Departement of du Nord Est, Ministry of Foreign Affairs, Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Painting that features alcohol and cards. Recd—March 30, 1995. Est. Value—\$400. Archive Foreign.	Eric Jean Jose, Departmental Surrogate, Departement du Nord Ouest, Ministry of Foreign Affairs, Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Handcrafted silver bowl. Recd—April 11, 1995. Est. Value—\$1200. Archive Foreign.	Her Excellency Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	18" vase with blue, gold and green checked pattern and Presidential Seal on its side. Recd—April 15, 1995. Est. Value—\$1200. Archive Foreign. Fabric covered presentation box. Recd—April 15, 1995. Est. Value—\$10. Archive Foreign	The Honorable Pramual Sabhavasu, Member of Parliament, Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Painting on papyrus of the Temple of Hatshepsut. Recd—April 6, 1995. Est. Value—\$750. Archive Foreign.	His Excellency Mohammad Hosni Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Painting. (2) Embroidered denim vest and dress. Recd—March 30, 1995. Est. Value—\$1285. Archive Foreign.	Briere Nazaire, Departmental Surrogate, Departement de la Grande Anse, Ministry of Foreign Affairs, Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Wooden statue. Recd—March 30, 1995. Est. Value—\$1000. Archive Foreign.	Reynold Eustache, Departmental Surrogate, Departement du Centre, Ministry of Foreign Affairs, Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Wooden diorama that spells "Jaomel." Recd—March 30, 1995. Est. Value—\$450. Archive Foreign.	Ronald Pierre, Departmental Surrogate, Departement du Sud Est, Ministry of Foreign Affairs, Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Picture of Cape Haiti. Recd—March 30, 1995. Est. Value—\$1000. Archive Foreign.	Bell Angelot, Departmental Surrogate, Departement du Nord Ministry of Foreign Affairs, Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Egg-shaped silver box with a section of a geode embedded in its lid. (2) 90-piece bar glass set. Recd—April 20, 1995. Est. Value—\$2790. Archive Foreign. (1) Pewter medal that refers to President Cardoso's visit with President Clinton, approximately 2" in diameter. (2) Letter signed by President Franklin D. Roosevelt, dated 1/3/40. Recd—April 20, 1995. Est. Value—\$500. Archive Foreign. Grey felt covered presentation box with the seal of Brazil. Recd—April 20, 1995. Est. Value—\$20. Archive Foreign.	His Excellency Fernando Henrique Cardoso, President of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Modern Birmingham inkwell, engraved "10 Downing Street" with British crest on lid and a glass insert. Recd—April 4, 1995. Est. Value—\$325. Archive Foreign. Three umbrellas with wooden handles. Recd—April 4, 1995. Est. Value—\$150. Archive Foreign	The Right Honorable John Major, M.P., Prime Minister, United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Lead crystal compote bowl. Recd—May 5, 1995. Est. Value—\$600. Archive Foreign.	His Excellency Vaclav Klaus, Prime Minister of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Cast iron statue of Venus and Cupid; 20½" high. Recd—May 1, 1995. Est. Value—\$600. Archive Foreign.	The Honorable Ivan Petrovich Rybkin, Chairman of the State Duma Federal Assembly of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Ukrainian art with an illuminated electrical frame. Recd—May 11, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Leonid Kuchma, President of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Ukrainian vodka. Recd—May 11, 1995, Est. Value—\$180, Accepted by Another Government Agency		
President	Two hardcover books in presentation cases. "The Russian-American Company and the Exploration of the Pacific North, 1799–1815." "Commander," inscribed by Valery Zubov. Recd—May 9, 1995. Est. Value—\$300. Archive Foreign.	Mr. Igor L. Berezovsky (Private Citizen, President of the Russian-American Company).	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Silver sword with dragon scales detailing. Recd—May 11, 1995. Est. Value—\$750. Archive Foreign.	The Honorable Valeriy Zubov, Governor of Krasnoyarsk Kray, Russian Federation	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large metal rhinoceros sculpture. Recd—May 18, 1995. Est. Value—\$3000. Archive Foreign.	The Honorable Ruslan Sultanovich Aushev, President of the Republic of Ingushetiya, Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Paperback. "From Columbus to Castro: The History of the Caribbean 1492–1969," by Eric Williams. (2) Hardcover. "The Book of Trinidad," by Gerrard Besson and Bridget Brereton. (3) Paperback. "Violence: Self and the Young Male," edited by Arthur L. McShine. (4) 18"×21" framed painting titled "Good Lime Down the Islands," by Liz Gardner. Recd—May 30, 1995. Est. Value—\$255. Archive Foreign.	His Excellency Robert Gabriel Mugabe, President of the Republic of Zimbabwe.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large Hungarian etched and open-cut crystal bowl decorated with seven warrior profiles. Recd—June 6, 1995. Est. Value—\$2800. Archive Foreign.	The Right Honorable Patrick Manning, Prime Minister of the Republic of Trinidad and Tobago.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Tall porcelain vase with floral and geometric motif and a cartouche of the Seal of the President of the United States, crafted by Mr. Prasart of Thailand. Height 18¾". Recd—June 30, 1995. Est. Value—\$3000. Archive Foreign.	His Excellency Gyula Horn, Prime Minister of the Republic of Hungary.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Blue fabric presentation box. Recd—June 30, 1995. Est. Value—\$20. Archive Foreign.	The Honorable Pramual Sabhavasu, Member of Parliament, Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
 Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	(1) Standing bronze of a native African woman with a basket on her head, mounted on a round wooden block that reads, "Benin." (2) Blue, white and purple native ceremonial robe with cap. (3) White plastic presentation box for coin. Recd—July 14, 1995. Est. Value—\$1600. Archive Foreign. Republic of Benin gold presentation coin in lucite case. Recd—July 14, 1995. Est. Value—\$500. Archive Foreign.	His Excellency, Nicephore Soglo, President of the Republic of Benin.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Vase made by Punchong Ware. Recd—July 26, 1995. Est. Value—\$300. Archive Foreign.	His Excellency, Kim Young Sam, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	1992 gold coin encased in plastic that reads, "Republica De El Salvador." Red velvet presentation box. Recd—July 1, 1995. Est. Value—\$250. Archive Foreign.	His Excellency Armando Calderon Sol, President of the Republic of El Salvador.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large floral arrangement comprised of lilies, alium, delphinium, hydrangea, proteus and various greens. Recd—August 19, 1995. Est. Value—\$400. Accepted by Another Government Agency. (1) Large woven basket. (2) Three Waterford crystal golf balls. (3) Waterford crystal golf club head paperweight. (4) Two Baccarat crystal golfing figures. (5) Hardcover book, "Golf Resorts of the World," by Brian McCallen. (6) Four handpainted Limoges miniature golf boxes. (7) Two cobalt ceramic plates with covers embellished with gold and silver designs. (8) Small gold-tone metal basket. Recd—August 19, 1995. Est. Value—\$3,350. Archive Foreign Chocolates and truffles. Recd—August 19, 1995. Est. Value—\$100. Accepted by Another Government Agency. Light blue goldfish bowl vase with oriental floral design. Recd—August 19, 1995. Est. Value—\$200. Archive Foreign.	His Majesty Hassan, II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Sterling silver cigarette box, approximately 5" x 7". Recd—September 6, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Ernesto Perez Balladares, President of the Republic of Panama.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Antique gun with loading rod and gun powder holder. Recd—September 14, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Sali Berisha, President of the Republic of Albania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large vase, sculptured "Raku Pot," approximately 14" high. Recd—September 13, 1995. Est. Value—\$300. Archive Foreign.	The Right Honorable P.J. Patterson, M.P., Prime Minister of Jamaica.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Framed bronze oval icon of Saint Peter and Saint Paul in bas-relief, framed and double matted on brown velvet; 25" x 30". Recd—October 4, 1995. Est. Value—\$350. Archive Foreign.	His Holiness John Paul II	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Carved sterling silver pear-shaped box; approximately 8"x8". Recd—October 11, 1995. Est. Value—\$1500. Archive Foreign.	His Excellency Ernesto Zedillo Ponce de Leon, President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Gzhel porcelain decanter. (2) Stone and bronze clock. (3) Ceremonial sword. (4) Two pound silver coin made of fine silver that commemorates the 50th anniversary of the end of WW II. (5) Leather catalog case. (6) Russian military photo book. (7) Compact disc. Recd—May 9, 1995. Est. Value—\$503. Archive Foreign.	His Excellency Boris Yeltsin, President of the Russian Federal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Gold 10,000 Tehte coin issued by the National Bank of Kazakstan. Recd—October 25, 1995. Est. Value—\$430. Archive Foreign. Three gold coins in denominations of 5000, 2500, and 1000 Tehte, issued by the National Bank of Kazakstan. Recd—October 25, 1995. Est. Value—\$380. Archive Foreign.	His Excellency Nursultan Nazarbayev, President of the Republic of Kazakstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Framed, woven portrait of the President, with gold background; 22"x27". Recd—October 25, 1995. Est. Value—\$350. Archive Foreign.	His Excellency Islam Karimov, President of the Republic of Uzbekistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Two wooden cases. Recd—November 14, 1995. Est. Value—\$75. Archive Foreign.	His Excellency Maumoon Abdul Gayoom, President of the Republic of Maldives, And Mrs. Gayoom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Two hardcover books. "Journey Through Maldives," by Mohamed Amin, Duncan, Willetts, and Peter Marshall. "Maldives," by Kurt Amsler. (2) 3' asaa (ornamental cane) made of mother-of-pearl. (3) 5'6"x2'6" woven straw mat interlaced with dried reed. Recd—November 14, 1995. Est. Value—\$425. Archive Foreign. Canned tuna. Recd—November 14, 1995. Est. Value—\$25. Accepted by another Government Agency.	His Excellency Heydar Aliyev, President of the Republic of Azerbaijan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Multicolored wool rug. Recd—October 24, 1995. Est. Value—\$600. Archive Foreign.	His Excellency Tomiichi Murayama, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Three large photo books about Japan titled, "Four Seasons in Nara," "Todai Temple," and "Horiyu Temple." Recd—November 16, 1995. Est. Value—\$425. Archive Foreign.	His Excellency Tomiichi Murayama, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	(1) Irish sculpted bog oak titled, "Rising Trout," by Kenagh Co. Longford. (2) Hand-printed certificate that confers a coat of arms upon the President. (3) Framed history of the Clinton surname. Recd—December 1, 1995. Est. Value—\$950. Archive Foreign.	His Excellency John G. Bruton, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) 15" tall Waterford crystal sculpture of a bald eagle on a harp. Sculpture sits on a wooden base that reads "Presented to President Clinton by Alderman Sean D. Dublin Bay—Rockall Loftus—Lord Mayor of Dublin." (2) Scroll that confers "Honorary freedom upon the President." Recd—December 1, 1995. Est. Value—\$5050. Archive Foreign.	The Right Honorable Sean Dublin Bay Loftus, The Lord Mayor of Dublin Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Scroll. (2) Heavy wooden box that contains silver napkin rings. (3) Small pillbox. Recd—November 30, 1995. Est. Value—\$300. Archive Foreign.	His Worship, The Mayor Councillor John Kerr, Mayor of Derry, United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Black leather Loewe rectangular suitcase with zipper and shoulder strap. Recd—December 2, 1995. Est. Value—\$295. Archive Foreign.	His Excellency Felipe Gonzalez Marquez, President of the Council of Ministers of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Leather Loewe briefcase with the monogram "WJC." Recd—December 2, 1995. Est. Value—\$1200. Archive Foreign.		
President	Large black ebony statue titled "Thinker." Recd—December 8, 1995. Est. Value—\$350. Archive Foreign.	His Excellency Jose Eduardo dos Santos, President of the Republic of Angola.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Sterling silver sculpture of the Jeanie Johnston, a 19th century Irish emigrant ship; 21" high. Recd—December 4, 1995. Est. Value—\$5000. Archive Foreign. Wooden box. Recd—December 4, 1995. Est. Value—\$25. Archive Foreign.	His Excellency Richard Spring, Deputy Prime Minister and Minister for Foreign Affairs of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Assorted wine, champagne, and food products, all from Harrods. Recd—December 20, 1995. Est. Value—\$2500. Accepted by Another Government Agency. (1) Two crystal liqueur glasses. (2) Aynsley China place setting, cottage garden pattern. (3) Scented candle. (4) 1996 teddy bear. All items are from Harrods Knightsbridge. Recd—December 20, 1995. Est. Value—\$500. Archive Foreign.	His Majesty, Sultan Haji Hassanah Bolkiah, Mu'izzaddin Waddaulah, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Five bottles of Moskovskaya vodka. (2) Five small jars of Russian caviar. Recd—December 22, 1995. Est. Value—\$188. Accepted by Another Government Agency.	His Excellency Yuli M. Vorontsov, Ambassador of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	White and blue china teapot with lid. Recd—December 22, 1995. Est. Value—\$50. Archive Foreign 20"×23" framed photo reproduction of President Franklin Roosevelt meeting with Saudi Arabian King Abdul Aziz al Saud (King Fahd's father) aboard the USS Quincy on February 14, 1945. Recd—October 26, 1995. Est. Value—\$250. Archive Foreign.	His Royal Highness, Sultan bin Abd a-Aziz al Saud, Second Deputy Prime Minister and Minister of Defense and Aviation of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Two white porcelain statues of angels playing instruments, each 9" high. Recd—February 9, 1995. Est. Value—\$240. Archive Foreign.	His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Silver tray with six small matching silver sherry glasses, all ornately decorated. Brown leather presentation case. Recd—February 13, 1995. Est. Value—\$250. Archive Foreign.	Petra Jercic (Private Citizen of the Federal Republic of Germany) Mrs. Maria Zheleva, Wife of the President of the Republic of Bulgaria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Black velvet cape. (2) Small brown leather T. Anthony suitcase. Recd—March 15, 1995. Est. Value—\$450. Archive Foreign.	Her Royal Highness, The Princess Lalla Hasna, Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Two silk multicolored caftans. Recd—March 15, 1995. Est. Value—\$350. Archive Foreign.	Her Excellency Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Wooden Empire style tabouret (table) and two chairs, all with silver metal detailing. Recd—March 26, 1995. Est. Value—\$1000. Archive Foreign.	Begum Nasreen Leghari, Wife of the President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Four copies of the Holy Quran. Recd—March 26, 1995. Est. Value—\$100. Archive Foreign. Gold and imitation pearl ring, necklace, bracelet, and earring set. Recd—March 26, 1995. Est. Value—\$5000. Archive Foreign	Mrs. Shahnaz Wazir Ali, Special Assistant to the Prime Minister on Social Sector, Prime Minister's Secretariat, Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Ten large art prints and ten small prints by various Pakistani artists. Recd—March 26, 1995. Est. Value—\$50. Archive Foreign. Ornate copper and silver footstool. Recd—March 26, 1995. Est. Value—\$250. Archive Foreign. Striped teal silk. Recd—April 4, 1995. Est. Value—\$20. Archive Foreign.	Her Excellency Begum Khaleda Zia, Prime Minister of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady	Pearl and gold necklace and earrings. Recd—April 4, 1995. Est. Value—\$1,500. Archive Foreign.		
First Lady	(1) Papier mache set. (2) Marble plate with green inlay in the shape of an octagon. (3) Marble vase. Recd—March 29, 1995. Est. Value—\$650. Archive Foreign. Small black and white handbag with flap and metalwork design. Recd—March 29, 1995. Est. Value—\$25. Archive Foreign. Rajastani table. Recd—March 29, 1995. Est. Value—\$3,500. Archive Foreign.	His Excellency Shankar Dayal Sharma, President of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Inlaid marble plate with flower design; 15" diameter. Recd—March 29, 1995. Est. Value—\$300. Archive Foreign.	His Excellency P.V. Narasimha Rao, Prime Minister of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Red velvet presentation case for the plate. Recd—March 29, 1995. Est. Value—\$25. Archive Foreign.		
First Lady	Yellow gold floral brooch set with 19 round-cut sapphires, a pear-shaped sapphire, four rose-cut diamonds, a pear-shaped diamond, 16 baguette rubies, and a pear-shaped ruby. Recd—April 5, 1995. Est. Value—\$3800. Archive Foreign.	Her Excellency Chandrika Bandaranaike Kumaratunga, President of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Large wooden trunk with exterior brass detailing and red and gold cloth lining. (2) Box covered with black velvet and metal decorations and lined with striped cloth. (3) Heavy green silk dress with multicolored beaded neckline; matching floor-length cape. Recd—April 6, 1995. Est. Value—\$1150. Archive Foreign.	His Royal Highness, Prince Saud bin Nayyif bin Abdul Aziz, Deputy Governor of the Eastern Province of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Silver colored necklace with large silver and red beads and silver pendant. (2) Silver colored metal bracelet with gold detailing. (3) Necklace with large silver pendant and bangles. Recd—April 6, 1995. Est. Value—\$150. Archive Foreign		
First Lady	34" x 24" oil painting titled "Dera," by Khalid Iqbal. Recd—March 27, 1995. Est. Value—\$245. Archive Foreign.	The Honorable Chaudhary Muhammad Altaf Hussain, Governor of Punjab Province, Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	5" x 7" lacquer box, by I.V. Belovodov. Recd—May 9, 1995. Est. Value—\$650. Archive Foreign.	His Excellency Boris Yeltsin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government
First Lady	(1)Three black lacquer nesting boxes with flower design. (2) Six matching black lacquer trays. Recd—May 11, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Leonid Kuchma, President of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.

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Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady	(1) Seven hardcover books. "Vimanmek: The World's Largest Golden Teakwood Mansion." "Verses for the Royal Barge Procession," in gold and black case. "Traditional Thai Ways References," in decorated case. "Her Majesty Queen Sirikit and the Environment." "Palaces of the Gods." "Support Foundation," in gold case. Yellow book in Thai. (2) Five large pieces of dyed and embroidered silk. (3) Multicolored string with pom-poms. (4) Three straw bags. (5) Gold three-part punch bowl with blue and silver inlay work and gold serving cup and in blue presentation case. Recd—May 24, 1995. Est. Value—\$3110. Archive Foreign.	Her Majesty Queen Sirikit, Queen of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Medium round Haida box made of silver with inlaid top. (2) Cobalt blue round vase with gilded design. Recd—June 15, 1995. Est. Value—\$1000. Archive Foreign.	Mrs. Aline Chretien, Wife of the Prime Minister of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Two statues and a necklace. Recd—July 13, 1995. Est. Value—\$1625. Archive Foreign.	Her Excellency Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Necklace, earrings, and pin in the Korean traditional style of the "maedup" knot. Recd—July 27, 1995. Est. Value—\$400. Archive Foreign.	His Excellency Kim Young Sam, President of the Republic of Korea, and Mrs. Kim.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Arrangement of flowers including birds of paradise, roses, hydrangeas, asterilies, lilies and delphinium. Recd—September 28, 1995. Est. Value—\$400. Accepted by Another Government Agency. White vase with blue flower and quail design and a matching plate. Recd—September 28, 1995. Est. Value—\$100. Archive Foreign	His Royal Highness Prince Bandar Bin Sultan, Ambassador of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Orrefors crystal compote with the seal of Sweden. Recd—October 5, 1995. Est. Value—\$1200. Archive Foreign.	Her Majesty Queen Silvia, Queen of Sweden.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Ten painted terracotta figurines that depict the traditional "Cuasimodo" procession. Recd—October 13, 1995. Est. Value—\$1200. Archive Foreign.	Mrs. Marta Larraechea de Frei, The First Lady of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) A set of eight cloth placemats with a floral print and eight plain cloth napkins. (2) Square silver picture frame, 6"×6". Recd—October 17, 1995. Est. Value—\$285. Archive Foreign.	Mrs. Janice Compton, Wife of the Prime Minister of St. Lucia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady	(1) Silver letter opener with amethyst handle. (2) Silver cup for holding pens, pencils, and desk accessories. Recd—October 15, 1995. Est. Value—\$550. Archive Foreign.	His Excellency Fernando Henrique Cardoso, President of the Federative Republic of Brazil And Mrs. Cardoso.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Lapis lazuli and silver picture frame; 6½"×½". (2) Black and copper round plaque that reads, "I. Municipalidad de San Joaquin, Chile"; 10" diameter. Recd—October 14, 1995. Est. Value—\$300. Archive Foreign.	The Honorable Ramon Farias, Mayor of San Joaquin, Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Colorful wall hanging that depicts a woman carrying a jug on her head, by a Bahia artist named Kennedy. Recd—October 15, 1995. Est. Value—\$300. Archive Foreign. Six multicolored handsewn utility bags. Recd—October 15, 1995. Est. Value—\$100. Archive Foreign	The Honorable Lidice da Mata, Mayor of Salvador de Bahia, Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Small lapis lazuli box. (2) Unframed limited edition lithograph of a blue house, signed by the artist, 86/190; 20"×26". Recd—October 13, 1995. Est. Value—\$300. Archive Foreign.	His Excellency Carlos Figueroa Serrano, Minister of Interior of the Republic of Chile, And Mrs. Sara Guzman de Figueroa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Ornamental silver buckle with amulets and trinkets attached. Recd—October 15, 1995. Est. Value—\$500. Archive Foreign.	The Honorable Paulo Ganem Souto, Governor of Bahia, Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Blue ceramic model of a Nicaraguan house with tile roof. (2) Photo album of the First Lady's visit to Nicaragua. Recd—October 12, 1995. Est. Value—\$75. Archive Foreign. Rusted AK-47 rifle, symbolizing the end of military rule in Nicaragua, on an inscribed plaque. Recd—October 12, 1995. Est. Value—\$100. Archive Foreign	Her Excellency Violeta Barrios de Chamorro, President of the Republic of Nicaragua.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) Woven hammock with wood poles. (2) Embroidered ecru linen tablecloth with scalloped design and four matching napkins. Recd—October 12, 1995. Est. Value—\$175. Archive Foreign		
First Lady	Basket that contains 12 Liomoges boxes. Recd—October 25, 1995. Est. Value—\$3,600. Archive Foreign. Floral arrangement in a white vase, including hybrid lilies, lisianthus, hydrangae, roses and orchids. Recd—October 25, 1995. Est. Value—\$500. Accepted by Another Government Agency	His Majesty Hassan, II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Large arrangement of peach roses, gladiolas, and hybrid lilies. Recd—October 25, 1995. Est. Value—\$325. Accepted by Another Government Agency	His Excellency Soeharto, President of the Republic of Indonesia, And Mrs. Soeharto.	Non-acceptance would cause embarrassment to donor and U.S. Government./

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady	(1) Bouquet of more than one hundred small pink roses. (2) Bouquet of many mixed color roses. Recd—October 26, 1995. Est. Value—\$1,000. Accepted by Another Government Agency.	His Royal Highness Prince Bandar Bin Sultan, Ambassador of Saudi Arabia, Her Royal Highness Princess Haifa Al-Faisal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Sterling silver strawberry dish. Recd—December 1, 1995. Est. Value—\$250. Archive Foreign.	His Excellency Richard Spring, Deputy Prime Minister and Minister for Foreign Affairs of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Hudson's Bay "Point" blanket coat. (2) Large Medallion quilt designed by Isabelle Watson. (3) Large blue presentation box with the seal of Canada on its lid. Recd—February 24, 1995. Est. Value—\$1150. Archive Foreign. Hudson's Bay "Point" blanket coat. Recd—February 24, 1995. Est. Value—\$250. Archive Foreign	His Excellency The Right Honorable Romeo LeBlanc, Governor General of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Leather case with five glass bottles of perfume. Recd—March 15, 1995. Est. Value—\$350. Archive Foreign.	His Majesty Hassan, II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Two framed and matted Worlidge cameos (engraved prints). "A Woman's Head on Onyx" and "Apollo on Black Agate." (2) Sterling silver plate with filigreed edges and housed in a green case; 8½" in diameter. Recd—March 17, 1995. Est. Value—\$950. Archive Foreign.	His Excellency John G. Bruton, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Navy and gold silk tie. (2) Two large silk scarves. Recd—April 21, 1995. Est. Value—\$300. Archive Foreign.	Her Excellency Tansu Ciller, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Leather-bound book. "Solorzano Pereira De La Politica Indiana." (2) Brown Loewe leather handbag. Recd—May 24, 1995. Est. Value—\$1000. Archive Foreign.	Their Majesties The King And Queen of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Inuit sculpture in green stone. (2) Pair of black owl-shaped fire irons. Recd—June 15, 1995. Est. Value—\$275. Archive Foreign.	The Right Honorable Jean Chretien, P.C., M.P., Prime Minister of Canada And Mrs. Chretien.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Four pieces of Baccarat crystal: two small decanters; perfume atomizer; small bowl with lid. Recd—June 15, 1995. Est. Value—\$865. Archive Foreign.	His Excellency Jacques Chirac, President of the French Republic, And Mrs. Chirac.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Two Egyptian rugs, 5'8' and 4'6'. Recd—September 28, 1995. Est. Value—\$640. Archive Foreign.	His Excellency Mohammad Hosni Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	100 pink and white sweetheart roses in a glass vase. Recd—October 11, 1995. Est. Value—\$500. Accepted by Another Government Agency.	His Royal Highness Prince Bandar Bin Sultan, Ambassador of Saudi Arabia, Her Royal Highness Princess Haifa Al-Faisal.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
 Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President and First Lady	(1) Rose colored sculpture of a long stemmed vase. (2) Book. "Living in Norway." Recd—October 30, 1995. Est. Value—\$350. Archive Foreign.	Their Majesties The King and Queen of Norway.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Copperplate engraving of a celestial chart, by Jan Berendt Elwe, circa 1750. Recd—November 8, 1995. Est. Value—\$1500. Archive Foreign. Autographed picture of donors, framed in green leather. Recd—November 8, 1995. Est. Value—\$150. Archive Foreign	Her Majesty The Queen of the Netherlands, And His Royal Highness The Prince of the Netherlands.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Large intricate relief wood carving of birds and foliage. (2) Three books. "Indonesia, 1995, An Official Handbook." "Tanah Air [Indonesia's Biodiversity]." "Green Indonesia: Tropical Forest Encounters." (3) Silk sari with black background and yellow, blue, green, and white print. (4) Twenty piece 800 coin cast silver tea set. Recd—October 27, 1995. Est. Value—\$5200. Archive Foreign.	His Excellency Soeharto, President of the Republic of Indonesia, And Mrs. Soeharto.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Two square ceramic plates that depict a crowned man and are titled, "Ri na Reann (King of the Stars)," by Cormac Boydell. (2) Irish damask tablecloth and napkins in a Celtic design, by Fingal. Recd—December 1, 1995. Est. Value—\$1475. Archive Foreign.	Her Excellency Mary B. Robinson, President of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	8½"×8½" 9" engraved Sperrin lead crystal bowl from donor and members of Strabane District Council. Presentation box. Recd—November 29, 1995. Est. Value—\$450. Archive Foreign.	The Honorable Edward Turner, Chairman of Strabane District Council, United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	12" 16" sterling silver framed photograph of the King and Queen of Spain, inscribed by the donors. Recd—December 2, 1995. Est. Value—\$300. Archive Foreign.	Their Majesties The King and Queen of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Navy blue, red and white nylon golf bag with embroidered personalization. (2) Navy blue nylon carrying bag. (3) Cream chiffon tablecloth with pink and green flowered border and ten matching napkins. Recd—December 5, 1995. Est. Value—\$575. Archive Foreign.	His Excellency Fidel Ramos, President of the Republic of the Philippines, and Mrs. Ramos.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President and First Lady	Box of Singapore orchids. Recd—December 21, 1995. Est. Value—\$250. Accepted by Another Government Agency.	His Excellency S.R. Nathan, Ambassador of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	Lapis lazuli mosaic of a bird. Recd—March 26, 1995. Est. Value—\$300. Archive Foreign.	Her Excellency, Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	Matching gold necklace, earrings and ring. Recd—March 26, 1995. Est. Value—\$4000. Archive Foreign.	Begum Nasreen Leghari, Wife of the President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	(1) Rosewood elephant figure with silver overlay. (2) Necklace. (3) Carved walnut box. (4) Silk dress. Recd—March 29, 1995. Est. Value—\$1475. Archive Foreign.	His Excellency Shankar Dayal Sharma, President of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	(1) Elephant figure. (2) Shalwar kameez. Recd—March 29, 1995. Est. Value—\$155. Archive Foreign	His Royal Highness Prince Saud bin Nayyif bin Abdul Aziz, Deputy Governor of the Eastern Province of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	(1) Small wooden trunk with hand-hammered exterior brass detailing. (2) Two framed pieces of traditional art. (3) Matching vest and jacket made of dark and light blue cloth. (4) Embroidered black dress with multicolored stitching. (5) Maroon scarf with gold lame stitching. Recd—April 6, 1995. Est. Value—\$800. Archive Foreign.	His Royal Highness Prince Saud bin Nayyif bin Abdul Aziz, Deputy Governor of the Eastern Province of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	(1) Silver necklace. (2) Two silver cuff bracelets. Recd—March 27, 1995. Est. Value—\$700. Archive Foreign.	The Honorable Chaudhary Muhammad Altaf Hussain, Governor of Punjab Province, Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Coit D. Blacker, Special Assistant to the President and Senior Director of Russian Affairs.	(1) Prismatic Russian binoculars in case. (2) Hardcover book. "The Art Treasures of the Moscow Kremlin." Recd—July 12, 1995. Est. Value—\$375. General Services Administration.	Yuriy Glybin, First Deputy Chairman of the State Committee, Russian Federation for Defense Industry Branches, Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ellen B. Laipson, Director, Near East & South Asian Affairs.	Silk/cotton woven rug, 3'x5'. Recd—January 9, 1995. Est. Value—\$400. General Services Administration.	The Honorable Jalal Talabani, Iraqi National Congress.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Anthony Lake, Assistant to the President for National Security Affairs.	(1) 6x12 yard multicolored handwoven cotton kente blanket. (2) 2' 6' black, green, and yellow kente cloth. Recd—February 14, 1995. Est. Value—\$900. Archives, Staff Gift.	His Excellency FLT. Lt. Jerry John Rawlings (Ret.), President of the Republic of Ghana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Anthony Lake, Assistant to the President for National Security Affairs.	Black leather case with zippered compartments. Recd—February 9, 1995. Est. Value—\$750. Archives, Staff Gift.	His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Anthony Lake, Assistant to the President for National Security Affairs.	4'x6½' Egyptian jacquard weave rug with Egyptian scene. Recd—October 25, 1995. Est. Value—\$400. General Services Administration.	Hussein Tantawy, Field Marshal, Embassy of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Leon E. Panetta, Chief of Staff to the President.	(1) Cressida briefcase. (2) Christian Dior watch. (3) Christian Dior pen. (4) Mahogany box. Recd—January 18, 1995. Est. Value—\$660. General Services Administration.	His Highness Sheikh Jabir Al-Ahmad, Al-Sabah Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
George Stephanopoulos, Senior Adviser to the President for Policy and Strategy.	(1) Flag. (2) Paperweight. (3) Golf sweater and hat. (4) Necklace and pendant. (5) Video cassette. (6) Bowl. (7) Icon. (8) Replica of a statue. (9) Relic. (10) Plaque. (11) Medal. (12) Plate. (13) Sterling silver plaque. (14) Plaque depicting Cyprus. (15) Metal and stone artwork depicting a crucifix. (16) Glass plate. (17) Wooden icon. Recd—November 7, 1995. Est. Value—\$1678. General Services Administration.	Various Government Officials, Greece.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Laura D'Andrea Tyson, Chairman of the Council of Economic Advisors.	(1) Black leather planning diary. (2) Hardcover book. "Frank Lloyd Wright: The Master Works." (3) Hardcover book. "Tricia Guild's Country Color." Recd—March 20, 1995. Est. Value—\$180. General Services Administration. Silk scarf. Recd—March 20, 1995. Est. Value—\$20. General Services Administration (1) Silk necktie. (2) Sterling silver wall plaque of Sacco. (3) Sterling silver fountain pen, made by Stipula. (4) Leather-bound scrapbook. (5) Two bookmarks made by Rizzoli. Recd—March 20, 1995. Est. Value—\$384. General Services Administration	The Honorable Giovanni Greco, Mayor, City of Sacco, Italy. 	Non-acceptance would cause embarrassment to donor and U.S. Government.
Alexander Vershbow, Special Assistant to the President and Senior Director of European Affairs.	Black leather briefcase. Recd—February 1, 1995. Est. Value—\$750. Archives, Staff Gift.	His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE VICE PRESIDENT
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Vice President	Covered jar, Roman glass base with lid, sterling silver filigree, and pearl finial. Approx. 4" H. Recd—March 23, 1995. Est. Value—\$300. Archives Foreign.	His Excellency Shimon Peres, former Minister of Foreign Affairs of Israel (Current Prime Minister of Israel).	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	Rug, wool on cotton, polychrome and blue medallion on ivory field with polychrome scrolling, six borders with dark blue main, Pakistani copy of Iranian design. Approx. 4'x8"x7' (late 20th century). Recd—April 11, 1995. Est. Value—\$750. Residence: For Official Use.	Her Excellency Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE VICE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Vice President	Figure, gilt horse, sterling silver, polychrome enamel saddle blanket with green nephrite and carnelian cabochons, on wood and silver in-laid base. Approx. 10" Hx13" L (Kazakhstan—late 20th century). Recd—April 12, 1995. Est. Value—\$650. Archives Foreign.	His Excellency Nursultan Nazarbayev, President of the Republic of Kazakhstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	Mantel clock, gilt metal case in the Luis XV style. Approx. 13½" H (late 20th century). Recd—May 1, 1995. Est. Value—\$375. Residence: For Official Use.	His Excellency Ivan Rybkin, Chairman, State Duma of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	Vase, Herend porcelain, flowers and butterflies design. Approx. 6½"x3" (Queen Victoria pattern). Recd—June 22, 1995. Est. Value—\$350. Archives Foreign.	His Excellency Gyula Horn, Prime Minister of the Republic of Hungary.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	Casket, silver, lid mounted with a relief coat of arms, plaque engraved "Senado de la Republica Argentina," velvet lined (late 20th century). Recd—October 19, 1995. Est. Value—\$850. Archives Foreign.	His Excellency Carlos Federico Ruckauf, Vice President of the Argentine Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	Book of photos of donor with other world leaders and four Kazak coins (10000, 5000, 2500, and 1000 tehte). Recd—October 25, 1995. Est. Value—\$800 Archives Foreign.	His Excellency Nursultan Nazarbayev, President of the Republic of Kazakhstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	(1) Letter opener with gold engraved handle, silver, on wooden pedestal. (2) Briefcase, black leather. (3) Books about the environment. (4) Videos. Recd—October 27, 1995. Est. Value—\$500. The Vice President's Office: For Official Use.	His Royal Highness Abdallah bin Abd al-Aziz Al Saud, Crown Prince and Deputy Prime Minister of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	Omani coffee pot, silver, chased and repousse. Recd—October 30, 1995. Est. Value—\$450. The Vice President's Senate Office: For Official Use.	His Majesty Sultan Qaboos bin Said, Sultan of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President	(1) Vase, blue and white (Russia) Archives Foreign. (2) Five bottles of Stolichnaya vodka. Approx. 750 ml. ea. White House Mess: For Official Use. (3) Five jars of caviar. Approx. 2 oz. ea. White House Mess: For Official Use. Recd—December 12, 1995. Est. Value—\$250.	His Excellency Yuli M. Vorontsov, Ambassador of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE VICE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Vice President and Mrs. Gore	(1) Two urns, white glazed ceramic with blue and gold luster decoration. Approx. 26"x21½" (late 20th century). Residence: For Official Use. (2) Two caftans, gold silk with goldtone braid, belt, with velvet shawl in T. Anthony suitcases, by Farah caftans. Archives Foreign. (3) Perfume bottles, faceted glass with spray tops, set in a mauve leather lidded box with gilt tooling, key, lock and perfumes, monogrammed lid (Morocco—late 20th century). Archives Foreign. Recd—March 16, 1995. Est. Value—\$1,125.	His Majesty Hassan II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	(1) Two Vases, "Silsal" ceramic, buff pottery with light green decoration. Approx. 12" H and 16" H. Mrs. Gore's Office: For Official use. (2) Vase, Swedish crystal, engraved with crown and the buildings of Petra, wood case. Approx. 9¾" H. Mrs. Gore's Office: For Official Use. (3) Dagger, repousse silver scabbard, horn handle (19th/20th century). Archives Foreign. (4) Frame, sterling silver with gilt crown and monogram. Approx. 14"x10½" (late 20th century). Archives Foreign. (5) Diplomatic orders, silvered and gilt metals, in fitted case, lapel rosette missing, by Huguenin (Swiss—late 20th century). Archives Foreign. (6) Diplomatic orders, 18 karat yellow and white gold with enamel set with approx. 238 round single cut diamonds, TW 4.75 carats, and one 25 point diamond, pendant set with 162 round diamonds. TW 3.2 carats. Archives Foreign. Recd—March 20, 1995. Est. Value—\$7,525.	His Majesty Hussein I, King of the Hashemite, Kingdom of Jordan, and Queen Noor.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	(1) Gold Dagger, high karat yellow gold repousse, filigree and granulation (Oman—20th century). (2) Pendant on chain, sterling silver with gilt highlights, plain silver drops (Oman—20th century). (3) Two bottles of lotion, pure rose and pure aloe. Recd—March 22, 1995. Est. Value—\$2,150. Archives Foreign.	His Majesty Sultan Qaboos bin Said, Sultan of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	Figural group, sterling silver with parcel gilding depicting an Arab on camelback, removable rifle, marble base with silver crown device, by Asprey of London. Approx. 6½" Hx7" L (late 20th century). Recd—April 2, 1995. Est. Value—\$2,000. Archives Foreign.	His Majesty Hussein I, King of the Hashemite, Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE VICE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Vice President and Mrs. Gore	(1) Two leather briefcases. (2) Silk dress, black. (3) Scarf and veil. (4) Books about Saudi Arabia. (5) Bangle bracelet, gold embossed. (6) Purse, gold and diamond, in black velvet box. (7) Watch, silver with black strap, "ROBERGE" around dial. (8) Gold coffee pot with six cups and two silver pieces. (9) Videotapes of camel races. Recd—May 30, 1995. Est. Value—\$26,800. Archives Foreign.	His Majesty Fahd bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	(1) Candleholder, double, green jasper base with two silver arms, each having a green nephrite jade bobèche, red jasper and amethyst geode back (Russia—late 20th century). (2) Tray, oval, black painted metal with polychrome flowers, gilt, and faux tortoiseshell border, by Abm. Boychkov. Approx. 30" L (Russia—late 20th century). Recd—June 30, 1995. Est. Value—\$1,050. Archives Foreign.	His Excellency Viktor Chernomyrdin, Prime Minister of Russia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	(1) Medal, matte proof. 100,000 francs CFA (Nigeria—Republique du benin). (2) Two native costumes. Recd—July 14, 1995. Est. Value—\$600. Archives Foreign.	His Excellency Nicephore Soglo, President of the Republic of Benin.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	(1) Vase, green and white, variegated turned marble, fitted box. Approx. 12½" H (Russia—late 20th century). Residence: For Official Use. (2) Casket, green jasper with a vertical band of polychrome agate, silver ball feet and escutcheon with an agate boss. Approx. 7½"x5"x4" (Russia—late 20th century). Archives Foreign. (3) Necklace, tumbled amethystine quartz with gilt metal clasp. Approx. 18" L. Archives Foreign. Recd—October 7, 1995. Est. Value—\$815.	His Excellency Viktor Chernomyrdin, Prime Minister of Russia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Vice President and Mrs. Gore	(1) Statute, beaded with cloth shawl Approx. 2' H. (2) Ostrich pocketbook, black with leather lining. (3) Dish, silver with raised figure of rhino on it. Recd—December 5, 1995. Est. Value—\$1,230. Archives Foreign.	Nelson Mandela, President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Gore	(1) Sculpture, green patinated bronze dancer, marble base, signed "E. Joseph." Approx. 18" H. (2) Framed painting of fruit on a vine (Haiti—late 20th century). Recd—October 15, 1995. Est. Value—\$275. Archives Foreign.	His Excellency Jean-Bertrand Aristide, President of the Republic of Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE VICE PRESIDENT—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Mrs. Gore	Box with hinged cover, chased rectangular silver, footed. Recd—December 19, 1995. Est. Value—\$350. Archives Foreign.	Mrs. Suzanne Mubarak, wife of the President of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.

UNITED STATES SENATE
Report of Tangible Gifts—Calendar Year 1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Bill Bradley, U.S. Senator	18K gold and pearl cuff links. Recd—May 4, 1995. Est. value—over \$100. Deposited with the Secretary of the Senate.	Kabun Muto, Chairman Liberal Democratic Party and Member of the House of Representatives of Japan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Hank Brown, U.S. Senator	Basket of assorted fruits, cheeses, candies and cookies. Recd—December 29, 1995. Est. value—\$150. Deposited with the Secretary of the Senate.	Prime Minister Benazir Bhutto of Pakistan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Hank Brown, U.S. Senator	Pakistani rug. Recd—August 28, 1995. Est. value—\$125. Deposited with the Secretary of the Senate.	Prime Minister Benazir Bhutto of Pakistan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Shiela P. Burke, Secretary of the Senate.	Two decorated cups Recd—January 25, 1995. Est. value—\$150. Display in the Senate office.	Deputy Chief of Staff, Victor A. Yolchev, Russian Federation.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
John Chafee, U.S. Senator	Silver box 7 ³ / ₄ "×5 ¹ / ₂ ". Recd—March 30, 1995. Est. value—\$120. Display in Senate office.	King Hussein of the Kingdom Jordan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Thad Cochran, U.S. Senator	Polypropylen-Olefin rug, 4.5'×6.5'. Recd—October 28, 1995. Est. value—over \$100. Deposited with the Secretary of the Senate.	Field Marshal Hussein Tantawi, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to the donor and the U.S.
Bob Dole, U.S. Senator	Six-piece set of hand-painted porcelain dishes. Recd—August 8, 1995. Est. value—\$200. Deposited with the Secretary of the Senate.	Sr. Vice President of Advisory Council of Democratic and Peaceful Unification in the Republic of Korea.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Bob Dole, U.S. Senator	Hand painted Ceramic bowl. Recd—May 1, 1995. Est. value—\$120. Display in Senate office.	Portuguese Minister of trade and Tourism, F. Faria de Oliverira.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Bob Dole, U.S. Senator	4'×6' carpet. Recd—May 1, 1995. Est. value—\$120. Display in Senate Office.	Prime Minister of Pakistan, Benazir Bhutto.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Bob Dole, U.S. Senator	Silver-plated ceremonial sword. Recd—September 15, 1995. Est. value—over \$225. Deposited with the Secretary of the Senate.	His Excellency Sali Berisha, President of the Republic of Albania.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Richard G. Lugar, U.S. Senator ...	Handcrafted Vase. Recd—July 18, 1995. Est. value—\$1,000—\$5,000. Deposited with the Secretary of the Senate.	Kim Sang-Hyun, M.P. of South Korea.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Sam Nunn, U.S. Senator	Oil painting. Recd—February 2, 1995. Est. value—\$150. Display in Senate office.	President Aristide of Haiti	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.

UNITED STATES SENATE—Continued
Report of Tangible Gifts—Calendar Year 1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Paul Simon, U.S. Senator	Landscape painting. Recd—December 7, 1995. Est. value—\$150—\$175. Display in Senate office.	Government of Mongolia	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
Arlen Specter, U.S. Senator	Two Pakistani carpets 4x6'. Recd—August 28, 1995. Est. value—\$125 each. Deposited with the Secretary of the Senate.	Prime Minister of Pakistan, Benazir Bhutto and Farooq Leghari, President of Pakistan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
John D. Rockefeller IV, U.S. Senator.	Ceramic figurine—camel. Recd—February 1995. Est. value—\$400. Displayed in the Senator's office.	George Yang, Vice Minister of Economics, Taiwan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.
John D. Rockefeller IV, U.S. Senator.	Ceramic figurine—horse. Recd—February 1995. Est. value—\$800. Displayed in the Senator's office.	Jack Sun, Taiwan Aerospace, Peoples Republic of China on Taiwan.	Non-acceptance would have caused embarrassment to the donor and the U.S. Government.

UNITED STATES SENATE
Report of Travel or Expenses of Travel—Calendar Year 1995

Name and title of person accepting travel expenses consistent with the interests of the U.S. Government	Brief description of travel or expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Daniel Akaka, U.S. Senator	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Daniel Bob, Special Assistant for Asia and The Pacific Permanent Subcommittee on Investigations.	Transportation and meals within Thailand, September 6–11, 1995.	Royal Thai Government	Official travel to Executive Committee meeting of the Asia Pacific Parliamentary Forum.
Richard Bryan, U.S. Senator	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Conrad Burns, U.S. Senator	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
David Fish, Communications Dir., Senate Committee on Energy & Natural Resources.	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
David Garman, Prof. Staff Mbr. Senate Committee on Energy & Natural Resources.	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Arthur V. Grant, Deputy Staff Director for the Minority select committee on Intelligence.	Transportation within Republic of Turkey, August 31, 1995.	Republic of Turkey	Official travel at invitation of Turkish military; no commercial transportation available.
Karen Hunsicker, Counsel, Senate Committee on Energy & Natural Resources.	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
J. Robert Kerrey, U.S. Senator	Transportation within Republic of Turkey, August 31, 1995.	Republic of Turkey	Official travel at invitation of Turkish military; no commercial transportation available.
Trent Lott, U.S. Senator	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Gregory McGinity, Legislative Assistant to Senator Cochran.	Transportation and meals within Taiwan, August 22–29, 1995.	Republic of China on Taiwan.	Official travel to meet with government officials.

UNITED STATES SENATE—Continued
Report of Travel or Expenses of Travel—Calendar Year 1995

Name and title of person accepting travel expenses consistent with the interests of the U.S. Government	Brief description of travel or expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Frank Murkowski, U.S. Senator	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Greg Renkes, Staff Director, Senate Committee on Energy & Natural Resources.	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Dr. Bob Simon, Science Fellow, Senate Committee on Energy & Natural Resources.	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Alan Simpson, U.S. Senator	Transportation within Sweden, April 19, 1995.	Kingdom of Sweden	Official travel to view storage facility for nuclear fuel and test tunnel; no commercial transportation available.
Christopher C. Straub, Minority Staff Dir. Select Committee on Intelligence.	Transportation within Republic of Turkey, August 31, 1995.	Republic of Turkey	Official travel at invitation of Turkish military; no commercial transportation available.

AGENCY: U.S. HOUSE OF REPRESENTATIVES
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
James Kolbe, Member of Congress.	Three commemorative coins (Lebanon), commemorating the 30th Anniversary of the Central Bank. Boxed presentation set, in which each coin is sealed individually in plastic, and accompanied by certificates of authenticity #01944 and 02067, stating that one coin is gold 22K, 26 grams, the other silver, and the third bronze. Recd—August 31, 1995. Est. Value—\$300. To be retained by the Clerk of the House for official display.	President of the Council of Ministers of Lebanon, Fatic Hariri.	Non-acceptance would have caused embarrassment to donor.
Ivan Eland	Food, lodging and ground transportation within Brussels, April 9–12, 1995.	North Atlantic Treaty Organization (NATO).	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Steven P. Gallop, Rep. David Bonior.	One way airfare from Bonn to Berlin, Germany, food, lodging and ground transportation, April 22–May 6, 1995.	Federal Republic of Germany	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Kenneth A. Kraft, Committee on Appropriations.	One way airfare from Bonn to Berlin, Germany, food, lodging and ground transportation, April 22–May 6, 1995.	Federal Republic of Germany	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Sandra E. Latta, Rep. Bill Hefner	Food lodging and ground transportation in Belgium, February 25–March 2, 1995.	North Atlantic Treaty Organization (NATO).	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Stacey L. Windham, Rep. Carlos J. Moorhead.	One way airfare from Bonn to Berlin, Germany, food, lodging and ground transportation, April 22–May 6, 1995.	Federal Republic of Germany	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Richard Burr, Member of Congress.	Food and lodging in Venezuela, for Member and Spouse, October 4–8, 1995.	Venezuela	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Gene Green, Member of Congress.	Food and lodging in Venezuela for Member and Spouse, October 4–8, 1995.	Venezuela	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).

AGENCY: U.S. HOUSE OF REPRESENTATIVES—Continued
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Jay Kim, Member of Congress	3 nights lodging in Tokyo, Japan, for Member and Spouse, August 8–11, 1995.	Japan	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Jay Kim, Member of Congress	7 nights lodging in Seoul, Korea, for Member and Spouse, August 11–17, 1995.	City of Seoul, Korea	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Ray LaHood, Member of Congress.	Food and lodging in Lebanon, for Member and Spouse, April 17–27, 1995.	Government of Lebanon	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Bill Richardson, Member of Congress.	Air transportation from Athens to Karageopgou, Yugoslavia to Athens, March 17–March 18, 1995.	Government of Yugoslavia	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).
Dan Schaefer, Member of Congress.	Food, lodging and ground transportation in Venezuela, for Member and Spouse, October 4–9, 1995.	Venezuela	Authorized by 5 U.S.C. 7342(c)(1)(B)(ii).

AGENCY: OFFICE OF THE SECRETARY
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Eugene Moos, Under Secretary for Farm and Foreign Services.	Handwrough Silver Box inscribed with "Samir El Shakankiri". Received: 7–18–95. Appraised value: \$275. Delivered to GSA: Pending.	Abdel Wahab Herkal, Minister Economic and Commerce, Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Richard Rominger, Deputy Secretary.	Pair of 18K yellow gold cufflinks with approx. 5½ mm cultured pearls. Received: 10/12/95. Appraised Value: \$250. Delivered to GSA: Pending.	Messrs. Kalren Muto and Hisai Horenouchi, former Ministers of Agriculture, Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Donald Luchsinger, Acting Deputy Administrator, Veterinary Services, APHIS.	Man's Concord wristwatch of high quality with gold color spandex band. Received: 5–95. Est. Value: \$700. Delivered to GSA: 6–27–95.	Dr. Ahmed Mustansir Billah, Veterinary Consultant, United Arab Emirates.	Gift delivered in person, non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of Acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ronald H. Brown, Secretary of Commerce.	Sterling Silver/Gold Plate Trimmed Carafe and (2) Stemmed Goblets. Recd.—January 16, 1995. Est. Value—\$275. Reported to DOC January 31, 1995. Approved for official use.	H.E. N.K.P. Salve, Minister of Power, Republic of India.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE—Continued
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of Acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Ronald H. Brown, Secretary of Commerce.	Hand-Carved Beechwood Sculptured Replica of a Chariot with "King and Mahot" Riding an Elephant. Recd.—January 18, 1995. Est. Value—\$325. Reported to DOC February 3, 1995. Approved for official use.	H.E. Deve Gowda, Chief Minister of Karnataka, Republic of India.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ronald H. Brown, Secretary of Commerce.	Bronze Sculpture of <i>Lady With Mirror</i> . Recd.—January 19, 1995. Est. Value—\$325. Reported to DOC March 21, 1995. Approved for official use.	H.S. Sharad Pawar, Chief Minister of Marashtra State, Republic of India.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ronald H. Brown, Secretary of Commerce.	Mother of Pearl Gift Box. Recd.—February 2, 1995. Est. Value—\$275. Reported to DOC February 21, 1995. Approved for official use.	Chairman Yasser Arafat, Palestinian Authority, Gaza City.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ronald H. Brown, Secretary of Commerce.	Royal Worcester Porcelain Tea Set (6) Demi-tasse Cups; Teapot and Lid Recd.—February 7, 1995. Est. Value—\$400. Reported to DOC February 21, 1995. Approved for official use.	His Royal Highness Hamad Bin Khalifa Al-Thani, Heir Apparent of the State of Qatar.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ronald H. Brown, Secretary of Commerce.	Sterling Silver Spurs-Pair. Recd. March 27, 1995. Est. Value—\$275. Reported to DOC April 6, 1995. Approved for official use.	H.E. Narciso Irueta, Minister of Transportation and Communications, Republic of Chile.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ronald H. Brown, Secretary of Commerce.	Afghan Silk Carpet—4'x6' from Karachi Pakistan. Recd. April 6, 1995. Est. Value—\$2500. Reported to DOC April 10, 1995. Approved for official use.	H.E. Benazir Bhutto, Prime Minister, Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Ronald H. Brown, Secretary of Commerce.	Mother of Pearl Gift Box. Recd. October 28, 1995. Est. Value—\$275. Reported to DOC December 12, 1995. Approved for official use..	Chairman Yasser Arafat, Palestinian Authority, Gaza City.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Kenneth H. Bacon, Assistant to the Secretary of Defense (Public Affairs).	Pakistani carpet, approximately 7'x5', Black and green. Recd—January 8, 1995. Est. Value—\$500. Approved for official display.	Field Marshall Mohamed Tantawi, Minister of Defense and Military Production of Egypt.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Kenneth H. Bacon, Assistant to the Secretary of Defense (Public Affairs).	Men's Eterna wristwatch, 18 ct. gold, in reddish-brown container. Recd—March 21, 1995. Est. Value—\$7,500. Reported to GSA June 1, 1995.	Isa bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Ashton B. Carter, Assistant Secretary of Defense (International Security Policy).	100% wool handmade Turkish Kalin Rug, 4'9"x7'9". Shades of Red with Diamonds. Recd—November 3, 1995. Est. Value—\$1,500. Pending transfer to GSA.	Lieutenant General Safer Abyiyev, Minister of Defense, Azerbaijan.	Non-acceptance would have caused embarrassment to donor & U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lillian Gonzalez, Director, DoD Dependents Schools, DoD Education Activity.	Ladies 18 carat round gold face wrist watch with 18 carat gold wrist band (ID #16733 9 over 2199408). Recd—March 1, 1995. Est. Value—\$7,500. Reported to GSA June 1, 1995.	Isa bin Salman Al Khalifa Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Robert Hall, Special Assistant to the Secretary and Deputy Secretary of Defense.	Men's 18 carat gold watch and band by Eterna, in reddish-brown container. Recd—March 21, 1995. Est. Value—\$7,500. Pending transfer to GSA.	Isa bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Paul G. Kaminski, Under Secretary of Defense (Acquisition and Technology).	Replica dueling pistol, wooden stock. Recd—February 24, 1995. Est. Value—\$269. Approved for official display.	Deputy Minister of National Defense for Armament and Military Infrastructure Warsaw Jan Kuriata, Poland.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Paul J. Kern, Major General, USA Senior Military Assistant to Secretary of Defense.	Egyptian Rug, approximately 7'x5', black and green. Recd—January 7, 1995. Est. value—\$500. Approved for official display.	Field Marshall Mohamed Tantawi, Minister of Defense and Military Production of Egypt.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Paul J. Kern, Major General, USA Senior Military Assistant to Secretary of Defense.	Pakastini Rug (Maroon background), approximately 6'x4½'. Recd—January 11, 1995. Est. Value—\$1100. Approved for official display.	Chief of Staff General Abdul Waheed, Pakistan Army.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
David H. Labuhn, Acting Chief, Executive Services Division, Europe Region, DoD Education Agency.	Man's silver and gold Baume & Mercier Geneve, 18 carat gold wristwatch in a gray tri-fold box, Serial Number 1796. Recd—March 21, 1995. Est. Value—\$2,025. Pending transfer to GSA.	Isa bin Salman Al Khalifa Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Joseph S. Nye, Jr., Assistant Secretary of Defense, International Security Affairs.	Pakistani Rug, approximately 3'2"x5'5", silk brown/blue with cream center. Recd—January 11, 1995. Est. Value—\$1,500. Approved for official display.	Chief of Staff General Abdul Waheed, Pakistan Army.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Joseph S. Nye, Jr., Assistant Secretary of Defense, International Security Affairs.	Man's 18 carat gold Eterna Swiss wristwatch (Serial Number 5001.68.60) in cherry lacquered wood box. Recd—March 17, 1995. Est. Value—\$7,500. Pending transfer to GSA.	Isa bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Joseph S. Nye, Jr., Assistant Secretary of Defense, International Security Affairs.	Silver Box, approximately 5-½" x 8-½", Sterling 925 on back, in a green box. Recd—July 26, 1995. Est. Value—\$500. Pending transfer to GSA.	Peru Minister of Defense, Malca	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Joseph S. Nye, Jr., Assistant Secretary of Defense, International Security Affairs.	Gold Egyptian Cuff Links in gray box. Recd—November 27, 1995. Est. Value—\$450. Pending transfer to GSA.	Lt. General Salah Halaby, Chief of Staff Egyptian Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
ADM William A. Owens, Vice Chairman of the Joint Chiefs of Staff.	Turkish wool rug, 3' x 10" x 7', Gold ground with two repeated center surround by 7 borders, cream background. Recd—November 24, 1995. Est. Value—\$1,500. Approved for official display.	General Cevik Bir, Deputy Chief of the Turkish General Staff, Ankara Turkey.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	100% silk carpet, Cream center background with "Tree of Life", 3'3" x 4'11" in green velour case. Recd—January 7, 1995. Est. Value—\$3,500. Approved for official display.	Field Marshal Mohamed Hussein Tantawi, Minister of Defense and Military Production of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
William J. Perry, Secretary of Defense.	100% silk carpet, Cream center background with Tree of Life with bird design, 3'4" x 5' in same green velour case, as described above. Recd—January 7, 1995. Est. Value—\$3,500. Approved for official display.	Field Marshal Mohamed Hussein Tantawi, Minister of Defense and Military Production of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	Bracelet, 22 carat cartouche in blue velour box, approximately 2 1/2" x 9 1/2". Recd—January 7, 1995. Est. Value—\$350. Approved for official display.	Field Marshal Mohamed Hussein Tantawi, Minister of Defense and Military Production, Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense and Mrs. Perry.	Three stranded ruby necklace with gold colored and single pearl with silver clasp, in a reddish-orange velour box, approximately 8" x 9 1/2" x 1 1/2". Recd—January 10, 1995. Est. Value—\$950. Reported to GSA March 15, 1995.	Field Marshal Mohamed Hussein Tantawi, Minister of Defense and Military Production, Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	Silver jewelry box, 5" x 7" x 1.5". Recd—January 10, 1995. Est. Value—\$250. Approved for official display.	Prime Minister Benazir Bhutto, Islamic Republic of Pakistan and Mr. Asif Ali Zardari, MNA.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Perisan Rug, beige background, approximately 7 1/2' x 4 1/2'. Recd—January 12, 1995. Est. Value—\$1,400. Approved for official display.	Air Chief Marshal Farooq F. Khan, CJCCS Committee, Pakistan.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Persian Rug, approximately 5 1/2' x 3 1/2' red, beige and green. Recd—January 12, 1995. Est. Value—\$900. Approved for official display.	Air Chief Marshal Farooq F. Khan, CJCS Committee Pakistan.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Black 32 revolver with inscription "Presented to Dr. William J. Perry, Secretary of Defense, United States of America by Shri S.B. Chavan Home Minister Republic of India 12th January 1995 New Delhi" Serial Number A2056. Recd—January 12, 1995. Est. Value—\$325. Approved for official display.	Shri S.B. Chavan, Home Minister, Republic of India.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Gold and silver dagger with Sheath. Sheath also gold and silver with carvings. Recd—March 19, 1995. Est. Value—\$350. Approved for official display.	MajGen Abdulrahman M. Alkami, Saudi Arabia.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Gold Rolex watch and Rolex notepad. Recd—March 21, 1995. Est. Value—\$15,900. Approved for official display.	Isa bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Pearl Necklace. Recd—March 21, 1995. Est. Value—\$5,000. Pending transfer to GSA.	The Gem and Pearl Testing, Laboratory of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Gold dagger with sheath. Sheath has diamond and rubies laid in carved settings. Recd—March 22, 1995. Est. Value—\$10,000. Approved for official display.	Hamad Bin Khalifa Al-Thani, Heir Apparent and Minister of Defense of the State Qatar.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Mrs. William J. Perry, Wife of Secretary of Defense.	Gold plated brooch, 18 carat gold. Recd—July 25, 1995. Est. Value—\$750. Approved for official display.	Mrs. Oscar Camilion, wife of Minister of Defense, Argentina.	Non-acceptance would have caused embarrassment to donor & U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
William J. Perry, Secretary of Defense.	Topaz Stones and Gold letter opener. Recd—August 4, 1995. Est. Value—\$296. Approved for official display.	Ministerial Division of Brazil	Non-acceptance would have caused embarrassment to donor & U.S. Government.
William J. Perry, Secretary of Defense.	Green and gold glass table center piece with white flowers and six (6) matching bowls. Red and gold glass vase with white flowers. Recd—September 26, 1995. Est. Value—\$285. Approved for official display.	Vilen Holan, Minister of Defense, Czech Republic.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	Brown and golden prayer rug with Dr. Perry's face center, approximately 5' x 7'. Recd—October 13, 1995. Est. Value—\$450. Approved for official display.	Major General Rustam Akhmedov, Minister of Defense, Uzbekistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	Cherry wood box, with silver plate and Orrefors crystal bowl inside. Recd—October 16, 1995. Est. Value—\$400. Approved for official display.	Thage G. Peterson, Minister of Defense, Sweden.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	Gold Nefertiti key chain and cuff links in green jewelry box; black binoculars in a black leather case, inside red velvet box; two pots, one tall and one shorter. Recd—October 19, 1995. Est. Value—\$1,350. Approved for official display.	Field Marshal Mohamed Tantawi, Minister of Defense and Military Production of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. William Perry, Wife of Secretary of Defense.	Two black boxes with sets of Nefertiti earrings, 18 carat possibility; Gold Necklace with three charms inscribed with Egyptian writing in blue jewelry box. Recd—October 19, 1995. Est. Value—\$870. Approved for official display.	Mrs. Hussein Tantawi, wife of Minister of Defense of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	MP-5 9mm gun in brown leather case; strap and clip contained inside case. Recd—October 25, 1995. Est. Value—\$3,500. Approved for official display.	Prince Sultan of Saudi Arabia, Minister of Defense.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Secretary of Defense.	M1 Garand Rifle mounted on wood with gold plate. Recd—November 22, 1995. Est. Value—\$1,300. Approved for official display.	Hans Haekkerup, Minister of Defense, Denmark.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. William J. Perry, Wife of Secretary of Defense.	Amber necklace, earring, bracelet and brooch set. Recd—November 22, 1995. Est. Value—\$600. Approved for official display.	Mrs. Linkeviciene, wife of Minister of National Defense, Lithuania.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
LT GENERAL Thomas G. Rhame, Army, Director, Defense Security Assistance Agency.	Man's 18K Eterna wristwatch, Serial Number 5001.68, in reddish brown container. Recd—January 21, 1995. Est. Value—\$7,500. Reported to GSA June 1, 1995.	Lieutenant General Khalifa bin Ahmad Al Khalifa, Defense Minister, Bahrain Defense Forces.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Alina Romanowski, Acting Director, Middle East Region, International Security Affairs.	Single-strand, ladies graduated pearl necklace with 18 carat gold clasp in a reddish-orange case. Recd—January 24, 1995. Est. Value—\$1,000. Reported to GSA June 1, 1995.	Isa Bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
GENERAL John M. Shalikashvili, Chairman, Joint Chiefs of Staff.	9 mm Pistol. Recd—March 7, 1995. Est. Value—\$450. Approved for official use.	Lieutenant General Mario Diaz, Chief of the General Staff, Argentina.	Non-acceptance would have caused embarrassment to donor & U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
GENERAL John M. Shalikashvili, Chairman, Joint Chiefs of Staff.	Rifle, 30 caliber, with scope, Serial Number: #100279. Recd—October 13, 1995. Est. Value—\$675. Pending transfer to GSA.	Mr. Blagoja Handziski, Minister of Defense, Macedonia.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
GENERAL John M. Shalikashvili, Chairman, Joint Chiefs of Staff.	Pistol, 9 mm, Model #P94DC (Sturm Ruger & Co. INC), Serial Number 308-05953. Recd—October 14, 1995. Est. Value—\$329.95. Pending transfer to GSA.	Federal Forces of Bosnia, Herzegovina Sarajevo, Bosnia.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Frederick C. Smith, Office of Under Secretary of Defense (Policy).	Single-strand graduated pearls with 18 carat gold clasp in a black velvet case; Men's 18 carat gold Eterna wristwatch, Serial Number 5001.68.60, and matching cuff links. Recd—February 1, 1995. Est. Value—\$9,250. Reported to GSA, June 1, 1995.	Isa bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
COL Albert A. Washington, Country Director for Persian Gulf Affairs, Middle East and African Affairs, International Security Affairs.	Men's Eterna wristwatch, Serial Number 2001.20.60, with Bahrain Defense Force seal in blue container. Recd—January 23, 1995. Est. Value—\$750. Pending transfer to GSA.	Lieutenant General Khalifa bin Ahmad Al Khalifa, Defense Minister, Bahrain Defense Forces.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Marilyn Witcher, Public Affairs Officer, Department of Defense, Office of Dependents Education, Education Agency.	Ladies watch, 18 carat gold and stainless wrist band with octagonal face outline in 18 carat gold, ID #5231 above 2207190. Recd—March 1, 1995. Est. Value \$1,500. Reported to GSA June 1, 1995.	Ahmad Al Khalifa, Defense Minister, Bahrain Defense Forces.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Molly K. Williamson, Deputy Assistant Secretary of Defense for Middle East and African Affairs, International Security Affairs.	Women's wristwatch, 18 carat gold, Eterna, Serial Number 5601.68 in reddish-brown container. Recd—March 23, 1995. Est. Value—\$4,500. Reported to GSA June 1, 1995.	Isa bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor & U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Colonel Neil G. Kacena, USLO Doha, Qatar.	Three-piece tea set of gold, silver, and crystal. Recd—June 14, 1994. Est. Value—\$771.00. On official display in USLO's office.	H.E. Brigadier Shaykh Mohamed bin Fahd al-Thain, Asst Chief of Staff for Operations, Planning, and Training Qatar Armed Forces.	Non-acceptance would have caused embarrassment to the U.S. Government.
Special Agent Joseph G. Lukowski, AFOSI Det 614/CC, Yongsan Army Garrison, Seoul, Korea.	Gift certificate in the amount of \$250.00. Recd—December 22, 1994. Est. Value—\$250.00. Donated to the Hye-Shim-Won Children's Orphanage, Seoul, Korea, January 10, 1995.	Senior Superintendent Yong-Che, Foreign Affairs Division II, Seoul Metropolitan Police.	Non-acceptance would have caused embarrassment to the U.S. Government.
General Ronald R. Fogleman, Chief of Staff, USAF.	Baccarat decanter with French Air Force Seal Engraved on front; decanter is 14 inches high with a triangular-cut lid. Recd—April 21, 1995. Est. Value—\$587.00. On official permanent display at Air House.	General Douin, French Air Force Chief of Staff.	Non-acceptance would have caused embarrassment to donor & U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
General Ronald R. Fogleman, Chief of Staff, USAF.	Gold chain and crown pendant. Recd—August 8, 1995. Est. Value—\$500.00. On official display/use at Air House.	General Ababhneh, Chief of Staff, Jordanian Air Force.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
General Ronald R. Fogleman, Chief of Staff, USAF.	Pearl necklace with six strands of small pearls. Recd—October 2, 1995. Est. Value—\$300.00. On official display/use at Air House.	Lieutenant General Ching-Ying, Chief of Staff, Taiwan Air Force.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
General Henry Viccellio, Jr., (then) Commander, Air Education and Training Command.	Cufflinks and tie bar set with official seal of the Air Force of Republic of Chile set in 18K gold on blue lapislazuli stone mounted and set in 18K gold. Recd—September 1993. Est. Value—\$662.23. Turned in to GSA, October 25, 1995.	Lieutenant General Fernando Rojas-Vender, Chief of Staff, Air Force.	Non-acceptance would have caused embarrassment to the U.S. Government.
The Honorable Sheila Widnall, Secretary of the Air Force.	Engraved pitcher and six glasses. Recd—August 1, 1995. Est. Value—\$250.00. On official display in the office of the Secretary of the Air Force.	Mr. Zigniew Obzony, Minister of Defense, Poland.	Non-acceptance would have caused embarrassment to the U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Gen J.H. Binford Peay, III, Commander in Chief, U.S. Central Command, MacDill AFB, Florida 33621.	18kt Eterna Watch. Recd—1995. Est. Value—\$6,875.00. Reported to GSA July 20, 1995. Pending Transfer to GSA.	Isa Bin Salman Al Khalifa, Amir of Bahrain.	Non-acceptance would have caused embarrassment to the donor & U.S. Government.
Gen. J.H. Binford Peay, III, Commander in Chief, U.S. Central Command, MacDill AFB, Florida 33621.	One Oriental Rug (4'x6'). Recd—1995. Est. Value—\$1,800.00. Reported to GSA July 20, 1995. Approved for official display.	GEN Abdul Waheed, Chief of Chief, Pakistan.	Non-acceptance would have caused embarrassment to the donor & U.S. Government.
GEN Barry R. McCaffrey, Commander in Chief, U.S. Southern Command, APO AA 34003.	Three-piece Sterling Silver Set (two silver roosters and a silver and mirror tray). Recd—November 3, 1994. Est. Value—Unknown. Reported to GSA July 20, 1995. Approved for official display.	GEN Hermosa Rios, Peruvian Army.	Non-acceptance would have caused embarrassment to the donor & U.S. Government.
GEN Barry R. McCaffrey, Commander in Chief, U.S. Southern Command, APO AA 34003.	L1.A1 (FAL type) 7.62mm Rifle (Serial #AD 6712029). Recd—January 18, 1995. Est. Value—Unknown. Reported to GSA July 20, 1995. Approved for official display.	COL McPherson, Chief of Staff of the Guyana Defense Force.	Non-acceptance would have caused embarrassment to the donor & U.S. Government.
MG William L. Nash, U.S. Army Program Manager, Saudi Arabian National Guard Modernization, APO AE 09803-1304.	Tag Heuer Series 4000 Men's Sports Watch. Recd—December 5, 1994. Est. Value—\$895.00. Reported to GSA July 20, 1995. Approved for official use.	Prince Faisal bin Abdullah Mohammed, Deputy, Western Region, Saudi Arabian National Guard.	Non-acceptance would have caused embarrassment to the donor & U.S. Government.
GEN J.H. Binford Peay, III, Commander in Chief, U.S. Central Command, MacDill AFB, Florida 33621.	Sword in Presentation Case. Recd—December 1994. Est. Value—\$1,369.86. Reported to GSA July 20, 1995. Approved for official display.	MG Hamad Bin Abdulla Al-Thani, State Minister for Defense, Qatar.	Non-acceptance would have caused embarrassment to the donor & U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
GEN J.H. Binford Peay, III, Commander in Chief, U.S. Central Command MacDill AFB, Florida 33621.	Inlaid jewelry box with inlaid Bible. Recd—March 29, 1995. Est. Value—\$426.92. Reported to GSA July 20, 1995. Approved for official display.	MG Mohammed Khair Ababneh, Chief of Staff, Royal Jordanian Air Force.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN J.H. Binford Peay, III, Commander in Chief, U.S. Central Command, MacDill AFB, Florida 33621.	One Oriental Rug (5'x8'). Recd—August 1995. Est. Value—\$2,700.00. Pending a report to GSA. Approved for official display.	MG Abdul Waheed, Chief of Staff, Pakistan.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
MG Peter J. Schoomaker, Commander, JSOC, Fort Bragg, NC 28307.	Heckler & Koch USP 9mm Pistol (Serial # 24-16966). Recd—May 18, 1995. Est. Value—\$585.00. Reported to GSA July 20, 1995. Approved for official display.	COL Swalomir Petelicki, Leader of the Polish National Special Forces.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN J.H. Binford Peay, III, Commander in Chief, U.S. Central Command, MacDill AFB, Florida 33261.	One Oriental Rug (3'x5'). Recd—August 1995. Est. Value—\$900.00. Pending a report to GSA. Approved for official display.	Admiral Haque, Chief of Navy Staff, Pakistan.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN J.H. Binford Peay, III, Commander in Chief, U.S. Central Command, MacDill AFB, Florida 33261.	One Longines Watch (Men's). Recd—October 1995. Est. Value—\$395.00. Pending transfer to GSA.	GEN Abdul Hafiz Marei, Chief of the Joint Staff, Jordan.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
MG David R.E. Hale, Deputy Commander, U.S. Army, Pacific, Fort Shafter, HI 96858.	Painting (depicts the posthumous presentation of the Victoria Cross to a member of the Rajputana Rifles Regiment). Recd—November 17, 1994. Est. Value—Unknown. Reported to GSA July 20, 1995. Approved for official display.	BG J.K. Verma, Commander of the Indian Army Rajputana Rifles Regiment.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
Mr. Gerard P. DeVeaux, Civilian, U.S. Central Command, MacDill AFB, Florida 33261.	Clipboard, set of cuff links, Sheaffer ball point pen set, two Longines wrist watches, coin with Saudi Infantry Corps logo, key holder with Saudi Corps logo, leather billfold with Saudi Infantry Corps logo, leather note pad, leather key holder, and leather attache case. Recd—January 1995. Est. Value—\$1,365.15. Reported to GSA July 20, 1995. Pending sale to the recipient.	LTC Abdullah Shaman Al-Anzey, Royal Saudi Land Forces Infantry Corps.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
COL Geoffrey G. Prosch, U.S. Military Training Mission To Saudi Arabia, APO AE 09803-1300.	One Longines Wrist Watch. Recd—August 13, 1994. Est. Value—\$644.00. Pending a report to GSA.	LTG Mahayya, Royal Saudi Land Forces.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
BG Lon E. Maggart, Commander, U.S. Army Armor Center and Fort Knox, Fort Knox, KY 40121-5000.	Stainless Steel Sword with gold-filled hilt and scabbard. Recd—June 19, 1995. Est. Value—\$250.00. Reported to GSA September 21, 1995. Pending sale to the recipient.	COL Ahmed AL-Shahri, Saudi Arabian Liaison Officer.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
BG Robert R. Ivany, Assistant Division Commander, 2d Armored Division, Fort Hood, TX 76544.	Man's Jovial Watch (serial #7017) and Woman's Jovial Watch (serial #7017). Recd—July 1, 1995. Est. Value—Unknown. Reported to GSA September 21, 1995. Pending transfer to GSA.	Ahmed Al Mullah of Kuwait	Non-acceptance would have caused embarrassment to the donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
BG Robert R. Ivany, Assistant Division Commander, 2d Armored Division, Fort Hood, TX 76544.	Man's Yves Saint Laurent stainless steel watch (serial #03-D-01859). Recd—July 1, 1995. Est. Value—Unknown. Reported to GSA September 21, 1995. Pending transfer to GSA.	Ali Al-Atesi, J-3, Kuwait Organizational Director.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
BG Robert R. Ivany, Assistant Division Commander, 2d Armored Division, Fort Hood, TX 76544.	Man's Christian Dior Watch with leather strap (serial #D45-154). Recd—January 18, 1995. Est. Value—Unknown. Reported to GSA September 21, 1995. Pending transfer to GSA.	BG Rashid, J-3, Kuwait Armed Forces.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN Gordon Sullivan, Chief of Staff, Army, Pentagon, Washington, DC.	Silver Cups. Recd—January 1994. Est. Value—\$530.00. Reported to GSA September 21, 1995. Pending transfer to GSA.	Chief of Staff, Greek Army	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN Gordon Sullivan, Chief of Staff, Army, Pentagon, Washington, DC.	Chandelier and matching lamps. Recd—March 1992. Est. Value—\$295.00. Reported to GSA September 21, 1995. Pending transfer to GSA.	Chief of Staff, Philippine Army	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN Gordon Sullivan, Chief of Staff, Army, Pentagon, Washington, DC.	Presentation Set of Pesos. Recd—June 1993. Est. Value—Unknown. Reported to GSA September 21, 1995. Pending transfer to GSA.	GEN Sancito Caro-Brito, Dominican Republic Chief of Staff.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN Dennis J. Reimer, Chief of Staff, Army, Pentagon, Washington, DC.	Japanese Samurai Hat. Recd—August 25, 1995. Est. Value—\$650.00. Pending a report to GSA. Approved for official display.	GEN Tetsuya Nishimoto, Chairman, JSC, Japanese Defense Agency.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN Dennis J. Reimer, Chief of Staff, Army, Pentagon, Washington, DC.	Mexican Silver Bowl and four Mexican Woven Baskets. Recd—September 15, 1995. Est. Value—\$600.00. Pending a report to GSA. Approved for official display.	GEN Enrique Cervantes Acuirre, Secretary of Defense, Mexico.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
GEN Dennis J. Reimer, Chief of Staff, Army, Pentagon, Washington, DC.	German Binoculars, small plaque, crystal wine decanter, and crystal pitcher. Recd—October 31, 1995. Est. Value—\$297.00. Pending a report to GSA. Approved for official display.	LTG Hartmut Bagger, Chief of Staff, German Army.	Non-acceptance would have caused embarrassment to the donor and U.S. Government
GEN Dennis J. Reimer, Chief of Staff, Army, Pentagon, Washington, DC.	9mm German Luger Pistol. Recd—August 25, 1995. Est. Value—\$650.00. Pending a report to GSA. Approved for official display.	LTG Antonia Balza, Chief of Staff, Argentine Army.	Non-acceptance would have caused embarrassment to the donor and U.S. Government
BG Philip R. Kensinger, Commander, SOCCENT, MacDill AFB, Florida 33621.	Longines Watch. Recd—December 1995. Est. Value—\$795.00. Pending a report to GSA. Approved for official display.	COL Daig, Special Forces Commander, Bahrain.	Non-acceptance would have caused embarrassment to the donor and U.S. Government
COL Paul F. Barb, Chief, Security Assistance Div, U.S. Central Command, MacDill AFB, Florida 33621.	Maurice Lacroix Watch. Recd—November 1995. Est. Value—\$750.00. Pending a report to GSA. Approved for official display.	BG Hayei Juma Al Hameli, Director, Operations, UAE Armed Forces.	Non-acceptance would have caused embarrassment to the donor and U.S. Government
Honorable Togo D. West, Jr., Secretary of the Army.	Marble/Quartz Chess and Checker Set. Recd—October 20, 1995. Est. Value—\$350.00. Pending a report to GSA. Approved for official display.	General Zenildo de Lucena, Minister of the Army, Brazil.	Non-acceptance would have caused embarrassment to the donor and U.S. Government
LTG Robert L. Ord, Commander, U.S. Army, Pacific, Fort Shafter, Hawaii.	Recd.—November 6-9, 1995. Est. Value—\$2,972.80. Expended for airfare, hotel and meals.	New Zealand Government	Meetings with New Zealand Army Chief of Defense Force, Chief of General Staff and Secretary of Defense

AGENCY: DEPARTMENT OF THE ARMY—Continued
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
COL Michael M. Hoen, Chairman of Logistics and U.S. Army Dental Education Program, Fort Bragg, NC 28307-5000.	Recd.—January 23-25, 1995. Est. Value—\$715.00. Expended for airfare and meals.	Canadian Army Dentistry Programs.	Guest Lecturer for the Canadian Dental Officer's Clinical Course.

AGENCY: DEPARTMENT OF THE NAVY
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
John H. Dalton, Secretary of the Navy.	Man's watch. Recd—October 21, 1995. Est. Value—\$2500. Being held in CNO (N09B33) pending transfer to GSA.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Margaret Dalton, Spouse of the Secretary of the Navy.	Woman's watch. Recd—October 21, 1995. Est. Value—\$2500. Being held in CNO (N09B33) pending transfer to GSA.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral Walter F. Doran, USN, Chief of Naval Operations (N3/N5).	Man's & woman's watch. Recd—April 13, 1995. Est. Value—\$7300. Being held in CNO (N09B33) pending transfer to GSA.	Saudi Arabian Government	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral John M. Luecke, USN, U.S. Central Command, MacDill AFB, FL Command.	Man's watch. Recd—March 31, 1995. Est. Value—\$6875. Being held in CNO (N09B33) pending transfer to GSA.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice Admiral John S. Redd, USN, Commander, U.S. Naval Forces Central Command.	Crystal falcon, vase and dagger. Recd—July 10, 1995. Est. Value—\$3500. Being retained at COMUSNAVCENT.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Vice Admiral John S. Redd, USN, Commander, U.S. Naval Forces Central Command.	Persian carpet. Recd—September 18, 1995. Est. Value—\$400. Being retained at COMUSNAVCENT.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Lieutenant Commander Steve Senteio, Personal Aide to Secretary of the Navy.	Man's watch. Recd—October 21, 1995. Est. Value—\$2500. Being held in CNO (N09B33) pending transfer to GSA.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral George F.A. Wagner, Office of the Programs Executive Officer, Cruise Missiles and Joint Unmanned Aerial Vehicles.	Iron spear and plaque. Recd—March 22, 1995. Est. Value—\$250. Being retained at PEO (CU).	Israel Government	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral J.M. Boorda, USN Chief of Naval Operations.	Samuri helmet. Recd—September 1995. Est. Value—\$400. Being retained at Office of the Chief of Naval Operations.	Japanese Chief of Naval Operations.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Colonel Robert Blackman, USMC	Man's watch. Recd—October 21, 1995. Est. Value—\$2,500. Transferred to GSA.	The Amir of Bahrain	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral J.M. Boorda, USN Chief of Naval Operations.	Gold dagger. Recd—April 11, 1995. Est. Value—\$325. Being retained at Office of the Chief of Naval Operations.	Saudi Arabian Chief of Naval Operations.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral J.M. Boorda, USN Chief of Naval Operations.	Silver dagger. Recd—May 15, 1995. Est. Value—\$325. Being retained at Office of the Chief of Naval Operations.	UAE Chief of Naval Operations	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral J.M. Boorda, USN Chief of Naval Operations.	Brass etching. Recd—July 13, 1995. Est. Value—\$325. Being retained at Office of the Chief of Naval Operations.	Egyptian Chief of Naval Operations.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF EDUCATION

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
I. Office of the Deputy Secretary: Madeleine Kunin, Deputy Secretary.	In-kind—May 21–25, 1995. Est. Value—\$1,100. For transportation, lodging and meals within Israel.	Government of Israel	To meet with Prof. Ammon Rubinstein, Minister of Education, Culture & Sport and with other Israeli officials.
II. Office of Special Education and Rehabilitative Services (OSERS) Rehabilitation Services Administration (RSA): Dr. Fredric K. Schroeder, RSA/OSERS.	Recd.—10/19/95. Est. Value—\$818. In-kind 11/7/95—11/9/95. Expended for Airfare, meals, accommodations.	Canadian National Institute for the Blind.	Banquet Speaker and Panel Member at the 1995 Canadian Braille Conference.
III. Office of Special Education and Rehabilitative Services (OSERS): Scott Brown, ED Research Analyst (OSERS).	Recd.—Nov. 20, 1995. In-kind—Nov 17—Nov. 28. Est. Value—\$2,000. Expended for airfare, hotel and meals.	World Health Organization Geneva, Switzerland.	To provide recommendations for revision of the World Health Organization's International Classification of Impairment Disabilities and Handicaps.
IV. Office of Vocational and Adult Education: Ronald Pugsley, Director, Acting Adult Literacy Initiative Staff, OVAE.	Brussels, 11/19/94 to 11/23/94. Est. Value \$2,386. Airfare, lodging, meals etc.	European Union (EU), Brussels, Belgium.	To make a presentation to the European Union on the National Adult Literacy Survey (NALS).

AGENCY: UNITED STATES DEPARTMENT OF STATE

Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Warren Christopher, Secretary of State.	Red Chopard ladies watch with floating diamonds. Recd—August 30, 1995. Est. Value—\$4,000. Pending transfer to GSA.	His Majesty Sir Bolkiah Hassanal, Sultan of Brunei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Ruby and diamond bracelet. Recd—August 30, 1995. Est. Value—\$7,000. Pending transfer to GSA.	His Majesty Sir Bolkiah Hassanal, Sultan of Brunei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	4'x6' silk Afghan carpet. Recd—April 10, 1995. Est. Value—\$2,000. Being retained at the U.S. Dept of State.	Her Excellency Benazir Bhutto. Prime Minister of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Carpet with maroon and blue and purple colors. Appx. 6'9". Recd—April 5, 1995. Est. Value—\$1,000. Being retained at the U.S. Dept of State.	His Excellency Hosni Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Kabuki dancer doll in glass case. Recd—October 20, 1995. Est. Value—\$1,500. Being retained at the Dept. of State.	Mr. Kabun Muto, Member of the House of Representatives, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Silver plated mantle clock. Recd—December 15, 1995. Est. Value—\$500. Pending transfer to GSA.	His Excellency Hamad Bin Jassim Bin Jabir-Al-Thani, Minister of Foreign Affairs of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES DEPARTMENT OF STATE—Continued

Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Joan E. Spero, Under Secretary for Economic, Business and Agricultural Affairs.	18 karat gold watch with 12 diamonds and three rubies. Recd—August 8, 1995. Est. Value—\$3000. Pending transfer to GSA.	His Excellency Pengiran Anak Hajjah Zariah, Brunei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Joan E. Spero, Under Secretary for Economic, Business and Agricultural Affairs.	Silver cufflinks (one large pearl on each cufflink). Recd—October 8, 1995. Est. Value—\$1,200. Pending transfer to GSA.	Mr. Kabun Muto, Member of the House of Representatives, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robert H. Pelletreau, NEA Assistant Secretary.	Silver clock on marble base. Recd—December 20, 1995. Est. Value—\$1,200. Pending transfer to GSA.	His Excellency Hamad Bin Jassim Bin Jabir-Al-Thani, Minister of Foreign Affairs of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robin Raphe, Assistant Secretary of State for South Asian Affairs.	Large red and black Afghani rug, approximately 6'x9'. Recd—November 1994. Est. Value—\$2,000. Being retained at the Dept of State.	His Excellency Hajiq Adir, Governor of Nangarhar Province, Jalabad, Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mark R. Parris, DAS, NEA Bureau	Replica of Kuwaiti boat, a dhow, mounted on a base. Recd—December 1994. Est. Value—\$650. Being retained at the Dept. of State.	His Excellency Mohammed Sabah Al-Salim Al-Sabah, Kuwaiti Ambassador to the U.S.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Joseph LeBaron, Deputy Chief of Mission, American Embassy Manama, Bahrain.	Men's Oyster Perpetual watch. Women's Oyster Perpetual watch. Single strand of graduated Bahraini pearls. Rec'd—March 21, 1995. Est. Value—\$30,800. Pending transfer to GSA.	His Majesty Shaikh Isa bin Sulman al Khalifa, Amir of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Joseph LeBaron, Deputy Chief of Mission, American Embassy Manama, Bahrain.	1. Baume and Mercier watch. 2. Three 22 kt gold bangle bracelets. Rec'd—March 22, 1995. Est. Value—\$1,645. 2. \$895. Pending transfer to GSA.	His Majesty Shaikh Isa bin Sulman al Khalifa, Amir of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Ransom, U.S. Ambassador to Bahrain.	1. Four 21k gold necklaces. 2. Baume & Mercier Ladies Watch. 3. Baume & Mercier Men's watch and cufflinks. 4. Diamond and onyx cufflinks. Rec'd—March 1, 1995. Est. Value—(1) \$4,000 (2) \$5,000 (3) \$10,000 (4) \$1,500. Pending transfer to GSA.	His Majesty Shaikh Isa bin Sulman al Khalifa, Amir of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Ransom, U.S. Ambassador to Bahrain.	1. Man's Eterna watch Model 202. 2. Women's Eterna watch model 210. Rec'd—March 1, 995. Est. Value—(1) \$3,050. (2) \$1,990. Pending transfer to GSA.	His Excellency Shaikh Isa bin Sulman Al Kalifa, Amir of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Ransom, U.S. Ambassador to Bahrain.	1. Bahraini graduated pearl necklace. 2. Rolex watch—Oyster Perpetual Datejust. 3. Four gold bangle bracelets. Rec'd—April 18, 1995. Est. Value—(1) \$4,000. (2) \$8,200. (3) \$955. Pending transfer to GSA.	His Majesty Shaikh Isa bin Sulman Al Khalifa, Amir of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gerald M. Feierstein, Dept. of State.	Man's gold Eterna watch. Rec'd—March 24, 1995. Est. Value—\$500. Pending transfer to GSA.	His Majesty Sheikh Isa Bin Salman, Amir of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Frances Cook, Deputy Assistant Secretary.	Bahraini Coffee Pot. Rec'd—April 15, 1995. Est. Value—\$300.00. Pending transfer to GSA.	Lt. General Khalifa Bin Ahmed Al-Khalifa, Minister of Defense.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kenton Keith, U.S. Ambassador to Qatar.	2 Harry Winston watches, 2 watchband set. Rec'd—June 1995. Est. Value—\$2,000. Pending transfer to GSA.	His Majesty Hamad bin Khalifa Al Thani, Amir of State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES DEPARTMENT OF STATE—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Andrew Schofer, Political Officer/Bahrain.	Man's Eterna gold with diamond chips watch. Rec'd—August 3, 1995. Est. Value—\$3,050. Pending transfer to GSA.	H.E. Shaikh Isa Bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Karen Enstrom, Vice Consul/Bahrain.	Woman's Eterna gold with diamond chips watch. Rec'd—August 3, 1995. Est. Value—\$1,990. Pending transfer to GSA.	H.E. Shaikh Isa Bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Ransom, U.S. Ambassador to Bahrain.	Gold Khanji (knife). Rec'd—August 3, 1995. Est. Value—\$3000.00. Pending transfer to GSA.	H.E. Shaikh Isa Bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Joseph E. LeBaron, Deputy Chief of Mission/Bahrain.	Gold Khaji (knife). Rec'd—August 3, 1995. Pending transfer to GSA.	H.E. Shaikh Isa Bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robin Raphel, Assistant Secretary of State for South Asian Affairs.	Set of dinnerware for six with serving pieces. Rec'd—September 6, 1995. Est. Value—\$300. Pending transfer to GSA.	His Excellency A.S.M. Mustafizur Rahman, Lt. Col (Ret.), Minister of Foreign Affairs of People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robert H. Pelletreau, Assistant Secretary of State for Near East Affairs.	Engraved silver box with blue velvet case. Rec'd—October 2, 1995. Est. Value—\$250.00. Pending transfer to GSA.	His Majesty Hussein I, King of Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
John B. Craig, Director of Near East Affairs/ARP.	Rolex Stainless steel watch. Rec'd—November 5, 1995. Est. Value—\$3,000. Pending transfer to GSA.	His Majesty Isa bin Salman Al Khalifa, Amir of State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Theresa Tull, U.S. Ambassador to Brunei.	A Sarcar watch. Rec'd—October 6, 1995. Est. Value—\$3-4,000. Pending transfer to GSA.	Her Majesty Raja Isteri Pengiran Anak Saleha, first wife of His Majesty, the Sultan of Brunei.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Richard Miles, Deputy Chief of Mission, Am. Embassy Moscow.	Painting, "Evening Intrigue". Rec'd—January 1995. Est. Value—\$1,000. Being retained at the American Embassy in Moscow.	Valdimir Povalov, Russian painter	Non-acceptance would cause embarrassment to donor and U.S. Government.
Clarke N. Ellis, Consul General of Am. Embassy, Naples.	Small gold medallion issued in 1992 commemorating the centennial of the newspaper's foundation. Rec'd—May 11, 1995. Est. Value—\$285.00. Being retained at Am.Embassy in Naples.	Dr. Paolo Graldi, Editor-in-Chief of "Il Mattino" southern Italy's major daily newspaper.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David J. Dunford, U.S. Ambassador to Oman.	A pendant medal on a sash, a brooch-type medal and a smaller lapel-style medal of the same design. Omani Al-Numan Order. Rec'd—June 21, 1995. Est. Value—\$14,300 USD. Being retained at AmEmbassy in Muscat.	His Majesty, Qaboos bin Said Al Said, Sultan of Oman.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Deputy Chief of Mission, Am. Embassy in Doha, Qatar.	(1) Decorated silver plated arab coffee pot and (2) gold plated incense burner, rosewater dispenser and arab coffee pot. Rec'd—July 1995. Est. Value—(1) \$350 (2) \$2,000. Being retained at AmEmbassy in Doha.	Unknown	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Kenton Keith, U.S. Ambassador to Qatar.	Silver incense burner. Rec'd—July 1995. Est. Value—\$400. Being retained at AmEmbassy in Doha.	Government of Qatar	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Peter W. Galbraith, U.S. Ambassador to Croatia.	Gilbenti Brescia 1894 gun, in black leather case with initials PG. Rec'd—March 1995. Est. Value—\$360.00. Being retained at Am. Embassy in Zagreb.	Mr. Darko Sacic of Varazdin City Culture Office, Zagreb.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES DEPARTMENT OF STATE—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Charles L. Daris, Consul General, Am. Embassy Riyadh.	Sword, brass colored-metal in green velveteen covered gift box. Rec'd—6/21/94. Est. Value—\$340.00. Being retained at Am Embassy in Riyadh.	Mohammed Al-Amoudi, Chairman of the Al-Amoudi group and advisor to the King.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Thomas Pickering, U.S. Ambassador to the Russian Federation.	(1) Watercolor art painting "Under water Words". (2) Photograph "Marble Head Door II". Rec'd—March 1995. Est. Value—(1) \$3,500, (2) \$800. Being retained at the American Embassy Moscow.	Eugenia Skarstrom for use in Spaso House.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
The Honorable Arthur Hughes, U.S. Ambassador to the Republic of Yemen.	Traditional Yemeni sword. Rec'd—November 2, 1994. Est. Value—\$350.00. Being retained in the office Near Eastern Affairs, DOS.	His Excellency Yahya Hussein Al Arashi, Minister of Culture and Tourism, the Republic of Yemen.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
Ambassador and Political Economic Chief in American Embassy, Dushanbe, Afghanistan.	Two small Afghan carpets, 3' x 5', 4' x 5'. Rec'd—February 20, 1995. Est. Value—\$400.00. Being retained at American Embassy Dushanbe.	Mr. Ashraf Shah, Special Emisary of President Burhannidin Rabbani, Kubul, Afghanistan.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
The Honorable Robert Pelletreau, Assistant Secretary for Near Eastern Affairs.	(1) One 18k Piaget men's gold watch, with cufflinks. (2) One 18k gold Piaget women's watch. (3) One graduated pearl necklace. Rec'd—May 10, 1994. Est. Value—(1) \$2,000. (2) \$2,000. (3) \$10,000. Pending transfer to GSA.	His Majesty Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
Mr. J. Feierstein, NEA/ARP	(1) One Eterna men's gold watch with cufflinks. (2) One Eterna women's gold watch. Rec'd—May 10, 1994. Est. Value—(1) \$2,000. (2) \$2,000. Pending transfer to GSA.	His Majesty Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would have caused embarrassment to the donor and U.S. Government.
Adm Katz, American Embassy, Manama.	(1) Double strand of pearls (2) Gold coin. Recd—November 8, 1994. Est. Value—(1) \$5,000 (2) \$1500. Pending transfer to GSA.	His Majesty Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. D. Robins, Deputy Chief of Mission, American Embassy of Manama.	(1) One 22k Piaget men's watch, diamond studded. (2) gold studded cufflinks. Recd—May 10, 1994. Est. Value—(1) \$7,000. (2) \$1,200. Pending transfer to GSA.	His Majesty Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Ransom, U.S. Ambassador to Bahrain.	(1) Three Eterna watches. (2) Five women's Eterna watches. (3) Five sets of gold bangle bracelets (3/set). Recd—December 21, 1994. Est. Value—(1) \$3,050. (2) \$1,999 each. (3) \$760 each.	His Majesty Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Clarke N. Ellis, Consul General American Embassy, Naples.	Small gold medallion issued in 1992, commemorating the centennial of the "Il Mattino" newspaper. Recd—May 11, 1995. Est. Value—\$285.00. Being retained for official use in American Embassy in Naples.	Dr. Paolo Graldi, Editor-in-Chief of "Il Mattino," southern Italy's major daily newspaper.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: TREASURY—DEPARTMENTAL OFFICES
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
James Fall, Deputy Assistant Secretary, Developing Nations.	Mont Blanc Pen. Recd—January 12, 1995. Est. Value—\$285. Treasury Department.	Chong-Min Lee, Financial Attache, Republic of Korea.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Sylvia Mathews, Chief of Staff	Bronze Statue of Elephant Goddess. Recd—April 18, 1995. Est. value—\$400. Treasury Department.	Dinesh Singh, Minister of External Affairs, India.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Robert Rubin, Secretary	Bronze Statue of Indian Woman. Recd—April 17, 1995. Est. value—\$400. Treasury Department.	Manmohan Singh, Minister of Finance, India.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Robert Rubin, Secretary	White Gold Coin. Recd—April 17, 1995. Est. value—\$3,510. Treasury Department.	Jefri Bolkih, Minister of Finance, Brunei.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Robert Rubin, Secretary	Gold & Pearl Cufflinks. Recd—May 5, 1995. Est. value—\$350. Treasury Department.	Kabun Muto, Chairman, General Council, Japanese Liberal Democratic Party.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Robert Rubin, Secretary	Sterling Silver Cup. Recd—October 10, 1995. Est. value—\$350. Treasury Department.	President Zedillo, Mexico	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Jeffrey Shafer, Assistant Secretary for International Affairs.	Bronze Statue of Indian Goddess. Recd—April 18, 1995. Est. value—\$400. Treasury Department.	Manmohan Singh, Minister of Finance, India.	Non-acceptance would have caused embarrassment to donor & U.S. Government.
Jeffrey Shafer, Assistant Secretary for International Affairs.	Green Quartz Cufflinks and Tie Tack. Recd—October 26, 1995. Est. Value—\$350. Treasury Department.	Chen Rong-jye, Deputy Representative, Taipei Economic & Cultural Representative Office.	Non-acceptance would have caused embarrassment to donor & U.S. Government.

AGENCY: DEPARTMENTAL OFFICES—TREASURY
Report of Travel or Expenses of Travel—1995

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Eliot Brenner, Public Affairs Specialist.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	India Government	No direct flights from city to city, and other commercial flights could not accommodate either the number of individuals in the secretarial delegation or the official agendas schedule. Security Considerations.
Joyce Carrier, Deputy Executive Secretary for Public Liaison.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Joseph Cope, Telecommunications Specialist.	Recd—April 20, 1995. Est. Value—\$140.. ** Udaipur—Bombay, India .....	.....do	Do.
David Dreyer, Senior Advisor for Planning.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
James Fall, III, International Economist.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.

AGENCY: DEPARTMENTAL OFFICES—TREASURY—Continued
 Report of Travel or Expenses of Travel—1995

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Bridget Hartigan, Staff Assistant to the Deputy Executive Secretary.	Recd—April 20, 1995. Est. Value—\$140.. ** Udaipur—Bombay, India	India Government	No direct flights from city to city, and other commercial flights could not accommodate either the number of individuals in the secretarial delegation or the official agendas schedule. Security considerations.
David Ickson, Special Assistant, Public Affairs.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Nancy Lee, International Economist.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Meg Lundsager, Director—Office of Asia & Near East.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Sandra Mancini, Special Assistant to Chief of Staff.	Recd—April 20, 1995. Est. Value—\$140.. ** Udaipur—Bombay, India .....	.....do	Do.
Sylvia Mathews, Chief of Staff	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	India Government	No direct flights from city to city, and other commercial flights could not accommodate either the number of individuals in the secretarial delegation or the official agendas schedule. Security considerations.
Annabella Mejia, Review Analyst	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
J. Benjamin Nye, Executive Secretary.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Lynn Parrish, Assistant Director, Travel and Special Event.	Recd—April, 1995. Est. Value—\$140.. ** Udaipur—Bombay, India .....	.....do	Do.
Judith Rubin, Spouse	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Robert E. Rubin, Secretary of the Treasury.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	India Government	No direct flights from city to city, and other commercial flights could not accommodate either the number of individuals in the secretarial delegation or the official agendas schedule. Security considerations.
Howard Schloss, Assistant Secretary, Public Affairs.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Jeffrey Shafer, Assistant Secretary, International Affairs.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Michelle Smith, Public Affairs Specialist.	Recd—April 19–20, 1995. Est. Value—\$306.. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.

(India Government plane). ** No direct flights from Agra to Udaipur. Indirect flights would have delayed the trip 24 hours, which was impossible for the schedule.

AGENCY: SECRET SERVICE—TREASURY
Report of Travel or Expenses of Travel—1995

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identify of foreign donor and government	Circumstances justifying acceptance
Robert Agnew, ATSAIC—Secret Service.	Recd—April 19–20, 1995. Est. Value—\$306. ** New Delhi—Agra—Udaipur—Bombay, India.	India Government	No direct flights from city to city, and other commercial flights could not accommodate either the number of individuals in the secretarial delegation or the official agendas schedule. Security considerations.
Harry Geiglein, Special Agent—Secret Service.	Recd—April 19–20, 1995. Est. Value—\$306. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Max Yao, Special Agent—Secret Service.	Recd—April 19–20, 1995. Est. Value—\$306. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Frank Young, Special Agent—Secret Service.	Recd—April 19–20, 1995. Est. Value—\$306. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.
Rick Zaino, ATSAIC—Secret Service.	Recd—April 19–20, 1995. Est. Value—\$306. ** New Delhi—Agra—Udaipur—Bombay, India.	.....do	Do.

(India Government plane). ** No direct flights from Agra to Udaipur. Indirect flights would have delayed the trip 24 hours, which was impossible for the schedule.

AGENCY: CENTRAL INTELLIGENCE AGENCY
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency Employee	Molded and frosted parcel gilt crystal sculpture on fruitwood base. H: 5 inches. Rec'd—17 January 1995. Est. value: \$250.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Terra-cotta ewer. Purported to be from the Iron Age, 930–586, B.C. With globular body and strap handle with narrow rim. On separate wrought iron stand. H: 8 inches. Rec'd—20 October 1995. Est. Value: \$400.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Venetian acqua-blue and clear glass tall vase 'Navona'. Classical form with ovoid body and flared rim with clear frosted glass scroll handles and base. H: 16 inches. Rec'd—25 July 1995. Est. value: \$500.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	93 7.62 caliber customized automatic assault rifle. Serial number 300144. Carved walnut stock with gilt metal and steel mounts. L: of barrel 31 inches, encased. Rec'd—27 October 1995. Est. value: \$1,000.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
John M. Deutch, Director, Central Intelligence.	Limoges coffee set, consisting of coffee pot, six handleless cups and round tray. Each with gilt and black trim. H: of coffee pot 6½; D: of tray 12½ inches. Rec'd—24 October 1995. Est. value: \$300.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Kilim rug. 6 x 3.6. Central blue ground with five joined step medallions in red-to-ivory-to-green-blue and gold, within gold shaded blue and beige border enclosing stylized wine cups and trellising vines. Rec'd—24 July 1995. Est. value: \$500.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Parcel gilt silver plated and malachite mounted incense burner. Having a square tapered body cast in relief with flowing branches, on gilt ground; centering a malachite roundel enclosing shaped gallery with removable pierced lid and raised on malachite standard and plinth on parcel gilt silver malachite base. H: 12 inches. Rec'd—22 October 1995. Est. value: \$1,500.00. To be retained for official display..	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Turquoise faience mounted silver five-piece ensemble. Consisting of necklace mounted with five cicadas, bracelet mounted with five cicadas, ring and pair of pierced type earrings, each mounted with cicada. Rec'd.—17 October 1995. Est. value: \$750.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	925 parcel gilt silver relief plaque. Signed by the artist indistinctly and stamped 925. Mounted on gray velvet mat and ebonized wood frame. H: 5-½; W: 7 inches. Rec'd.—19 October 1995. Est. value: \$500.00 To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Italian colored engraved map of Judea, Sumeria and Galilee. Drawn by Broen, Utrecht, Holland, 18th Century, with later coloring. In simulated burlwood matted frame. 22-½x19-½ inches. Rec'd.—19 October 1995. Est. value: \$600.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Silver small plate. Inscribed with initials in reverse and dated 18-10-95. Engraved with central geometric star within scrolling vine and foliage. D:7-⅛ inches. Wt. 7.5 oz. Rec'd.—18 October 1995. Est. value: \$250.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
John M. Deutch, Director, Central Intelligence.	Pair of repoussé silver covered bottles. Each with globular body with flared neck and removable lid repousséd and chased with foliage and trellising vines. H: 8 ⁷ / ₈ inches. Total weight 20 oz. Rec'd—17 October 1995. Est. value: \$800.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Parcel gilt mounted silver plated plaque. Round with central gilt plaque of architectural dwelling. D: 11 ¹ / ₂ inches. Rec'd—16 October 1995. Est. value: \$350.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Parcel gilt silver plated and molded frosted crystal plaque of eagle perched in archway. Mounted on ebonized base. Rec'd—24 October 1995. Est. value: \$1,200. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Repoussé silver hanging mirror. Oblong foliate shaped with repoussé floral reserve and attached chain. L: 12 inches. Rec'd—24 July 1995. Est. value: \$400.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Smith & Wesson .357-magnum revolver. Apparently no serial number. Chrome plated with engraved foliate decoration with walnut grips. Rec'd—16 October 1995. Est. value: \$400.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	White enameled 990-standard silver model of ship. In dust proof case. H: of ship 6 inches. Rec'd—11 September 1995. Est. value: \$1,000.00 To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	<i>Cottage in Landscape</i> . Signed artist on lower right. Oil on canvas. 9 ⁵ / ₈ ×7 ¹ / ₈ inches. Rec'd—29 October 1995. Est. value: \$300.00 To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Repoussé silver footed shallow bowl. Apparently unmarked. Having a round foliate shape with central repoussé domed cavetto within flared conforming repoussé border and raised on three cast feet. D: 9 ¹ / ₂ inches. Wt. 10 oz. Rec'd—18 October 1995. Est. Value: \$400.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency Employee	Repoussé silver vessel. The globular form with repoussé and chased floral banding with strap handle continuing to narrow bulbous rim. H: 4½ inches. Wt. 8½ oz. Rec'd—18 October 1995. Est. value: \$300.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Canon Elan EOS 100 35mm camera. With ultrasonic zoom lens 28–80mm. (No longer made). Rec'd—24 March 1995. Est. value. \$650.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Inlaid celadon glazed vase, modern. Inlaid with alternating white and rose floral trellising vines on green crackle glazed ground. H: 12 inches. Rec'd—20 September 1995. Est. value: \$350.00. to be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Swiss 18 karat yellow gold filled gentleman's wristwatch by Raymond Weil, Geneva. The Othello design with mirrored black dial and set with four faceted simulated diamonds. Rec'd—18 May 1994. Est. value: \$500.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Canon Elan EOS 100 35mm camera with ultrasonic zoom lens 28–80mm. (No longer made). Rec's—24 March 1995. Est. value: \$650.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Unmarked repoussé silver round footed shallow dish with floral repoussé cavetto within floral and swirl flared rim and raised on three cast feet. D: 9⅛ inches. Wt. 9½ oz. Rec'd—18 October 1995. Est. value: \$350.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Repoussé silver vessel. The globular form with repoussé and chased floral banding with strap handle continuing to narrow bulbous rim. H: 4½ inches. Wt. 8½ oz. Rec'd—18 October 1995. Est. value: \$300.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Turquoise enameled 990-standard silver covered bowl. The bulbous body and domed lid chased with foliage against turquoise ground. D: 5¼ inches. Total weight 13 oz. Rec'd—15 May 1995. Est. value: \$550.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency Employee	Shaded cloisonné enamel 990-standard silver jewelry casket. The rectangular domed top with bat-form lock polychrome enamel with blossoming leaves in multicolor on light green guilloche ground and silver frame, opening to view dark green velvet interior with removable ring tray. L:7¼ inches. Rec'd—15 May 1995. Est. value: \$1,000.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Pair of turquoise-blue enameled 990-standard silver boxes. Each bulbous body with removable lid and blossom finial; one in turquoise-blue guilloche enamel ground; the other, in light lavender guilloche ground. Each with enameled fruit-form finial. D: 3¾ inches. Total weight 20 oz. Rec'd—15 May 1995. Est. value: \$750.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral W.O. Studeman, USN, Former Deputy Director, Central Intelligence.	Silver three-light candelabrum, 20th Century. With palmette and leafage cast standard supporting scroll arms cresting in foliate nozzles and drip pans and raised on round domed base. H: 7¼ inches. Wt. 10½ oz. Rec'd—18 April 1995. Est. value: \$500.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral W.O. Studeman, USN, Former Deputy Director, Central Intelligence.	Repoussé and filigree silver mounted horn kris (dagger). The chrome plated steel shaped blade with silver mounted horn handle and fitted with repoussé foliate silver and silver filigree sheath with silver cord. L: overall 12 inches. Rec'd—18 April 1995. Est. value: \$600.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Omega stainless steel calendar wristwatch. With gilt Roman numeral dial and black enamel bezel, numbered 15103000/54197946/1438. Rec'd—20 July 1995. Est. value: \$800.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George J. Tenet, Deputy Director, Central Intelligence.	Cloisonné enamel 990-standard silver bottle vase. The bulbous body with elongated tapered neck polychrome enameled with blossoming flowers on shaded blue guilloche ground. H: 7¾ inches. Gross weight approximately 10 oz. Rec'd—11 September 1995. Est. value: \$500.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued
Report of Tangible Gifts—1995

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
George J. Tenet, Deputy Director, Central Intelligence.	Perpedil rug. 4.11 3.4. Blue ground with ram's hook and floral field and rosette ram's hook guard border on ivory ground. Rec'd—12 September 1995. Est. value: \$750.00. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Former Director, Central Intelligence..	Unmarked silver five-light candelabrum. In the Rococo style with lobed leafage capped standard supporting screw-off standard with four leafage capped scroll arms cresting in foliate drip pans and nozzles centering fifth nozzle and raised on four scroll feet. H: 21 1/2 inches. Wt. 90 oz. Rec'd—14 February 1995. Est. Value: \$3,500. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John M. Deutch, Director, Central Intelligence.	Bluish-green iridescent glass pendant. Purported to be ancient glass, circa 1st/2nd Century, A.D. With custom made 14 karat yellow gold bezel. With 14 karat yellow gold chain. Glass size 3/4x3/4 inches. L: of chain 20 inches. Rec'd—19 October 1995. Est. value: \$500. To be retained for official display.	5 USC 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CORPORATION FOR NATIONAL SERVICE
Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Michael Woo, Director, Pacific Cluster.	Recd. Nov. 17, 1995. Est. Value—\$1,494. Expended for airfare, ground travel hotels and meals.	The French-American Foundation, France.	To participate in Young Leaders Conference and confer with French national service officials.

AGENCY: BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Alan Greenspan, Chairman	Gold and pearl cuff links. Received: May 5, 1995. Est. Value: \$500. Retained for display.	Mr. Kabun Muto, Chairman, General Council, Liberal Democratic Party and Member of the House of Representatives, Japan.	To have refused would have caused offense or embarrassment.
Alan Greenspan, Chairman	Orrefors crystal bowl. Received: April 12, 1995. Est. Value: \$715. Retained for display.	Bank of Sweden	To have refused would have caused offense or embarrassment.

AGENCY: LIBRARY OF CONGRESS

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Joseph C. Hickerson, Head, Acquisitions American Folklife Center, Library of Congress.	Recd.—July 15, 16, 23 and 24, 1995. Est. Value—\$600. Train transportation, hotels, meals and taxis.	Ministry of Foreign Affairs, Finland	Visit to folklore archives, institutes, and festivals.
William H. Robinson, Director, Congressional Research Service, Task Force on Inter Parliamentary Cooperation.	Recd.—Oct. 25, 26, 27 and 28, 1995. Est. Value—\$344. Round trip bus transportation between Frankfurt Airport in Germany and Strasbourg, France plus hotel and living expenses.	European Parliament	Attending European Center for Parliamentary Research and Documentation in Strasbourg, France to cooperate with and exchange information with CRS counterparts for the European Parliament.

AGENCY: SECURITIES & EXCHANGE COMMISSION

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Arthur Levitt, Chairman	Silver Chariot. October, 1995. Est. Value—\$250. Pending transfer to GSA.	Setyanto P. Santosa, President Director Telkom Indonesia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Arthur Levitt, Chairman	Painted Portrait of Chairman Levitt. December, 1995. Est. Value—\$250. Pending transfer to GSA.	Setyanto P. Santosa, President Director Telkom Indonesia.	Gift delivered following departure. Non-acceptance would have caused embarrassment to donor.

AGENCY: UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Anthony J. Cauterucci, Director, USAID Mission to Guatemala.	Guatemala City Bicentennial commemorative coin, 21 carat gold, 1 1/4" diameter. Recd.—August 16, 1990. Est. Value—\$341.47 at time of receipt. Retained by Agency for official use.	Lizardo Sosa, President, Bank of Guatemala.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: U.S. ARMS CONTROL AND DISARMAMENT AGENCY (ACDA)

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Michael Nacht, Assistant Director to the Strategic and Eurasian Affairs Bureau.	Recd.—1/16/95. Est. Value—\$3,190.72. Expended for airfare, hotel, meals.	Swiss Government	To participate in Swiss Conference on European Security.

AGENCY: US Nuclear Regulatory Commission

Report of travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Monideep Dey, Sr. Reactor Systems Engineer, Office of Nuclear Regulatory Research.	Recd.—November 26, 1995. Est. value—\$2,178. Expended for airfare and hotel accommodations.	Korea Atomic Energy Research Institute, Republic of Korea.	To attend International Conference on Probability Safety Assessment and present paper on "A General Guideline for Optimizing Costs for Nuclear Power Safety"
Ellis Merschoff ¹ , Director of Reactor Projects, RII.	Recd.—December 30, 1995. Est. value—\$3,500. Expended for airfare, hotel and meals.	International Atomic Energy Agency (IAEA).	Job interview
Hugh Thompson, Deputy Executive Director for Nuclear Material Safety, Safeguards, and Operations Staff, Office of the Executive Director for Operations.	Recd.—September 28, 1995. Est. value—\$3,000. Expended for airfare, hotels, ground transportation, typing expenses, long distance phone calls and express mail costs.	IAEA	To participate in IAEA mission to Slovenia

¹ Per advice from the Department of State Legal Advisor's Office, the IAEA paid for Mr. Merschoff's airfare from Atlanta, GA to Vienna, Austria, and return because the stands of conduct regulations allow payment of a Federal employee's travel expenses for the purpose of a job interview and because the Emoluments Clause of the U.S. Constitution does not apply to gifts from international organizations.

AGENCY: UNITED STATES OFFICE OF GOVERNMENT ETHICS (OGE)

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interest of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Jack Covalesski, Associate Director, Program Assistance and Review.	Recd.—November 26—December 4, 1995. Est. Value \$458. Expended for in-country transportation (local, train and airfare) and incidental expenses in Egypt.	Administrative Control Authority—Egypt.	Lecture and consultation on anti-corruption measures.
Stuart C. Gilman, Special Assistant to the Director.	Recd.—November 26—December 4, 1995. Est. Value \$458. Expended for in-country transportation (local, train and airfare) and incidental expenses in Egypt.	Administrative Control Authority—Egypt.	Lecture and consultation on anti-corruption measures.
Mrs. Stuart C. Gilman (accompanying wife of Special Assistant).	Recd.—November 26—December 4, 1995. Est. Value \$938. Expended for room and board in government facility, in-country transportation (local, train and airfare) and incidental expenses in Egypt.	Administrative Control Authority—Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Stephen D. Potts (accompanying wife of OGE Director).	Recd.—November 27—December 1, 1995. Est. Value \$394. Expended for room and board in government facility, in-country transportation (local and train) and incidental expenses in Egypt.	Administrative Control Authority—Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Stuart D. Rick, Associate General Counsel.	Recd.—November 26—December 4, 1995. Est. Value \$458. Expended for in-country transportation (local, train and airfare) and incidental expenses in Egypt.	Administrative Control Authority—Egypt.	Lecture and consultation on anti-corruption measures.

Federal Register

Wednesday
May 15, 1996

Part III

**Department of
Transportation**

Federal Aviation Administration

14 CFR Part 91, et al.

**Special Flight Rules in the Vicinity of the
Rocky Mountain National Park; Proposed
Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 91, 121, 127, and 135**

RIN 2120-AG11

[Docket No. 28577; Notice No. 96-4]

Special Flight Rules in the Vicinity of the Rocky Mountain National Park**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: The FAA is proposing to establish a Special Federal Aviation Regulation (SFAR) to preserve the natural quiet of Rocky Mountain National Park (RMNP) from any potential adverse impact from aircraft-based sightseeing overflights. This NPRM discusses alternative methods to achieve this goal, and commenters are invited to address the alternatives. The primary alternative would impose restrictions on commercial sightseeing flights operated in the airspace over RMNP. Other alternatives include restrictions on some flights or types of operations over RMNP and various forms of operating procedures based on the particular and specific requirements of the park.

DATE: Comments must be received on or before August 13, 1996.

ADDRESS: Comments on this NPRM should be mailed, in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 28577, 800 Independence Avenue SW., Washington, DC 20591. Comments may also be sent electronically to the Rules Docket by using the following Internet address: nprmcmts@mail.hq.faa.gov. Comments must be marked Docket No. 28577. Comments may be examined in the Rules Docket in Room 915G on weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Neil Saunders, Airspace and Rules Division, ATA-400, Airspace Management Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone: 202-267-8783.

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 relating to the environmental, energy, federalism, or

economic impact that may result from adopting the proposals in this notice are also invited. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions. Communications should identify the regulatory docket number and be submitted in triplicate to the above specified address. All communications and a report summarizing any substantive public contact with FAA personnel on this rulemaking will be filed in the docket. The docket is available for public inspection both before and after the closing date for receiving comments.

Before taking any final action on this proposal, the Administrator will consider all comments made on or before the closing date for comments, and the proposal may be changed in light of the comments received. The FAA would particularly welcome comments from any operator that is planning or contemplating air tour operations over RMNP.

The FAA will acknowledge receipt of a comment if the commenter includes a self-addressed stamped postcard with the comment. The postcard should be marked "Comments to Docket No. 28577." When the comment is received by the FAA, the postcard will be dated, time stamped, and returned to the commenter.

Availability of the NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling 202-267-9677. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future FAA NPRM's should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes application procedures.

Background

National parks are unique natural resources that have been provided special protection by law. The National Park Service (NPS) and the Federal Aviation Administration (FAA) recognize that excessive noise from aircraft overflights can interfere with NPS efforts to achieve a natural park experience for visitors on the ground and to preserve other park values.

Ensuring access to national parks, while still maintaining the beauty and experience of the individual park, is one of the goals of the national park system.

To this end, the Departments of the Interior and Transportation formed an interagency working group (IWG) on December 22, 1993, to explore ways to limit or reduce the impacts from overflights on national parks, including RMNP, while still ensuring access to the parks. The IWG's tasks include reviewing the environmental and safety concerns resulting from park overflights and working toward resolution of specific park impacts where they are found to exist. The FAA's role in the IWG has been to promote aviation and aviation safety, and to provide for the safe and efficient use of airspace. At the same time, the FAA recognizes the importance of preserving, protecting, and enhancing the environment and minimizing adverse effects of aviation. The Department of Interior's role in the IWG has been to protect public land resources in national parks, preserve environmental values of those areas, including wilderness areas, and provide for public enjoyment of those areas.

The secretaries of the two Departments see the formation of the working group and the commitment to addressing the effects of park overflights as the initial stage in a spirit of cooperation between the two departments to promote an effective balance of missions. This cooperation is also necessary to integrate the roles of the two departments: the FAA's authority to control the nation's airspace to ensure aviation safety and efficiency, and the Department of the Interior's responsibility for managing the nation's parks, such as RMNP.

The FAA, with the cooperation of the Department of the Interior through the IWG, is developing national standards that can be applied to air traffic over all national parks, not just RMNP. The FAA expects that any SFAR adopted in this rulemaking may be superseded by any national standards. This Notice is not a part of the discussion on national standards; it presents options that will be considered as means to minimize the adverse effects of overflights on RMNP, and it seeks comments and suggestions on voluntary and regulatory actions to deal with the issue of aircraft noise within the Park.

Rocky Mountain National Park

Rocky Mountain National Park receives approximately three million visitors a year, making it the sixth most visited national park in the United States, despite its relatively small size (for a major Western national park) of 265,727 acres. RMNP is located approximately 40 miles outside the city limits of Denver and approximately 50 miles from the Denver International

Airport. The topography of the park is characterized by steep mountains, narrow valleys, and high elevations (8,000 to 14,250 ft). Seventy percent of park terrain is above 10,000 feet.

As with other similar mountainous areas, RMNP presents pilots with a challenging flying environment. It has high winds, often in excess of 100 mph. The park's high altitudes diminish engine output and propeller efficiency, making it more difficult for an aircraft to perform in high winds. The rugged terrain limits maneuverability, and rapidly changing weather can envelop an aircraft. Perhaps in part for these reasons, the use of the airspace over RMNP has so far not been extensive. Unlike many other national parks, there are currently no air tour operators overflying the park or operating in the surrounding airspace. Other aviation users do operate in the airspace above RMNP. Non-commercial, general aviation aircraft overfly the park following the routes established for safe passage through the topography. In addition, due to the Park's proximity to the Denver International Airport, aircraft operating to or from the airport overfly RMNP. Arrival and departure routes above the Park are necessary to ensure the safe and efficient handling of air traffic into the airport. Traffic into the airport operates at approximately 19,000 feet above mean sea level (MSL) for jets and 16,000 feet above MSL for turboprop aircraft.

The Park enjoys an extensive road system within its boundaries, which provides numerous opportunities for viewing the park's vistas. Park officials estimate that 54 percent of the park can be seen from one or more of the 149 miles of roads.

Ninety-two percent of the park is proposed for conclusion in the National Wilderness Preservation System and is required by law to be managed as a de facto wilderness until action is taken by Congress. This means that, among other things, most motorized vehicles must be contained within specific narrow corridors on the existing roadway system, and no future development is permitted. The natural quiet provided by the wilderness environment is valued by park users. In a survey of RMNP users conducted for the NPS, 93 percent of the respondents listed tranquillity as an "extremely" or "very" important value found in the park. And approximately 90 percent stated that the noise from helicopter tours would affect their enjoyment of the park. A copy of the study has been placed in the rulemaking docket.

Recently, the Department of Transportation has been requested by

the Governor of Colorado, members of the Colorado Congressional delegation, and other officials to place a preemptive ban on air tour operations at RMNP. Even though there are no air tour operations at the Park currently, some operators apparently have expressed an interest in starting such tours to officials of Estes Park, Colorado. The government officials who have requested regulatory action are concerned that an influx of air tour operations at RMNP would undermine enjoyment of the Park by visitors on the ground.

The FAA wishes to be responsive to concerns about the effects of overflights on the national park system. Although, as noted, the FAA is still developing nationwide standards for overflights of national parks, a relatively unusual set of circumstances has occurred at RMNP. Judging from the requests received by the FAA, there is apparently broad support for limitations on overflights among local leaders, even in the absence of current overflights. There is also value in being able to take the initiative now, before any overflights occur. At this point, there has been no environmental loss from overflights and no economic loss to any incumbent operator. Accordingly, the Department is exploring the options and alternatives available. The IWG has examined both traditional regulatory solutions and alternatives to regulation during its review of the national overflight issue.

Following a review of the comments submitted in response to this Notice, the FAA could proceed immediately to implement a final rule that best balances the competing needs of different users of the park. Therefore, comment is requested on each alternative listed in the Proposal Section, as the FAA could adopt none, one, or a combination of the listed alternatives. Comments are also invited to recommend an approach different from those discussed here. Any such recommendation should fully discuss the associated costs and benefits of the recommended approach.

Environmental Documentation

This notice proposes a number of alternatives for addressing potential aviation noise issues over Rocky Mountain National Park. The FAA will select viable alternatives based on comments received and other pertinent information, identify a proposed alternative for final rulemaking, and if rulemaking is selected, publish a draft environmental assessment for comment. The draft assessment will evaluate all selected alternatives, at minimum assessing the current condition, the preferred alternative, and the worst case scenario. Comments on the draft

environmental assessment will be evaluated and a final assessment prepared prior to issuing a final rule.

Regulatory Evaluation

Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this proposed rule is "a significant regulatory action" as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This rule would not have a significant impact on a substantial number of small entities and would not constitute a barrier to international trade. Due to the minimal economic impact of this proposed rulemaking, further economic analysis is not necessary under the Department's Regulatory Policies and Procedures.

Some of the proposed alternative rules would not impose any costs on society. However, Alternative One would prevent air tour operators from overflying the RMNP for sightseeing purposes for the limited duration of the SFAR. Currently, there are no sightseeing air tour operators overflying RMNP, and no operator has taken formal action to begin such operations. However, some operators may be considering starting these types of operations over the park in the future. Alternative One would prevent these possible sightseeing air tour overflights, for a period to be specified, in order to give the FAA and the NPS time to study the situation and to develop a plan for controlling these overflights to minimize or eliminate their effect on park visitors on the ground.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily burdened by government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities."

There are no operators currently performing sightseeing air tour operations over RMNP. Therefore, the expected impact of this regulatory

action is negligible, and the Agency determines that this proposed amendment would not have a significant impact on a substantial number of small entities. However, we have asked elsewhere for comment on whether any person intends to institute commercial sightseeing operations at RMNP. Any such person is also invited to discuss the impact of the proposed rule.

International Trade Impact Analysis

This action is not expected to have an adverse impact either on the trade opportunities for U.S. firms doing business abroad or on foreign firms doing business in the United States. This assessment is based on the fact that the segment of the aviation industry that may be affected by this Notice and subsequent rule do not compete with similar operators abroad. That is, their competitive environment would be limited to RMNP.

Federalism Implications

This action would not have substantial 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. Indeed, State and local government representatives has been among the advocates for FAA regulatory action to protect RMNP from the noise created by overflights. Therefore, in accordance with Executive Order 12612, it is determined that this action will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with United States obligations under the convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization Standards and Recommended Practices (SARP) to the maximum extent practicable. For this action, the FAA has reviewed the SARP of Annex 10. The FAA has determined that the proposals in this Notice, if promulgated, will not present any differences.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13), there are no requirements for information collection associated with the proposed regulation.

Conclusion

For the reasons set forth above, the FAA has determined that this NPRM is a significant regulatory action under Executive Order 12866. The FAA certifies that this NPRM will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This NPRM is considered significant under DOT Regulatory Policies and Procedures.

The Proposal

As previously stated, the FAA wishes to be responsive to concerns about the effects of overflights on the national park system. For that reason, the FAA is considering the following alternatives in response to RMNP and the overflights issue. The FAA may proceed immediately to a final rule based on this proposal that would implement the best alternative or alternatives. Therefore, comment is required on each of these proposals. The FAA may adopt one or a combination of several of the listed proposals.

The following alternatives are listed in descending order of restrictiveness. Each alternative lists the specific implementing, regulatory language followed by an explanation of the alternative and possible variations on the alternative.

Alternative One: Ban on commercial Aviation Sightseeing Tours

"No person may operate an aircraft within the lateral boundaries of RMNP if the purpose of that operation is to carry passengers for hire for the purpose of sightseeing or air tours."

This alternative would prohibit flights within RMNP by commercial air tour operators. In the opinion of RMNP officials, air tours are the kind of operations that pose the greatest potential danger of creating adverse effects on the Park. The FAA's preliminary view is that air tour operations generally differ from other operations; e.g., in frequency and altitude above ground level. In addition, of course, air tour operations tend to visit points of interest within the park, where ground-based visitors are also likely to concentrate. General aviation would continue to operate over the Park under this variation. In discussions with the FAA, NPS officials have indicated that other forms of aviation activities within RMNP have not, to date, caused any serious noise problem. The FAA specifically seeks comment on whether the nature of air tour operations justify banning them while continuing to permit other commercial and private operations.

Alternative Two: Limits on Operations

"Any person operating an aircraft below 2,000 ft AGL for the purpose of carrying passengers for hire for sightseeing or air tours within the lateral boundaries of RMNP must operate along the following prescribed routes: [designate routes that follow the existing Park road system]"

This alternative would require aircraft that fly below 2,000 feet above ground level (AGL) within the Park to follow the road system. The purpose of this proposal would be to concentrate the noise of aircraft in the areas of the Park that are already exposed to a high concentration of noise from automobiles, buses, etc. On the other hand, the greatest percentage of ground-based visitors are also on or near the Park road system.

Variant A: "No person may operate an aircraft below 2,000 feet AGL for the purpose of carrying passengers for hire for sightseeing or air tours while within the lateral boundaries of RMNP."

Variant B: "No person may operate an aircraft below 2,000 feet AGL for the purpose of carrying passengers for hire for sightseeing or air tours within the lateral boundaries of RMNP before 10:00 a.m. or after 4:00 p.m."

Variant C: "No person may operate an aircraft below 2,000 ft AGL for the purpose of carrying passengers for hire for sightseeing or air tours within the lateral boundaries of RMNP from June through September."

These three variations on Alternative Two are examples of the types of restrictions that could be utilized to minimize the effect of overflights on the Park. Comments would be appreciated on these as well as other types of restrictions that could be possible, including different operating altitudes and times of day and season. Commenters are requested to pay particular attention to the following questions:

- Would limiting air operations to road corridors concentrate too much noise in high visitor use areas? Conversely, would limiting overflights to such areas further the goal of maximizing the areas within the Park where visitors can enjoy the Park's natural quiet?
- Would limiting operations by time of day or season of the year be economically feasible for potential tour operators?

Alternative Three: Voluntary Agreement

Voluntary agreements are non-regulatory but, due to their unique nature, are treated as binding by the

signatories and are strictly self-policed, with monitoring by the NPS. Voluntary agreements have proven successful in a number of cases. For instance, a voluntary agreement between the NPS and the operators of air tours around the Statute of Liberty established air tour routes around the Statute and Ellis Island and stand-off distances for the air tour aircraft. This in turn created a safer environment and a more enjoyable experience for the visitors to the Statute. A similar arrangement can be found in the voluntary agreement concerning the Arch National Park in St. Louis, Missouri. Of course, voluntary agreements are easier to achieve when there is an identifiable base of air tour operators with which the NPS can enter into agreement.

This alternative would provide a non-regulatory approach to the situation at RMNP. Under this alternative, present and potential future commercial air tour

operators (before they start operating) would voluntarily enter into an agreement that would prohibit or restrict operations within the boundaries of RMNP. Comments are requested on the following matters, among others:

- Areas that would be covered by a voluntary agreement, including the nature of the possible restrictions and the identities of the participants;
- How such an agreement would be enforced;
- How an agreement could be implemented within the necessary time frame for action to protect the Park;
- Suggestions with respect to penalties for violations;
- The circumstances under which an agreement could be terminated; and
- Whether a regulatory system should be imposed now to serve as a contingency back-up in the event that a voluntary agreement is not reached or is

terminated. Perhaps most of all, the FAA is interested in comments from potential air tour operators on the circumstances under which they would be willing to enter into a voluntary agreement to prohibit or limit operations.

Of course, as with all the listed alternatives, the FAA could combine a voluntary agreement with any of the other alternatives. For example, the FAA could choose to seek a voluntary ban on operations during the summer, combined with route or time-of-day restrictions during other months. Other combinations could be considered, and the above examples are intended merely as illustrations.

Issued in Washington on May 9, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96-12133 Filed 5-10-96; 3:08 pm]

BILLING CODE 4910-13-M

Federal Register

Wednesday
May 15, 1996

Part IV

**Department of
Housing and Urban
Development**

Office of General Counsel; Reports
Lobbying Information Filed for 1995
Under Section 112 of the HUD Reform
Act of 1989; Notice

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4008-N-02]

**Office of General Counsel; Reports
Lobbying Information Filed for 1995
Under Section 112 of the HUD Reform
Act of 1989****AGENCY:** Office of General Counsel,
HUD.**ACTION:** Notice.

SUMMARY: The Department of Housing and Urban Development is publishing a compilation of reports of lobbying information and registrations submitted to the Department for calendar year 1995, under Section 112 of the Department of Housing and Urban Development Reform Act of 1989, Public Law 101-235.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel, Ethics Law Division, Department of Housing and Urban Development, 451 7th Street, SW., Room 2158, Washington, DC 20410. Telephone (202) 708-3815 (this is not toll-free number); a telecommunications

device for hearing- and speech-impaired individuals (TTY) is available at 1-800-877-8339 (Federal Information Relay Service). Questions regarding this report should be submitted in writing to the above address.

SUPPLEMENTARY INFORMATION: Section 112 of the Department of Housing and Urban Development Reform Act of 1989, Public Law 101-235, approved December 15, 1989, added section 13 to the Department of Housing and Urban Development Act, (42 U.S.C. 3531 *et seq.*). Section 112 required the Department to, among other things, compile and publish expenditure and registration information filed with the Department during each calendar year. Section 112 was repealed, however, by Sections 11(b)(1) and 24(a) of the Lobbying Disclosure Act of 1995 (Pub. L. 104-65, approved December 19, 1995). Nevertheless, the Department has determined, consistent with the intent of the Department of Housing and Urban Development Reform Act and the Lobbying Disclosure Act, that public disclosure of the identity of paid lobbyists will increase public confidence in the integrity of the

Government. As a result, the Department is making this information available to the public.

The information contained in Appendices A through D of this notice reflects registrations and reports submitted to the Department for calendar year 1995. This notice does not involve analysis or make inferences from the information provided.

Appendix A generally reflects the annual report of persons making expenditures for lobbying activities, this report, however, is negative.

Appendix B generally reflects the annual report of persons receiving payment for lobbying activities, this report, however, is negative.

Appendix C is a list of individuals who registered as lobbyists under Section 112.

Appendix D is a list of entities who registered as lobbyists under Section 112.

Dated: May 1, 1996.
Nelson A. Diaz,
General Counsel.

BILLING CODE 4210-01-M

Appendix A			
Lobbyist & Consultant Activity			
Annual Report of "Persons" Making Expenditures for Lobbying Activities			
Form HUD-2883 for Calendar Year 1995			
Registrant Name & Address	To Whom Paid	Agreement Date Expenditure Date	Amount Amount
None	None	None	None

Appendix B			
Lobbyist & Consultant Activity			
Annual Report of "Persons" Receiving Payment for Lobbying Activities			
Form HUD-2883-B For Calendar Year 1995			
Registrant Name and Business Address	Report of Money or Other Thing of Value Received for Lobbying Person Making Payment	Amount	Report of Money or Other Thing of Value Expended for Lobbying Person Making Payment
None	None	None	None

Appendix C			
Lobbyist & Consultant Activity			
Registration (Individual)			
Form HUD-2881-A for Calendar Year 1995			
Registrant's Name and Business Address	Self-Employed	Registrant's Employer and Business Address	Person Registrant has been Retained by
Carl S. Richie Mayor, Day, Caldwell & Keeton, L.L.P. 100 Congress Avenue, Suite 1500 Austin, TX 787-01-4042 Was Gov't Empl.: No	No	Mayor, Day, Caldwell & Keeton, L.L.P. 100 Congress Avenue, Suite 1500 Austin, TX 787-01-4042 Federal Action No.: HO6C940504000000	Charles Coyle Coyle's Pest Control, Inc. 5118 W. Orem Drive Houston, TX 77045
Philip C. Wallis 2745 S. Greeley Street Milwaukee, Wisconsin 53207	Yes	N/A	Milton B. Katz 600 East Mason Street, Suite 401 Milwaukee, WI 53202

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995						
ID	Registrant's Name and Business Address	Person Who Has Retained Registrant for Lobbying	Registrant's Representative's Name	Was Govt Empl.	In What Capacity	Page 1
1.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: PA-16-11	Borough of Tamaqua Attn: Hon. Jerome P. Knowles, Mayor of Tamaqua Municipal Building 320 East Broad Street Tamaqua, PA 18252	Casey, Paul K. George, Mary Jo Gibson, C. Vaughn Prior, H. David Weaver, S. Elizabeth Winn, Allan R. Wrenn, Kelly M.	No No No No No No		
2.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: 105-35060	Utah Housing Finance Agency Attn: William H. Erickson, Executive Director Grant S. Whitaker, Deputy Director 177 East 100 South Salt Lake City, Utah 84111	Prior, H. David Casey, Paul K. Olsen, Frederick H. Winn, Allan R.	No No No No		
3.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: 105-35077	Utah Housing Finance Agency Attn: William H. Erickson, Executive Director Grant S. Whitaker, Deputy Director 177 East 100 South Salt Lake City, Utah 84111	Prior, H. David Casey, Paul K. Olsen, Frederick H. Winn, Allan R.	No No No No		
4.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: 105-35078	Utah Housing Finance Agency Attn: William H. Erickson, Executive Director Grant S. Whitaker, Deputy Director 177 East 100 South Salt Lake City, Utah 84111	Prior, H. David Casey, Paul K. Olsen, Frederick H. Winn, Allan R.	No No No No		
5.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: 105-35070	Utah Housing Finance Agency Attn: William H. Erickson, Executive Director Grant S. Whitaker, Deputy Director 177 East 100 South Salt Lake City, Utah 84111	Prior, H. David Casey, Paul K. Olsen, Frederick H. Winn, Allan R.	No No No No		
6.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: 105-35059	Utah Housing Finance Agency Attn: William H. Erickson, Executive Director Grant S. Whitaker, Deputy Director 177 East 100 South Salt Lake City, Utah 84111	Prior, H. David Casey, Paul K. Olsen, Frederick H. Winn, Allan R.	No No No No		
7.	BALLARD SPAHR ANDREWS & INGERSOLL 555 13th Street, NW Suite 800 East Washington, DC 20004 Federal Action No.: 105-35058	Utah Housing Finance Agency Attn: William H. Erickson, Executive Director Grant S. Whitaker, Deputy Director 177 East 100 South Salt Lake City, Utah 84111	Prior, H. David Casey, Paul K. Olsen, Frederick H. Winn, Allan R.	No No No No		

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995						
Page 13	ID	Registrant's Name and Business Address	Person Who Has Retained Registrant for Lobbying	Registrant's Representative's Name	Was Govt Empl.	In What Capacity
	28.	BANC ONE CAPITAL CORPORATION 10 West Broad Street, Suite 400 Columbus, OH 43215 Federal Action No.: FHA #054-35514-PM-WAH-L8	Mr. George F. Marshall One Management Inc. 18 East Rowan Street, Suite 402 Raleigh, NC 27609	Roberts, William E. Goodman, David L. Adams, John W. Bancroft, James S. Beisler, Mark C. Bluhm, Elizabeth B. Bolden, Lisa J. Butler, Samuel J. Cinquini, Anthony D. Croft, James F. Ewing, Jr., Charles W. Glasser, Timothy G. Kallimerten, R. Barth King, James A. Lim, Y. Priscilla Mackov, Linda L. Martin, David C. McMullen, Carolyn A. Peters, Tracy W. Stockton, Christine A. Young, Sandra E.	No No No No No No Yes No No No No No No No No Yes No No No	Department of Housing & Urban Development, Section 242 Hospital Mortgage Insurance Program, joined BANC ONE 4/1/93 Federal Reserve Bank of Chicago 12/90 to 3/93
	29.	BANC ONE CAPITAL CORPORATION 10 West Broad Street, Suite 400 Columbus, OH 43215 Federal Action No.: FHA #083-352-78-L8-PM	Martin County Courthouse Attn: Kelly Callahan P. O. Box 309 Inez, KY 41224	Roberts, William E. Goodman, David L. Adams, John W. Bancroft, James S. Beisler, Mark C. Bluhm, Elizabeth B. Bolden, Lisa J. Butler, Samuel J. Cinquini, Anthony D. Croft, James F. Ewing, Jr., Charles W. Glasser, Timothy G. Kallimerten, R. Barth King, James A. Lim, Y. Priscilla Mackov, Linda L. Martin, David C. McMullen, Carolyn A.	No No No No No No Yes No No No No No No No No No No No Yes	Department of Housing & Urban Development, Section 242 Hospital Mortgage Insurance Program, joined BANC ONE 4/1/93 Federal Reserve Bank of Chicago 12/90 to 3/93

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995							Page 18
ID	Registrant's Name and Business Address	Person Who Has Retained Registrant for Lobbying	Registrant's Representative's Name	Was Govt Empl.	In What Capacity		
37.	(continued) B0CC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Hillerbrand Nursing Ctr	EDA RAE Corp. 9309 Montgomery Road Cincinnati, OH 45242	Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No			
38.	B0CC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Gladman Mental Healthcare Center	Gladman Psychiatric Healthcare Facility, Inc. 300 Pendleton Way Oakland, CA 94621	Roberts, William E. Goodman, David L. Besler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No No			
39.	B0CC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Highland Terrace Apartments	Highland Terrace Management corp. 7329 N. 11th Street Phoenix, AZ 85020	Roberts, William E. Goodman, David L. Besler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No No			
40.	B0CC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Charleston Square Apartments	Jacksonville-Charleston Square, Inc. c/o Harbor Group Real Estate 500 E. Main Street, Suite 820 Norfolk, VA 23510	Roberts, William E. Goodman, David L. Besler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No No			
41.	B0CC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Larchwood Inns at Castle Rock	Larchwood Inns 2845 North 15th Street Grand Junction, CO 81506	Roberts, William E. Goodman, David L. Besler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No No			
42.	B0CC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Grandbury Care Center, Granbury, Texas	Lynnhaven I, L.L.C. 208 Southgate Drive Boone, NC 28607	Roberts, William E. Goodman, David L. Besler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No No			

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995						Page 19
ID	Registrant's Name and Business Address	Person Who Has Retained Registrant for Lobbying	Registrant's Representative's Name	Was Govt Empl.	In What Capacity	
43.	BOCC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Severn Roads	Mericare Associates 337 Brightseat Road, Suite 100 Landover, MD 20785	Roberts, William E. Goodman, David L. Beisler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No		
44.	BOCC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Snelville Personal Care	ManSerMer, Inc. 1800 Century Blvd., NE, Suite 1100 Atlanta, GA 30345	Roberts, William E. Goodman, David L. Beisler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No		
45.	BOCC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Hunters Glen Apartments 123-11077	RLK Realty Enterprises, L.L.C. 2601 W. Claremont Phoenix, AZ 85017	Roberts, William E. Goodman, David L. Beisler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No		
46.	BOCC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Riverside Treatment Center, DC	RKP, Inc. 3201 New Mexico Avenue, NW, Suite 246 Washington, DC VA 22090	Roberts, William E. Goodman, David L. Beisler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No		
47.	BOCC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Tennis Towers Apts.	Richbuilt of Palm Beach, Inc. 2882 Tennis Club Drive West Palm Beach, FL 33417	Roberts, William E. Goodman, David L. Beisler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No		
48.	BOCC 1750 Presidents Street, Suite 200 Reston, VA 22090 Federal Action No.: Villa Serena of Irvine, CA	Villa Serena of Irvine, Ltd. 12262 Lomica Drive San Diego, CA 92716	Roberts, William E. Goodman, David L. Beisler, Mark C. Aroz, Susana Adams, John W. Stockton, Christine A. Mackov, Linda L.	No No No No No No		

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995					
ID	Registrant's Name and Business Address	Person Who Has Retained Registrant for Lobbying	Registrant's Representative's Name	Was Govt Empl.	In What Capacity
49.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-167-NI	Goldman, Sachs & Co. 85 Broad Street New York, NY 10004	Lore, Kenneth G. Levy, Harold A.	No No	
50.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-168-NI	Goldman, Sachs & Co. 85 Broad Street New York, NY 10004	Lore, Kenneth G. Levy, Harold A.	No No	
51.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-169-NI	Goldman, Sachs & Co. 85 Broad Street New York, NY 10004	Lore, Kenneth G. Levy, Harold A.	No No	
52.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-5-NI	Goldman, Sachs & Co. 85 Broad Street New York, NY 10004	Lore, Kenneth G. Levy, Harold A.	No No	
53.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-129-NI	New York City Housing Development Corporation 75 Maiden Lane - 8th Floor New York, NY 10038	Lore, Kenneth G. Levy, Harold A.	No	
54.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-57049-LP	Starrett Housing Corporation 909 Third Avenue New York, NY 10022	Lore, Kenneth G. Levy, Harold A.	No No	
55.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 012-57039	Starrett Housing Corporation 909 Third Avenue New York, NY 10022	Lore, Kenneth G. Levy, Harold A.	No No	
56.	Brownstein Zeidman and Lore, PC 1401 New York Avenue, NW, Suite 900 Washington, DC 20005 Federal Action No.: 031-44901/2	Summit Plaza c/o Starrett Housing Corporation 909 Third Avenue New York, NY 10022	Lore, Kenneth G. Levy, Harold A.	No No	
57.	Coan & Lyons 1100 Connecticut Avenue, NW, Suite 1000 Washington, DC 20036 Federal Action No.: OH 16-8023-001	Akron Tower Housing Partnership c/o Anthony M. Rodriguez, General Partner 641 West Market Street Akron, OH 44303	Coan, Jr., Carl A. S. James, Raymond K.	No No	

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995							Page 21
ID	Registrant's Name and Business Address	Person Who Has Retained Registrant for Lobbying	Registrant's Representative's Name	Was Govt Empl.	In What Capacity		
58.	Robert S. Salomon III DFG Group, Inc. 7201 Wisconsin Avenue, Suite 620 Bethesda, MD 20814 Federal Action No.: 062-35231	C. R. Neill, Director Decatur Housing Development Corp. 100 Wilson Street, NE Decatur, AL 35802	Salomon III, Robert S.	No			
59.	Foley & Lardner One South Pinckney Street, Suite 701 P. O. Box 1497 Madison, Wisconsin 53702 Federal Action No.: 075-35010-LD/PIM8	Assisi Homes-Saxony, Inc. 5018 West Burleigh Street Milwaukee, Wisconsin 53210	Radelet, Timothy J. Cropsey, Douglas J. Lawrence, Wayman C.	No No No			
60.	Franciscan Ministries, Inc. P. O. Box 667 28 West 171 Roosevelt Road Whetton, ILL 60189 Federal Action No.: 075-35092-LD/ISUP	Assisi Homes-Mabess Manor, Inc. 5325 West Burleigh Street Milwaukee, Wisconsin 53210	Cisek, Robert J. Jasenski, Paul M. Schultz, Philip J.	No No No			
61.	Franciscan Ministries, Inc. P. O. Box 667 28 West 171 Roosevelt Road Whetton, ILL 60189 Federal Action No.: 075-35010-LD/PIM8	Assisi Homes-Saxony, Inc. 5018 West Burleigh Street Milwaukee, Wisconsin 53210	Cisek, Robert J. Jasenski, Paul Carlton, Lynnell Nordberg, Christine M. Schultz, Philip J.	No No No No No			
62.	Hessel and Aluise, P.C. Suite 800, 1050 17th Street, NW Washington, DC 20036 Federal Action No.: 000-EH007	The Lewinsville Retirement Residence, Inc. 1515 Great Falls Street McLean, VA 22101	Hessel, Arthur R. Aluise, Timothy J. Schomer, Morton W. Sturman, Susan M. Gurkin, Joanne Shah, Ragini N. Farkas, Laurie A. Kurz, Annie R.	No No No Yes No Yes No No Yes	Housing & Urban Development Staff Attorney VISTA Volunteer Intern/Office of Congressman Frank (D-Mass)		
63.	Holland & Knight 2100 Pennsylvania Avenue, NW, Suite 400 Washington, DC Federal Action No.: FHA #063-35233	Boardwalk Apartments	Brothers, II, Henry J. Dunnells, C. Richard Sterling, Scott A. Nesbitt, La Fonte Niles, Stephen D. Parmet, Suzanne H.	No No No No No No			
63.	(continued) Holland & Knight 2100 Pennsylvania Avenue, NW, Suite 400 Washington, DC Federal Action No.: FHA #063-35233	Boardwalk Apartments	Feller, Carolyn P. Levine, Jerry	No No			

Appendix D Lobbyist & Consultation Activity Registration (Entity) Form HUD-2881-B for Calendar Year 1995						Page 23
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69.	(continued) Krooth & Altman 1850 M Street, NW, Suite 400 Washington, DC 20036-5803 Federal Action No.: FHA # 123-11066	Reilly Mortgage Group, Inc. 2000 Corporate Ridge, Suite 925 McLean, VA 22102	Opert, Jon I. Perna, James F. Seldon, Robert C. Smith, Harrison C. Knoll, E. Joseph Groner, Felicia M.	No No No No No No		
70.	Gene B. Glick Company, Inc. d/b/a Gene Glick Management Corp. 8330 Woodfield Crossing Blvd., #200 Indianapolis, IN 46240 Federal Action No.: 083-35334-LB-PM	Woodbridge of Louisville I Associates, A Limited Partnership 8330 Woodfield Crossing Blvd., #200 Indianapolis, IN 46240	Thurston, Max A. Wolfe, Christine Ragen, Terri Roberts, Pamela J. Basile, Frank M. Donnellson, Dean Valinet, Stephen L. Jackson, Beverly J. Bissesi, James T. Cottrell, L. John Edmonds, Dennis Hancock, John Akin, Bob Jones, Stephanie Skinner, Michelle	No No No No No No No No No No No No No No No No No No		
71.	Landman & Beatty 1150 Market Square Center 151 N. Delaware Street Indianapolis, IN 46204-2518 Federal Action No.: 083-35334-LB-PM	B. Glick Company, Inc. d/b/a Gene Glick Management Corp. on behalf of Woodbridge Apartments of Louisville Associates I, a limited partnership	Dill McCarty, Virginia Beatty, James W. Gullick, Robert H. Beatty, J. F.	No No No No		
72.	Latham & Watkins 1001 Pennsylvania Avenue, NW, Suite 1300S Washington, DC 20004 Federal Action No.: Southeast Region Auction	GE Capital Corporation 292 Long Ridge Road Stamford, Connecticut 06927	Zax, Leonard A. Hoeyveng, Judy Stein, Joshua	No No No		
73.	Latham & Watkins 1001 Pennsylvania Avenue, NW, Suite 1300S Washington, DC 20004 Federal Action No.:	Los Angeles Community Development Fund c/o Office of the Mayor, City Hall 200 North Spring Street Los Angeles, CA 90012	Kelly, Jr., William C. Mihlsten, George Park, Francis Pizzarello, Annalisa	No No No Yes	Law Clerk, US District Court for the District of Hawaii	
74.	Latham & Watkins 1001 Pennsylvania Avenue, NW, Suite 1300S Washington, DC 20004 Federal Action No.: Normont Terrace, Sec 108 Financing	The Related Companies of California 18201 Van Karmann Avenue, Suite 400 Irvine, CA 92715	Kelly, Jr., William C.	No		

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75.	Latham & Watkins 1001 Pennsylvania Avenue, NW, Suite 1300S Washington, DC 20004 Federal Action No.: Refinancing & Repurchase of Angelus Plaza	The RHF Bunker Hill Corporation 5150 East Pacific Coast Highway Long Beach, CA 90804	Kelly, Jr., William C.	No		
76.	Latham & Watkins 1001 Pennsylvania Avenue, NW, Suite 1300S Washington, DC 20004 Federal Action No.: West & Southeast Regions Auction	Condor One, Inc. 292 Long Ridge Road Stamford, Connecticut 06927	Zax, Leonard A. Hooyanga, Judy Stein, Joshua	No No No		
77.	Leonard, Street and Deindard Professional Association 150 South Fifth Street, Suite 2300 Minneapolis, MD 55402-4201 Federal Action No.: 092-14001	Seward Redesign, Inc. Norwest Bank Building 2600 East Franklin Minneapolis, MN 55406	McElhatton, Shaun C. Van Dellen, Alan W.	No No		
78.	Linowes and Blocher 1010 Wayne Avenue, Suite 1000 Silver Spring, MD 20910 Federal Action No.: 000-10606	The Patrician Mortgage Company 4600 Montgomery Lane, #200 Bethesda, MD 20814	Orrick, Jr., John R. Smith, Scott R.	No No		
79.	The Logs Group 4201 Lake Cook Road Northbrook, IL 60062 Federal Action No.: 352-255106	Norwest Mortgage, Inc. 300 Galleria Officents, Suite 401 Southfield, MI 48034-8460	Kappeler, Alan J.	No		
80.	Mayor, Day, Caldwell & Keaton, L.L.P. 700 Louisiana Street Houston, TX 77002 Federal Action No.: HD6R9305170000	Charles G. Coyle 5118 W. Orem Drive Houston, TX 77045	Richie, II, Carl S.	No		
81.	Paton Boggs, L.L.P. 2550 M Street, NW Washington, DC 20037 Federal Action No.: 101-44100	Highland Management Company 28771 Northwestern Highway, Suite. 100 Southfield, MI 48034	Murray, Nancy A.	No		
82.	Peabody & Brown 1255 23rd Street, NW, Suite 800 Washington, DC 20037 Federal Action No.: R143K-007-001	Phoenix-Griffin Group II, Ltd. 882 Broad Street Providence, RI 02907	Lane, Bruce S. Price, Richard M.	No No		
83.	Peabody & Brown 1255 23rd Street, NW, Suite 800 Washington, DC 20037 Federal Action No.: R143K-004-004	Phoenix-Griffin Group II, Ltd. 882 Broad Street Providence, RI 02907	Lane, Bruce S. Price, Richard M.	No No		

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84.	Peabody & Brown 1255 23rd Street, NW, Suite 800 Washington, DC 20037 Federal Action No.:	Jacques McEntee Clint Van Nocker MSRV Development 4425 Corporate Lane, Suite 190 Virginia Beach, VA 23462-3173	Edson, Charles L. Price, Richard M.	No No		
85.	Pepper, Hamilton & Schetz 3000 Two Logan Streets 18th & Arch Streets Philadelphia, PA 19103-2799 Federal Action No.:	Harold R. Berk, Esq. Pepper, Hamilton & Schetz 3000 Two Logan Square 18th & Arch Streets Philadelphia, PA 19103-2799	Berk, Harold M.	No		
86.	Powell, Goldstein, Frazer & Murphy 1001 Pennsylvania Avenue, NW, Suite 800 Washington, DC 20004 Federal Action No.: NY-36-H108-057	Starrett City Associates 767 Fifth Avenue, 50th Floor New York, NY 10053	Knapp, John J. Freedman, Anthony S.	No No		
87.	Powell, Goldstein, Frazer & Murphy 1001 Pennsylvania Avenue, NW, Suite 800 Washington, DC 20004 Federal Action No.: 112-35304	First Winthrop Corporation One International Place Boston, MA 02110	Knapp, John J.	No		
88.	Powell, Goldstein, Frazer & Murphy 1001 Pennsylvania Avenue, NW, Suite 800 Washington, DC 20004 Federal Action No.: 071-3587	Sheridan Plaza Apartments, II 800 S. Milwaukee Avenue Libertyville, IL 60048	Knapp, John J. McIlwain, John K.	No No		
89.	Powell, Goldstein, Frazer & Murphy 1001 Pennsylvania Avenue, NW, Suite 800 Washington, DC 20004 Federal Action No.: GA08 URD0061 193	The Integral Partnership of Atlanta c/o McCormack Baron & Associates, Inc. 1101 Lucas Avenue St. Louis, MO 63101-1179	Knapp, John J. Freedman, Anthony S.	No No		
90.	Powell, Goldstein, Frazer & Murphy 1001 Pennsylvania Avenue, NW, Suite 800 Washington, DC 20004 Federal Action No.: MO 38-P001-0044	McCormack Baron & Associates, Inc. 1101 Lucas Avenue St. Louis, MO 63101-1179	Knapp, John J. Freedman, Anthony S.	No No		
91.	Robert E. Simmons DBA The Simmons Network 898 Howard Avenue Biloxi, MS 39530 Federal Action No.: 065-35376	George Siman, ETL 1719 Beach Blvd., Suite 403 Biloxi, MS 39531	Simmons, Robert E.	No		

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92.	Robert E. Simmons DBA The Simmons Network 996 Howard Avenue Biloxi, MS 39530 Federal Action No.: 065-35379	George Simman, ETL 1719 Beach Blvd., Suite 403 Biloxi, MS 39531	Simmons, Robert E.	No			
93.	Robert E. Simmons DBA The Simmons Network 996 Howard Avenue Biloxi, MS 39530 Federal Action No.: 065-35385	George Simman, ETL 1719 Beach Blvd., Suite 403 Biloxi, MS 39531	Simmons, Robert E.	No			
94.	Robert E. Simmons DBA The Simmons Network 996 Howard Avenue Biloxi, MS 39530 Federal Action No.: 065-94001	George Simman, ETL 1719 Beach Blvd., Suite 403 Biloxi, MS 39531	Simmons, Robert E.	No			
95.	Swidler & Berlin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 112-35285	Dovenmuehle Mortgage, Inc. Attn: Nancy Ham 1501 Woodfield Road Schaumburg, IL 60173	Lore, Kenneth G.	No			
96.	Swidler & Berlin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 122-14001	Forest City Residential Development 10800 Brookpark Road Cleveland, OH 44130	Lore, Kenneth G. Levy, Harold A.	No Yes	Housing & Urban Development, Loan Management & Property Disposition, Chief Attorney		
97.	Swidler & Berlin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 000-94003	Hilltop Gardens c/o The Shelter Group Suite 500 Park Charles 218 North Charles Street Baltimore, MD 21201	Lore, Kenneth G. Levy, Harold A.	No Yes	Housing & Urban Development, Loan Management & Property Disposition, Chief Attorney		
98.	Swidler & Berlin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 044-36804	McDonnell III Limited Dividend Housing Association Limited Partnership 10800 Brookpark Road Cleveland, OH 44130	Lore, Kenneth G. Levy, Harold A.	No Yes	Housing & Urban Development, Loan Management & Property Disposition, Chief Attorney		
99.	Swidler & Berlin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 125-35590	Naimisha Group 4243 Northlake Boulevard Palm Beach Gardens, FL 33410	Lore, Kenneth G. Levy, Harold A.	No Yes	Housing & Urban Development, Loan Management & Property Disposition, Chief Attorney		

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100.	Swidler & Berfin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 052-32035	Park Charles clo The Shelter Group Suite 500 Park Charles 218 North Charles Street Baltimore, MD 21201	Lore, Kenneth G. Levy, Harold A.	No Yes	Housing & Urban Development, Loan Management & Property Disposition, Chief Attorney		
101.	Swidler & Berfin Chartered 3000 K Street, NW, Suite 300 Washington, DC 20007 Federal Action No.: 012-1108	Starrett Housing Corporation 909 Third Avenue New York, NY 10022	Lore, Kenneth G. Levy, Harold A.	No Yes	Housing & Urban Development, Loan Management & Property Disposition, Chief Attorney		
102.	Van Cott, Bagley, Cornwell & McCarthy 50 South Main Street, Suite 1600 Salt Lake City, Utah 84144 Federal Action No.: 105-35080	Utah Housing Finance Agency 177 East 100 South Salt Lake City, Utah 84111	Berggren, Thomas Marshall, R. Stephen	No No			
103.	Van Cott, Bagley, Cornwell & McCarthy 50 South Main Street, Suite 1600 Salt Lake City, Utah 84144 Federal Action No.: 105-35077	Utah Housing Finance Agency 177 East 100 South Salt Lake City, Utah 84111	Berggren, Thomas Marshall, R. Stephen	No No			
104.	Van Cott, Bagley, Cornwell & McCarthy 50 South Main Street, Suite 1600 Salt Lake City, Utah 84144 Federal Action No.: 105-35078	Utah Housing Finance Agency 177 East 100 South Salt Lake City, Utah 84111	Berggren, Thomas Marshall, R. Stephen	No No			
105.	Van Cott, Bagley, Cornwell & McCarthy 50 South Main Street, Suite 1600 Salt Lake City, Utah 84144 Federal Action No.: 105-35070	Utah Housing Finance Agency 177 East 100 South Salt Lake City, Utah 84111	Berggren, Thomas Marshall, R. Stephen	No No			
106.	Van Cott, Bagley, Cornwell & McCarthy 50 South Main Street, Suite 1600 Salt Lake City, Utah 84144 Federal Action No.: 105-35058	Utah Housing Finance Agency 177 East 100 South Salt Lake City, Utah 84111	Berggren, Thomas Marshall, R. Stephen	No No			
107.	Van Cott, Bagley, Cornwell & McCarthy 50 South Main Street, Suite 1600 Salt Lake City, Utah 84144 Federal Action No.: 105-35056	Utah Housing Finance Agency 177 East 100 South Salt Lake City, Utah 84111	Berggren, Thomas Marshall, R. Stephen	No No			
108.	Weinraub & Ostroff Inc. 12 Sheridan Avenue Albany, NY 12207 Federal Action No.: FR 3874-N-01	Dey's Centennial Plaza Ltd Partnership clo Kevin McAuliffe, Esq. Green & Seifert, Attorneys P.C. 900 One Lincoln Center Syracuse, NY 13202-1387	Weinraub, David N. Ostroff, Richard L.	No No			

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109.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	Accubanc Mortgage Corporation 12377 Merit Drive Dallas, TX 75251	Weiner, Harvey E.	No		
110.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	America's Funding Source, Inc. 18400 Lark Avenue, Suite 100 Los Gatos, CA 95032	Brodsky, James A. Weiner, Harvey E. Kider, Mitchell H. Melnick, Richard J. Andreano, Jr., Richard J. Halpern, Don J. Ledner, Sherri L. Shearer, Ann B. Noel, Lisa M. Jones, Thomas P.	No No No No No No No No No		
111.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	America's Funding Source 18400 Lark Avenue Suite 100 Los Gatos, CA	Weiner, Harvey E. Brodsky, James A.	No No		
112.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 64856-0999-8	American City Mortgage Corporation 20501 S. Avalon Boulevard Carson, CA 90748	Kider, Mitchell H.	No		
113.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: MH-94-04	BonaVilla Homes, a division of Chief Industries P. O. Box 127 111 Grant Street Aurora, NE 68818	Weiner, Harvey E.	No		
114.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	CompuLoan Origination, Inc. 1935 E. Vine Street Suite 400 Salt Lake City, UT 84121	Weiner, Harvey E.	No		
115.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 3657	First Nationwide Mortgage Corporation 135 Main Street San Francisco, CA 94105	Weiner, Harvey E.	No		
116.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 64730	First Franklin Financial Corporation 2150 North First Street San Jose, CA 95131	Weiner, Harvey E.	No		

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117.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 78135-0000-2	First Republic Mortgage Co. 13200 Squires Court North Potomac, MD 20878	Kider, Mitchel H.	No			
118.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 78135	First Republic Mortgage Corp. 12300 Twinbrook Parkway Rockville, MD 20852	Weiner, Harvey E. Brodsky, James A. Kider, Mitchel H. Andreano, Jr., Richard J. Silver, Rugenia Halpern, Don J. Ledner, Sherri L. Shearer, Ann B. Noel, Lisa M.	No No No No No No No No No			
119.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 2737	GE Capital Mortgage Services, Inc. Three Executive Campus Cherry Hill, NJ 08034	Brodsky, James A. Weiner, Harvey E. Kider, Mitchel H. Andreano, Jr., Richard J. Silver, Rugenia Halpern, Don J. Ledner, Sherri L. Shearer, Ann B. Noel, Lisa M.	No No No No No No No No No			
120.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	Greenpoint Mortgage Corporation 41-80 Main Street Flushing, NY 11355	Kider, Mitchel H.	No			
121.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 3524	Leader Financial Corporation 1015 Euclid Avenue Cleveland, OH	Weiner, Harvey E.	No			
122.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	Lender's Choice 601 California Street San Francisco, CA 94108	Weiner, Harvey E.	No			
123	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	Lenders Choice 210 West 10th Street Kansas City, MO 64105	Weiner, Harvey E. Brodsky, James A. Kider, Mitchel H. Andreano, Jr., Richard J. Silver, Rugenia Halpern, Don J.	No No No No No No			

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123.	(continued) Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	Lenders Choice 210 West 10th Street Kansas City, MO 64105	Ledner, Sherri L. Shearer, Ann B. Noel, Lisa M.	No No No			
124.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 95-5071-DB9(LDP)	Midwest Funding Corporation 1030 31st Street, Suite 401 Downers Grove, IL 60515	Weiner, Harvey E. Brodsky, James A.	No No			
125.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 21804	Marathon Mortgage Corporation 26999 Central Park Boulevard Suite 275 N Southfield, MI 48037	Weiner, Harvey E.	No			
126.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 3355	Norwest Mortgage, Inc. 405 S.W. 5th Street Des Moines, IA 50309-4626	Kider, Mitchel H.	No			
127.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 22895	Norwest Mortgage, Inc. 405 S.W. 5th Street Des Moines, IA 50309	Kider, Mitchel H. Weiner, Harvey E. Brodsky, James A. Andreano, Jr., Richard J. Silver, Rugenia Halpern, Don J. Ledner, Sherri L. Shearer, Ann B. Noel, Lisa M.	No No No No No No No No No			
128.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:30275-0989-0	PHH Mortgage Services Corporation 6000 Atrium Way Mount Laurel, NJ 08054	Weiner, Harvey E. Brodsky, James A.	No No			
129.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 72557-0000-4	Platte Valley Funding, L.P. 2530 S. Parker Road Suite 500 Aurora, CO 80014	Weiner, Harvey E.	No			
130.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	Real Estate Mortgage Acceptance Co. 226 South Beverly Drive Suite 200 Beverly Hills, CA 90212	Weiner, Harvey E.	No			

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131.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 24075-0999-1	Roosevelt Bank 221 West Cherry Street Nevada, MO 64772	Kider, Mitchel H.	No			
132.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	St. John's Mortgage & Investment Corp. 3020 Hartley Road, Suite 330 Jacksonville, FL 32257	Kider, Mitchel H.	No			
133.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 78469-0000-2	Smart Mortgage Access, Inc. 835 Sterling Avenue Palatine, IL 60067	Brodsky, James A. Weiner, Harvey E. Kider, Mitchel H. Andreano, Jr., Richard J. Silver, Rugenia Halpern, Don J. Ladner, Sherri L. Shearer, Ann B. Noel, Lisa M.	No No No No No No No No No			
134.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.: 21490-0999-1	Universal American Mortgage Company 730 NW 107 Avenue Miami, FL 33172	Kider, Mitchel H. Brodsky, James A. Weiner, Harvey E. Melnick, Richard J. Andreano, Jr., Richard J. Halpern, Don J. Ladner, Sherri L. Shearer, Ann B. Noel, Lisa M. Jones, Thomas P. Kaczmarek, Chris Priddy, Bruce E.	No No No No No No No No No No No No			
135.	Weiner, Brodsky, Sidman & Kider, P.C. 1350 New York Avenue, NW, Suite 800 Washington, DC 20005 Federal Action No.:	United Companies Financial Corporation 4041 Essen Lane P. O. box 1591 Baton Rouge, LA 70821	Weiner, Harvey E. Brodsky, James A.	No No			

Federal Register

Wednesday
May 15, 1996

Part V

**Office of Personnel
Management**

**Proposed Laboratory Personnel
Management Demonstration Project;
Department of the Air Force; Notice**

OFFICE OF PERSONNEL MANAGEMENT

Proposed Laboratory Personnel Management Demonstration Project; Department of the Air Force

AGENCY: Office of Personnel Management.

ACTION: Notice of intent to implement demonstration project.

SUMMARY: Title VI of the Civil Service Reform Act, 5 U.S.C. 4703, authorizes the Office of Personnel Management (OPM) to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in personnel policy or procedures would result in improved Federal personnel management.

Public Law 103-337, October 5, 1994, permits the Department of Defense (DoD), with the approval of the OPM, to carry out personnel demonstration projects generally similar to the China Lake demonstration project at DoD Science and Technology (S&T) reinvention laboratories. The Air Force is proposing one demonstration project to cover its four S&T reinvention laboratories: Armstrong, Phillips, Rome, and Wright.

DATES: To be considered, written comments must be submitted on or before July 15, 1996; public hearings will be scheduled as follows:

1. Tuesday, June 18, 1996, 10:00 a.m. in Rome, New York,
2. Friday, June 21, 1996, 10:00 a.m. in Dayton, Ohio,
3. Wednesday, June 26, 1996, 10:00 a.m. in San Antonio, Texas, and
4. Thursday, June 27, 1996, 10:00 a.m. in Albuquerque, New Mexico. At the time of the hearings, interested persons or organizations may present their written or oral comments on the proposed demonstration project. The hearings will be informal. However, anyone wishing to testify should contact the person listed under **FOR FURTHER INFORMATION CONTACT**, and state the hearing location, so that OPM can plan the hearings and provide sufficient time for all interested persons and organizations to be heard. Priority will be given to those on the schedule, with others speaking in any remaining available time. Each speaker's presentation will be limited to ten minutes. Written comments may be submitted to supplement oral testimony during the public comment period.

ADDRESSES: Comments may be mailed to Fidelma A. Donahue, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7460, Washington, DC 20415; public hearings will be held at the following locations:

1. Rome—Griffiss Business and Technology Park Theater, Building 439, Kirtland Drive, Rome, New York,

2. Dayton—Wright-Patterson Air Force Base Theater, 1239 Chestnut Street, Kittyhawk Area, Wright-Patterson Air Force Base, Ohio,

3. San Antonio—Building 578, Room 218-221, 7909 Lindbergh Drive, Brooks Air Force Base, Texas,

4. Albuquerque—Phillips Laboratory Conference Center, Building 201, Conference Room 7a, 1750 Kirtland Drive, SE, Kirtland Air Force Base, New Mexico.

FOR FURTHER INFORMATION CONTACT: (1) On proposed demonstration project: Wendy B. Campbell, HQ AFMC/ST, 4375 Chidlaw Road, Suite 6, Wright-Patterson Air Force Base, OH 45433-5006, 513-257-1910; (2) On proposed demonstration project and public hearings: Fidelma A. Donahue, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7460, Washington, DC 20415, 202-606-1138.

SUPPLEMENTARY INFORMATION: Since 1966, at least 19 studies of Department of Defense (DoD) laboratories have been conducted on laboratory quality and personnel. Almost all of these studies have recommended improvements in civilian personnel policy, organization, and management. The proposed project involves simplified job classifications, pay banding, a contribution-based compensation system, streamlined hiring processes, and modified Reduction-in-Force (RIF) procedures.

Dated: May 7, 1996.

Office of Personnel Management.

James B. King,

Director.

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- III. Personnel System Changes
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 - F. Voluntary Emeritus Corps
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VIII. Demonstration Project Costs

IX. Required Waivers to Law and Regulation

I. Executive Summary

The project was designed by the Department of the Air Force, with participation of and review by the Department of Defense (DoD) and the Office of Personnel Management (OPM). The purpose of the project is to achieve the best workforce for the laboratory mission, adjust the workforce for change, and improve workforce quality. The project framework addresses all aspects of the human resources life cycle model. There are three major areas of change: (a) laboratory-controlled rapid hiring; (b) a contribution-based compensation system; and (c) a streamlined removal process.

Initially, the project will cover only Scientists and Engineers (S&Es) assigned to the laboratories. A decision point has been programmed for the end of the second year of the demonstration to determine whether or not to expand coverage to other occupational groups within the laboratory. In the event of expansion to non-S&E employees, full approval of the expansion plan will be obtained by AF, DoD, and OPM.

Cost neutrality is a basic requirement of the project. Extensive evaluation of the project will be performed by both the OPM and Air Force. The Air Force has programmed a decision point 5 years into the project for continuance, modification, or rejection of the demonstration initiatives.

II. Introduction

A. Purpose

The purpose of the project is to demonstrate that the effectiveness of Department of Defense (DoD) laboratories can be enhanced by allowing greater managerial control over personnel functions and, at the same time, expanding the opportunities available to employees through a more responsive and flexible personnel system. The quality of DoD laboratories, their people, and products has been under intense scrutiny in recent years. The perceived deterioration of quality is believed to be due, in substantial part, to the erosion of control which line managers have over their human resources. This demonstration, in its entirety, attempts to provide managers, at the lowest practical level, the authority, control, and flexibility needed to achieve quality laboratories and quality products.

B. Problems With the Present System

Air Force laboratory products contribute to the readiness of U.S. forces. To do this, laboratories must

acquire enthusiastic, innovative, highly educated scientists and engineers to meet their mission. They must be able to compete with the private sector for the best talent and be able to make job offers in a timely manner with the attendant bonuses and incentives to attract topnotch researchers. Today, industry laboratories can make an offer of employment and two counteroffers to a promising new hire before the government can get the first offer on the table. When filling vacancies internally, managers are forced into employee choices based not on research expertise, but on career program membership or special placement programs. Currently, jobs are described using a cumbersome classification system that is overly complex and specialized. This hampers a manager's ability to shape the workforce and match the positions while making best use of the employees. Managers must be given local control of positions and their classification to move both their employees and vacancies freely within their organization to other lines of research when business or technology demands. These issues work together to hamper supervisors in all areas of human resource management. Hiring restrictions and overly complex job classifications, coupled with poor tools for rewarding and motivating employees and a system that does not assist managers in removing poor performers builds stagnation in the workforce and wastes valuable time.

C. Changes Required/Expected Benefits

This project is expected to demonstrate that a human resource system tailored to the mission and need of the laboratory will result in: (a) increased quality in the science and engineering workforce and the laboratory products they produce; (b) increased timeliness of key personnel processes; (c) trended workforce data that reveals increased retention of "excellent contributors" and separation rates of "poor contributors"; and (d) increased customer satisfaction with the laboratory and its products by those Air Force and DoD customers they service.

The Air Force demonstration program builds on the successful features of demonstration projects at China Lake and the National Institute of Standards and Technology (NIST). These demonstration projects have produced impressive statistics on the job satisfaction for their employees versus that for the federal workforce in general. Therefore, in addition to the expected benefits mentioned above, the AF demonstration expects to find more satisfied employees on many aspects of

the demonstration including pay equity, classification accuracy, and fairness of performance management. A full range of measures will be collected during project evaluation (section VII).

D. Participating Organizations

The four Air Force Materiel Command (AFMC) laboratory directors/commanders are located as follows: Armstrong Laboratory—Brooks AFB, Texas
Phillips Laboratory—Kirtland AFB, New Mexico
Rome Laboratory—Rome, New York
Wright Laboratory—Wright-Patterson AFB, Ohio
Scientists and Engineers (S&Es) assigned to the laboratories work at the locations shown in Table 1.

TABLE 1.—S&E DUTY LOCATIONS BY LABORATORY (AS OF 31 DEC. 95)

Laboratory	Duty location	S&Es
Armstrong	Aberdeen Proving Ground, MD.	3
	Brooks AFB, TX	167
	San Diego, CA	1
	Tyndall AFB, FL	27
	Williams AFB, AZ	14
	Wright-Patterson AFB, OH.	97
Phillips	Edwards AFB, CA	120
	Hanscom AFB, MA	188
	Kirtland AFB, NM	246
	Malabar, FL	1
	Mauai Island, HI	1
	Sunspot, NM	5
Rome	Rome, NY	424
	Hanscom AFB, MA	82
Wright	Eglin AFB, FL	177
	Kelly AFB, TX	5
	McClellan AFB, CA	10
	Robins AFB, GA	4
	Tyndall AFB, FL	12
	Wright-Patterson AFB, OH.	1207

E. Participating Employees

In determining the scope of the demonstration project, primary considerations were given to the number and diversity of occupations within the laboratories and the need for adequate development and testing of the Contribution-based Compensation System (CCS). Additionally, current DoD human resource management design goals and priorities for the entire civilian workforce were considered. While the intent of this project is to provide the laboratory directors/commanders with increased control and accountability for their total workforce, the decision was made to initially restrict development efforts to General Schedule (GS/GM) positions within the scientific and engineering specialties. Research Medical Officers (GS-0602)

have been excluded from the project because of special pay provisions for their occupation which exceed the upper limits of the proposed broadbanding. The series to be included in the project are identified in Table 2.

TABLE 2.—SERIES INCLUDED IN THE AIR FORCE DEMONSTRATION PROPOSAL (AS OF 31 DEC. 95)

0180	Psychology
0190	General Anthropology
0401	General Biological Science
0403	Microbiology
0413	Physiology
0414	Entomology
0415	Toxicology
0665	Speech Pathology & Audiology
0701	Veterinary Medical Science
0801	General Engineering
0803	Safety Engineering
0804	Fire Protection Engineering
0806	Materials Engineering
0807	Landscape Architecture
0808	Architecture
0810	Civil Engineering
0819	Environmental Engineering
0830	Mechanical Engineering
0840	Nuclear Engineering
0850	Electrical Engineering
0854	Computer Engineering
0855	Electronics Engineering
0858	Biomedical Engineering
0861	Aerospace Engineering
0892	Ceramic Engineering
0893	Chemical Engineering
0896	Industrial Engineering
1301	General Physical Science
1306	Health Physics
1310	Physics
1313	Geophysics
1320	Chemistry
1321	Metallurgy
1330	Astronomy & Space Science
1340	Meteorology
1370	Cartography
1515	Operations Research
1520	Mathematics
1529	Mathematical Statistician
1530	Statistician
1550	Computer Science

Other non-S&E positions may be phased in during the course of the project. A decision point for expanded employee coverage has been programmed for the end of the second year of the demonstration project. In the event of expansion to non-S&E employees, full approval of the expansion plan will be obtained by AF, DoD, and OPM.

Current demographics and union representation for the S&E positions are shown in Table 3.

TABLE 3.—S&E DEMOGRAPHICS AND UNION REPRESENTATION (AS OF 31 DEC. 95)

GS/GM 13 and Above	1965
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TABLE 3.—S&E DEMOGRAPHICS AND UNION REPRESENTATION (AS OF 31 DEC. 95)—Continued

GS-12 and below	826
Total	2791
Occupational series	41
Duty location	17
Veterans	1 19.78
Union Representation:	
NFFE:	
Eglin AFB, Florida	145
Hanscom AFB, Massachusetts	233
Tyndall AFB, Florida	33
IFPTE:	
McClellan AFB, California	9

¹ Percent.

Of the 2,791 scientists and engineers assigned to the laboratories, 420 are represented by labor unions. Employees at Hanscom AFB, Massachusetts, are represented by the National Federation of Federal Employees (NFFE) Local 1384. Employees at Eglin AFB, Florida, are represented by NFFE Local 1940. Employees at Tyndall AFB, Florida, are represented by NFFE Local 1113. Employees at McClellan AFB, California, are represented by the International Federation of Professional and Technical Engineers (IFPTE) Local 330. Union representatives have been separately notified about the project. The Air Force is proceeding to fulfill its obligation to consult or negotiate with the unions, as appropriate, in accordance with 5 U.S.C. 4703(f).

F. Project Design

In August 1994, a special action "tiger team" was formed by the Director of Science and Technology for Air Force Materiel Command in response to the proposed DoD legislation allowing reinvention laboratories to conduct personnel demonstrations. The team was chartered to take full opportunity of this legislation and try to develop solutions that would solve many of the laboratory personnel issues that have been so prevalent and well documented. The team composition included current managers from the four Air Force laboratories, retired and current laboratory directors, and subject matter experts from civilian personnel and manpower. This team developed 27 initiatives which together represented sweeping changes in the entire spectrum of human resource management for the laboratories. Several initiatives were designed to assist the laboratories in hiring and placing the best people to fulfill mission requirements. Others focused on developing, motivating, and equitably compensating employees based on their contribution to the mission. Initiatives

to effectively manage workforce turnover and maintain organizational excellence were also developed. These 27 initiatives were endorsed and accepted in total by the laboratory directors/commanders.

After the authorizing legislation passed, a project office with four employees was established in September 1994. Under the guidance of the Director of Science and Technology, the office was charged with further developing the demonstration concept and bringing it to implementation. As a first task, the project office asked the four laboratories and the civilian personnel offices that service them for volunteers to staff six Integrated Product Teams (IPTs). Sixty civilian managers and employees from all laboratories in most geographic locations and from appropriate base level personnel offices came together and have worked for 9 months to develop the detailed concept and implementation for each initiative.

After thorough study, the original 27 initiatives were reduced to 20. Seven of the original initiatives appear herein. The remainder are under either DoD or Air Force regulation, and waivers are being sought at those levels.

III. Personnel System Changes

A. Hiring and Appointment Authorities

1. Hiring Authority

A candidate's basic eligibility will be determined using OPM's "Qualification Standards Handbook For General Schedule Positions." Broadband level I minimum eligibility requirements will be the GS-07 qualifications. Broadband level II minimum eligibility requirements will be the GS-12 qualifications. Broadband levels III and IV are single-grade broadband levels and will mirror the minimum qualifications for the respective General Schedule grades of 14 and 15. Selective placement factors may be established in accordance with the OPM Qualification Handbook when judged to be critical to successful job performance. These factors will be communicated to all candidates for particular position vacancies and must be met for basic eligibility.

The demonstration project will include an Advanced Degree Employment Program which provides a vehicle for rapid employment of individuals with master's and/or doctoral degrees in science and engineering fields into positions for which there is a positive education requirement in those fields. The Air Force will identify some measure of academic excellence that candidates with advanced degrees must have

attained to be eligible for this employment program. The project will also include an Outstanding Scholar in Science and Engineering employment program which will allow noncompetitive appointment at the equivalent of the GS-7 level. This will allow rapid hiring of those who receive an undergraduate degree in a qualifying scientific or engineering curriculum with an overall grade point average of 3.5 or better on a 4.0 scale, or who are in the top 10% of their graduating class. This program is patterned after the Outstanding Scholar authority for appointing to non-S&E entry-level professional and administrative occupations. The Outstanding Scholar authority was provided by a court-approved consent decree in *Luevano v. Newman*.

These hiring authorities are necessary because S&E positions in Air Force laboratories will continue to be shortage occupations as they are involved in highly specialized areas of technology that require job-specific skills in short supply. The Advanced Degree Employment Program applies to both initial appointment and in-service placement actions. The program is used to determine eligibility for applicable broadband level I and II positions of persons who have completed (or expect to complete within 9 months) all the requirements for a master's or doctoral degree from an accredited college or university in a curriculum that is qualifying for the position to be filled. The use of the Superior Academic Achievement and Advanced Degree Employment Programs will allow the selecting supervisor to accomplish Equal Employment Opportunity objectives while ensuring a high quality workforce.

In the proposed system, as with the current system, the individual manager will decide whether to fill a position from among internal candidates or to recruit from outside the Air Force. If the decision is made to recruit new appointments from outside the Federal government, candidates will be evaluated using the following method.

The selecting supervisor will develop written job-related ranking criteria. Candidates who meet the basic eligibility will be separated into two groups based on the appropriateness of their experience or education relating to the position being filled. Candidates with superior qualifications will be placed in Group A, all others will be placed in Group B. Within each group, veterans preference will be applied by placing all preference eligibles ahead of non-preference eligibles. Numerical scores will not be assigned. Selection

will be made from among candidates in Group A. Candidates in Group B may only be selected when there are no candidates in Group A.

Preference in employment will be given to qualified applicants who meet one of the veterans preference eligibility criteria in 5 U.S.C. 2108, provided they are equally qualified for the vacant position.

2. Appointment Authority

Under the demonstration project, there will be two appointment options: regular career and contingent. The career-conditional appointment authority will not be used under the demonstration project. Regular career appointments will continue to use existing authorities and entitlements, and employees will serve a probationary period. Contingent appointments will use the existing term appointment authority which includes a limit of 4 years and most benefits. This contingent appointment is designed to attract high quality new scientists and post-doctoral students who may wish to choose an Air Force laboratory experience for a few years, accruing some portable retirement and receiving benefits during this tenure.

3. Extended Probationary Period

A new employee needs to demonstrate adequate contribution during all cycles of a research effort for a laboratory manager to render a thorough evaluation. The current 1 year probationary period will be extended to 3 years for all newly hired regular career employees. The purpose of extending the probationary period is to allow supervisors an adequate period of time to fully evaluate an employee's contribution and conduct.

Aside from extending the time period, all other features of the current probationary period are retained including the potential to remove an employee without providing the full substantive and procedural rights afforded a non-probationary employee. Any employee appointed prior to the implementation date will not be affected. The 3 year probation will apply to non-status hires. That is, it will apply only to new hires or those who do not have reemployment or reinstatement rights. Air Force Palace Knight and Senior Knight appointments must complete 3 years of directly supervised employment in the laboratory to complete the probationary period (i.e., time spent at school does not count towards fulfilling the probationary period requirement).

Probationary employees will be terminated when the employee fails to

demonstrate proper conduct, technical competency, and/or adequate contribution for continued employment. When a laboratory decides to terminate an employee serving a probationary period because their work contribution or conduct during this period fails to demonstrate their fitness or qualifications for continued employment, it shall terminate their services by written notification of the reasons for separation and the effective date of the action. The information in the notice as to why the employee is being terminated shall, as a minimum, consist of the laboratory's conclusions as to the inadequacies of their contribution or conduct.

B. Broadbanding

The proposed broadbanding system will replace the current General Schedule (GS) structure. Currently, the 15 grades of the General Schedule are used to classify positions and, therefore, to set pay. The General Schedule covers all white collar work—administrative, technical, clerical, and professional. This system will initially cover only scientific and engineering (S&E) positions in the Air Force laboratories. Scientific and Professional (ST) and Senior Executive Service (SES) employees are not covered.

The broadband levels are designed to enhance pay progression and to allow for more competitive recruitment of quality candidates at differing rates within the appropriate broadband level(s). Competitive promotions will be less frequent and movement through the broadband levels will be a more seamless process than today's procedure. Like the previous broadband systems used at China Lake and the National Institute of Science and Technology (NIST), advancement within the system is contingent on merit.

There will be four broadband levels in the proposed system, labeled I, II, III, and IV. They will include the current grades of GS-7 through GS/GM-15. These are the grades in which the S&E employees in the Air Force laboratories are found. Broadband level I includes the current GS-7 through GS-11; level II, GS-12 and GS/GM-13; level III, GS/GM-14; and level IV, GS/GM-15. Comparison to the GS grades was useful in setting the upper and lower dollar limits of the broadband levels; however, once the employees are moved into the demonstration project, General Schedule grades will no longer apply.

The titles associated with each broadband level are as follows:

Level/Title(s)

- I Associate—(Electronics Engineer, Chemist, etc.)
- II Title of Appropriate Series (Physicist, Biologist, etc.) or Supervisory—(Nuclear Engineer, etc.)
- III Senior—(Mathematician, Computer Scientist, etc.) or Supervisory Senior—(Physical Scientist, etc.)
- IV Principal—(Microbiologist, Psychologist, etc.) or Supervisory Principal—(Aerospace Engineer, etc.)

Generally, employees will be converted into the broadband level which includes their current GS/GM grade. Each employee is assured an initial place in the system without loss of pay. As the rates of the General Schedule are increased due to general pay increases, the minimum and maximum rates of the four broadband levels will also move up. Individual employees receive pay increases based on their assessments under the Contribution-based Compensation System. Since pay progression through the levels depends on merit, there will be no scheduled Within-Grade Increases (WGIs) for employees once the broadbanding system is in place. Special Salary Rates will no longer be applicable to demonstration project employees. All employees will be eligible for the future locality pay increases of their geographical area.

Newly hired personnel entering the system will be employed at a level consistent with the expected contribution of the position and individual basic qualifications for the level, as determined by rating against qualification standards. Salaries of individual candidates will be based on academic qualifications and experience. In addition to the flexibilities available under the broadbanding system, the authorities for retention, recruitment, and relocation payments granted under the Federal Employees' Pay Comparability Act of 1990 (FEPCA) can also be used.

Employees who leave the Air Force broadbanding system to accept federal employment in the traditional Civil Service system will have their pay set by the gaining activity. Where a broadband level includes a single GS grade, the employees are considered to have attained the grade commensurate with the broadband level they are leaving. Where broadband levels include multiple grades, employees are considered to have progressed to the next higher grade within that broadband level when they have been in the level for 1 year and their salary equals or exceeds the minimum salary of the higher grade. For employees who are

entitled to a special rate upon return to the General Schedule, the demonstration project locality rate must equal or exceed the minimum special rate of the higher grade. Refer to section V for information concerning conversion to and from the demonstration project.

The use of broadbanding provides a stronger link between pay and contribution to the mission of the laboratory. It is simpler, less time consuming, and less costly to maintain. In addition, such a system is more easily understood by managers and employees, is easily delegated to managers, coincides with recognized career paths, and complements the other personnel management aspects of the demonstration project.

C. Classification

1. Occupational Series

The present General Schedule classification system has 434 occupational series which are divided into 22 groups. The Air Force laboratories currently have scientific and engineering (S&E) positions in 41 series which fall into 7 groups. The occupational series, which frequently provide well-recognized disciplines with which employees wish to be identified, will be maintained. This will facilitate movement of personnel into and out of the proposed demonstration. Other scientific and engineering series may be added to the project as the need for new professional skills emerges within the laboratory environment.

2. Classification Standards

The present system of OPM classification standards will be used for the identification of proper series and occupational titles of positions within the demonstration project. References in the position classification standards to grade criteria will not be used as part of the demonstration project. Rather, the CCS broadband level descriptors will be used for the purpose of broadband level determination. Under the proposed system, each broadband level is represented by a set of level descriptors. Based on a yearly assessment of the employee's level of contribution to the organization in relation to these descriptors, the broadband level and salary are reviewed and appropriately adjusted. This eliminates the need for the use of grading criteria in the OPM classification standards.

The broadband level descriptors are:

Level I Descriptors

Technical Problem Solving: Conducts in-house technical activities and/or may provide contract technical direction with

guidance from supervisor or higher level scientist or engineer. Works closely with peers in collectively solving problems of moderate complexity, involving limited variables, precedents established in related projects, and minor adaptations to well-established methods and techniques. Recognized within own organization for technical ability in assigned areas.

Communications/Reporting: Provides data and written analysis for input to scientific papers, journal articles, and reports and/or assists in preparing contractual documents and/or reviews technical reports; work is acknowledged in team publications. Effectively presents technical results of own studies, tasks, or contract results. Material is presented either orally or in writing, within own organization or to limited external contacts. Conducts these activities under guidance of supervisor and/or team leader.

Corporate Resource Management: May coordinate elements of in-house work units or assist in managing a scientific or support contract. Uses personal and assigned resources efficiently under guidance of supervisor or team leader. As an understanding of organizational activities, policies, and objectives is gained, participates in team planning.

Technology Transition/Technology Transfer: Participates as a team member in demonstrating technology and in interacting with internal/external customers. With guidance, contributes to technical content of partnerships for technology transition and/or transfer (Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles). Seeks out and uses relevant outside technologies in assigned projects.

R&D Business Development: As a team member communicates with customers to understand customer requirements. By maintaining currency in area of expertise, contributes as a team member to new program development. May technically participate in writing proposals to establish new business opportunities.

Cooperation and Supervision: Contributes to all aspects of teams' responsibilities. May technically guide or mentor less experienced personnel on limited aspects of scientific or engineering efforts. Receives close guidance from supervisor and/or higher level scientist or engineer. Performs duties in a professional, responsive, and cooperative manner in accordance with established policies and procedures.

Level II Descriptors

Technical Problem Solving: Conducts in-house technical activities and/or provides contract technical direction to programs of moderate size and complexity with minimal oversight. Contributes technical ideas and conceives and defines solutions to technical problems of moderate size or complexity. Recognized internally and externally by peers, both in governmental and industrial activities, for technical expertise.

Communications/Reporting: Writes or is major contributing author on scientific papers, journal articles, or reports and/or

prepares contract documents and reviews reports pertaining to area of technical expertise. May assist in filing innovation disclosures, inventions, and patents. Effectively prepares and presents own and/or team technical results. Communicates work to varied laboratory, scientific, industry, and other government audiences. May prepare and present presentations on critical program for use at higher levels with some guidance.

Corporate Resource Management: Manages all aspects of technically complex in-house work units or one or more contractual efforts in assigned program area. Effectively plans and controls all assigned resources. Makes and meets time and budget estimates on assigned projects or takes appropriate corrective action. Participates in organizational or strategic planning at team level, taking cognizance of complementary projects elsewhere to ensure optimal use of resources.

Technology Transition/Technology Transfer: Develops demonstrations and interacts independently with internal/external customers. As a team member, implements partnerships for transition and/or transfer of technology (Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles). Evaluates and incorporates appropriate outside technology in individual or team activities.

R&D Business Development: Initiates meetings and interactions with customers to understand customer needs. Generates key ideas for program development based on understanding of technology and customer needs. Demonstrates expertise to internal/external customers. Contributes technically to proposal preparation and marketing to establish new business opportunities.

Cooperation and Supervision: Contributes as a technical task or team leader; is sought out for expertise by peers; and participates in mentoring of team members. May guide on a daily basis, technical, programmatic, and administrative efforts of individuals or team members. May recommend selection or may select staff and/or team members. Assists in the development and training of individuals or team members. May participate in position and performance management. Receives general guidance in terms of policies, program objectives, and/or funding issues from supervisor and/or higher level scientist or engineer. Discusses novel concepts and significant departures from previous practices with supervisor or team leader.

Level III Descriptors

Technical Problem Solving: Conducts and/or directs technical activities and/or assists higher levels on challenging and innovative projects or technical program development with only broad guidance. Develops solutions to diverse, complex problems involving various functional areas and disciplines. Conducts and/or directs large programs in technically complex areas. Recognized within the laboratory, service, DoD, industry, and academia for technical expertise and has established professional reputation in national technical community.

Communications/Reporting: Lead author on major scientific papers, refereed journal articles, and reports and/or prepares and reviews contract documents and reviews reports of others pertaining to overall program. May document or file inventions, patents, and innovation disclosures relevant to subject area. Prepares and presents technical and/or financial and programmatic briefings and documentation for team, organization, or technical area. Prepares and delivers presentations for major projects and technology areas to scientific and/or government audiences. Reviews oral presentation of others. Communication and reporting functions conducted with minimal higher level oversight.

Corporate Resource Management: Defines program strategy and resource allocations for in-house and/or contractual programs. For assigned technical areas, conducts program planning, coordination, and/or documentation (master plans, roadmaps, Joint Director of Lab/Reliance, etc.). Advocates to laboratory and/or higher headquarters on budgetary and programmatic issues for resources. Based on knowledge of analytical and evaluative methods and techniques, participates in strategic planning at branch and/or division level. Considers and consults on technical programs of other organizations working in the field to ensure optimal use of resources.

Technology Transition/Technology Transfer: Develops customer base and expands opportunities for technology transition and transfer. Leads or serves as key technical member of teams implementing partnerships for transition or transfer of technology (Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles). Ensures incorporation of outside technology within laboratory programs.

R&D Business Development: Works to establish customer alliances and translates customer needs to programs in a particular technical area. Develops feasible research strategies and/or business strategies for new technical activities. Seeks joint program coalitions with other agencies and funding opportunities from outside organizations. Pursues near-term business opportunities through proposals.

Cooperation and Supervision: Is sought out for consultation and mentors team members. Guides the research, technical and/or programmatic, and administrative efforts of individuals or teams with accountability for focus and quality. Recommends selection or selects staff and/or team members. Supports development and training of subordinates and/or team members. Participates in position and performance management. Receives only broad policy and administrative guidance from supervisor, such as initiation and curtailment of programs.

Level IV Descriptors

Technical Problem Solving: Independently defines, leads, and manages the most challenging and innovative complex technical activities/programs consistent with

general guidance or independently directs overall R&D program. Conceives and develops creative solutions to the most complex problems requiring highly specialized areas of technical expertise. Recognized within the laboratory, service, DoD, and other agencies for broad technical area expertise and has established professional reputation in the national and international technical community.

Communications/Reporting: Lead or sole author on scientific papers, refereed journal articles, reports, or review articles which are recognized as major advances or resolutions in the technical area and/or reviews and approves reporting of all technical products of mission area. May exploit innovations which normally lead to inventions, disclosures, and patents. Prepares and presents technical and/or financial and programmatic briefings and documentation for breadth of programs at or above own level. As subject matter expert, prepares and delivers invited or contributed presentations, papers at national or international conferences on technical area, or gives policy level briefings. Singularly responsible for overall quality and timeliness of technical/scientific/ programmatic reports and presentations of group and self.

Corporate Resource Management: Defines technology area strategy and resource allocations for in-house and contractual programs. For multiple technical areas, conducts overall program planning and coordination, and/or program documentation (master plans, roadmaps, Joint Director of Labs/Project Reliance, etc.). Advocates to command, service, and agency levels on budgetary and programmatic issues for resources. Utilizing advanced analytical and evaluative methods and techniques, leads strategic planning and prioritization processes. Develops strategy to leverage resources from other agencies and ensures equitable distribution and appropriate use of internal resources.

Technology Transition/Technology Transfer: Organizes, leads, and markets overall technology transition and transfer activities for organization at senior management levels. Leads in formulation and oversight of Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles. Creates an environment that encourages widespread exploitation of both national and international technologies.

R&D Business Development: Works with the senior management level to stimulate development of customer alliances for several technical areas. Generates strategic research and/or business objectives for core technical areas. Recognizes warfighting trends, relates business opportunities, and convinces laboratory management to develop and/or acquire expertise and commit funds. Secures business opportunities supporting long-term mission relevancy through targeted proposals and processes.

Cooperation and Supervision: Establishes team charters and develops future team leaders and supervisors. Leads and manages all aspects of subordinates' or team members'

efforts with complete accountability for mission and programmatic success. Recommends selection or selects staff, team leaders, and team members; fosters development and training of supervisory and non-supervisory individuals. Directs or recommends position and performance management. Works within the framework of agency policies, mission objectives, and time and funding limitations.

3. Classification Authority

Laboratory directors/commanders will have delegated classification authority and may, in turn, redelegate this authority no lower than two management levels below the director/commander. Classification approval, however, must be exercised at least one management level above the first level supervisor of the employee or position under review. Supervisors at the lower levels will provide classification recommendations. Personnel specialists will provide on-going consultation and guidance to managers and supervisors throughout the classification process.

4. Statement of Duties and Experience (SDE)

Under the proposed classification system, the automated Statement of Duties and Experience (SDE) will replace the current AF Form 1378, Civilian Personnel Position Description. The SDE will include a description of job-specific information, reference the CCS broadband level descriptors for the assigned broadband level, and provide data element information pertinent to the job. Laboratory supervisors will follow a computer assisted process to produce the SDE. The objectives in developing the new SDE are to: (a) simplify the descriptions and the preparation process through automation, (b) make the SDE specific to the employee, and (c) make the SDE a more useful tool for other functions of personnel management, e.g., recruiting, reduction-in-force, assessment of contribution, and employee development.

5. Skill Codes

The Air Force uses skill code sets within the Defense Civilian Personnel Data System (DCPDS) as a means to reflect duties of current positions and employees' previous experiences. Each code represents a specialization within the occupation. Specializations are those described in classification or qualification standards and those agreed upon by functional managers and personnel specialists to be important to staffing patterns and career paths. These codes are used to refer candidates for employment with the Air Force, placement of current employees into

other positions, and selection for training under competitive procedures. To facilitate the movement of personnel into and out of the demonstration project, the current Air Force system of skills coding will continue to be used. Laboratory supervisors will select appropriate skill code sets to describe the work of each employee through the automated SDE process.

6. Classification Process

The SDE is accomplished by completion of the following steps utilizing an automated system:

(a) The supervisor enters, by typing free-form, the organizational location, SDE number, and the employee's name. From the menu, the supervisor selects the appropriate occupational series and title, the level descriptors corresponding to the broadband level that is most commensurate with an employee's anticipated level of contribution, the CCS job category, the functional classification code, and the supervisory level. The supervisor then fills in the blanks in a standard statement relating to the level of certification and functional area for the Acquisition Professional Development Program (APDP).

(b) The supervisor creates a brief description of job-specific information by typing free-form at the appropriate point. From a menu, the supervisor will choose statements pertaining to physical requirements; knowledges, skills, and abilities required to perform the work; and special licenses or certifications needed (other than APDP). Based on the supervisory level code selected above, the system will produce mandatory statements pertaining to affirmative employment, safety, and security programs. The system will also produce a statement pertaining to positive education requirements, or their equivalencies, based on the occupational series selected.

(c) The supervisor selects up to three skill code sets from the listing provided which are appropriate to the job. From the menu, the supervisor also selects the position sensitivity; Fair Labor Standards Act (FLSA) status; drug testing requirements; emergency essential and key position information;

the career program to which the position belongs; the bargaining unit status code; and the contribution factor weights which apply to the job category previously selected. This information, along with the supervisory level and the competitive level code, constitutes the SDE addendum. These data elements will be maintained as a separate page of the SDE (i.e., an addendum) as this information can change frequently. By maintaining this information as an addendum, the need to create and classify a new SDE each time one of these elements must be updated is alleviated.

(d) The supervisor accomplishes the SDE with a recommended classification, then signs and dates the document. The SDE is sent to the individual in the organization with delegated classification authority for approval and classification, which is indicated by that person signing and dating the SDE.

The computer assisted system will incorporate definitions for the CCS job categories, supervisory levels, all S&E occupational series, as well as their corresponding skill code sets and the functional classification codes. The functional classification codes are those currently found in the OPM "Introduction to the Classification Standards" which define certain kinds of activities, e.g., research, development, test and evaluation, etc. The FLSA status selection must be in accordance with OPM guidance. Throughout the above process, manpower analysts and personnel specialists will be available to advise laboratory management.

D. Contribution-based Compensation System

1. Overview

The purpose of the Contribution-based Compensation System (CCS) is to provide an effective, efficient, and flexible method for assessing, compensating, and managing the laboratory S&E workforce. It is essential for the development of a highly productive workforce and to provide management, at the lowest practical level, the authority, control, and flexibility needed to achieve quality laboratories and quality products. CCS

allows for more employee involvement in the assessment process, increases communication between supervisor and employee, promotes a clear accountability of contribution, facilitates employee career progression, provides an understandable basis for salary changes, and delinks awards from the annual assessment process. Funds previously allocated for performance-based awards will be reserved for distribution under a separate laboratory awards program.

CCS is a contribution-based assessment system that goes beyond a performance-based rating system. That is, it measures the employee's contribution to the organization rather than how well the employee performed a job as defined by a performance plan; one which may represent a lower level of responsibility and expectation based on the employee's previous performance. CCS promotes proactive salary adjustment decisions to be made on the basis of an individual's overall contribution to the organization.

Contribution is measured by factors, each of which is relevant to the success of an Research and Development (R&D) laboratory. Six factors have been developed for evaluating the yearly contribution of S&E personnel covered by this initiative: Technical Problem Solving, Communications/Reporting, Corporate Resource Management, Technology Transition/Technology Transfer, R&D Business Development, and Cooperation and Supervision.

Each factor has four levels of increasing contribution corresponding to the four broadband levels. These factors use the same descriptors as those presented under classification (section III C). Under classification, for example, only level I descriptors are applied for each of the six factors for a level I employee. For the CCS assessment process, the six factors are presented with all four levels of contribution to better assist supervisor assessment. Therefore, for classification, the factors are sorted first by level and then by factor as shown in section III C 2. For the CCS assessment process, the level descriptors are sorted first by factor and then by level as shown below.

Level	Descriptor	Key elements
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FACTOR 1: TECHNICAL PROBLEM SOLVING

I	Conducts in-house technical activities and/or may provide contract technical direction with guidance from supervisor or higher level scientist or engineer. Works closely with peers in collectively solving problems of moderate complexity, involving limited variables, precedents established in related projects, and minor adaptations to well-established methods and techniques. Recognized within own organization for technical ability in assigned areas	Scope of Project/Level of Impact. Technical Complexity/Creativity. Recognition
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Level	Descriptor	Key elements
II	Conducts in-house technical activities and/or provides contract technical direction to programs of moderate size and complexity with minimal oversight. Contributes technical ideas and conceives and defines solutions to technical problems of moderate size or complexity. Recognized internally and externally by peers, both in governmental and industrial activities, for technical expertise.	Scope of Project/Level of Impact. Technical Complexity/Creativity. Recognition
III	Conducts and/or directs technical activities and/or assists higher levels on challenging and innovative projects or technical program development with only broad guidance. Develops solutions to diverse, complex problems involving various functional areas and disciplines. Conducts and/or directs large programs in technically complex areas. Recognized within the laboratory, service, DoD, industry, and academia for technical expertise and has established professional reputation in national technical community.	Scope of Project/Level of Impact. Technical Complexity/Creativity. Recognition
IV	Independently defines, leads, and manages the most challenging and innovative complex technical activities/programs consistent with general guidance or independently directs overall R&D program. Conceives and develops creative solutions to the most complex problems requiring highly specialized areas of technical expertise. Recognized within the laboratory, service, DoD, and other agencies for broad technical area expertise and has established professional reputation in the national and international technical community.	Scope of Project/Level of Impact. Technical Complexity/Creativity. Recognition

FACTOR 2: COMMUNICATIONS/REPORTING

I	Provides data and written analysis for input to scientific papers, journal articles, and reports and/or assists in preparing contractual documents and/or reviews technical reports; work is acknowledged in team publications. Effectively presents technical results of own studies, tasks, or contract results Material is presented either orally or in writing, within own organization or to limited external contacts. Conducts these activities under guidance of supervisor and/or team leader	Written and Oral. Breadth of Responsibility. Level/Diversity of Audiences. Oversight Required.
II	Writes or is major contributing author on scientific papers, journal articles, or reports and/or prepares contract documents and reviews reports pertaining to area of technical expertise. May assist in filing innovation disclosures, inventions, and patents. Effectively prepares and presents own and/or team technical results Communicates work to varied laboratory, scientific, industry, and other government audiences. May prepare and present presentations on critical program for use at higher levels with some guidance.	Written and Oral. Breadth of Responsibility. Level/Diversity of Audiences. Oversight Required.
III	Lead author on major scientific papers, refereed journal articles, and reports and/or prepares and reviews contract documents and reviews reports of others pertaining to overall program. May document or file inventions, patents, and innovation disclosures relevant to subject area. Prepares and presents technical and/or financial and programmatic briefings and documentation for team, organization, or technical area. Prepares and delivers presentations for major projects and technology areas to scientific and/or government audiences. Reviews oral presentation of others. Communication and reporting functions conducted with minimal higher level oversight.	Written and Oral. Breadth of Responsibility. Level/Diversity of Audiences. Oversight Required.
IV	Lead or sole author on scientific papers, refereed journal articles, or review articles which are recognized as major advances or resolutions in the technical area and/or reviews and approves reporting of all technical products of mission area. May exploit innovations which normally lead to inventions, disclosures, and patents. Prepares and presents technical and/or financial and programmatic briefings and documentation for breadth of programs at or above own level. As subject matter expert, prepares and delivers invited or contributed presentations, papers at national or international conferences on technical area, or gives policy level briefings. Singularly responsible for overall quality and timeliness of technical/scientific/programmatic reports and presentations of group and self.	Written and Oral. Breadth of Responsibility. Level/Diversity of Audiences. Oversight Required.

FACTOR 3: CORPORATE RESOURCE MANAGEMENT

I	May coordinate elements of in-house work units or assist in managing a scientific or support contract. Uses personal and assigned resources efficiently under guidance of supervisor or team leader. As an understanding of organizational activities, policies, and objectives is gained, participates in team planning.	In-House/Contract Managing. Size & Complexity. Make/Buy/Rely.
II	Manages all aspects of technically complex in-house work units or one or more contractual efforts in assigned program area. Effectively plans and controls all assigned resources. Makes and meets time and budget estimates on assigned projects or takes appropriate corrective action. Participates in organizational or strategic planning at team level, taking cognizance of complementary projects elsewhere to ensure optimal use of resources.	In-House/Contract Managing. Size & Complexity. Make/Buy/Rely.

Level	Descriptor	Key elements
III	<p>Defines program strategy and resource allocations for in-house and/or contractual programs.</p> <p>For assigned technical areas, conducts program planning, coordination, and/or documentation (master plans, roadmaps, Joint Director of Lab/Reliance, etc.). Advocates to laboratory and/or higher headquarters on budgetary and programmatic issues for resources.</p> <p>Based on knowledge of analytical and evaluative methods and techniques, participates in strategic planning at branch and/or division level. Considers and consults on technical programs of other organizations working in the field to ensure optimal use of resources.</p>	<p>In-House/Contract Managing.</p> <p>Size & Complexity.</p> <p>Make/Buy/Rely.</p>
IV	<p>Defines technology area strategy and resource allocations for in-house and contractual programs.</p> <p>For multiple technical areas, conducts overall program planning and coordination, and/or program documentation (master plans, roadmaps, Joint Director of Labs/Project Reliance, etc.). Advocates to command, service, and agency levels on budgetary and programmatic issues for resources.</p> <p>Utilizing advanced analytical and evaluative methods and techniques, leads strategic planning and prioritization processes. Develops strategy to leverage resources from other agencies and ensures equitable distribution and appropriate use of internal resources.</p>	<p>In-House/Contract Managing.</p> <p>Size & Complexity.</p> <p>Make/Buy/Rely.</p>

FACTOR 4: TECHNOLOGY TRANSITION/TECHNOLOGY TRANSFER

I	<p>Participates as a team member in demonstrating technology and in interacting with internal/external customers.</p> <p>With guidance, contributes to technical content of partnerships for technology transition and/or transfer (Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles).</p> <p>Seeks out and uses relevant outside technologies in assigned projects</p>	<p>Customer Interaction Level.</p> <p>Partnership/Level of Independence.</p> <p>Leveraging Outside Technology.</p>
II	<p>Develops demonstrations and interacts independently with internal/external customers</p> <p>As a team member, implements partnerships for transition and/or transfer of technology (Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles).</p> <p>Evaluates and incorporates appropriate outside technology in individual or team activities..</p>	<p>Customer Interaction Level.</p> <p>Partnership/Level of Independence.</p> <p>Leveraging Outside Technology.</p>
III	<p>Develops customer base and expands opportunities for technology transition and transfer.</p> <p>Leads or serves as key technical member of teams implementing partnerships for transition or transfer of technology (Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles).</p> <p>Ensures incorporation of outside technology within laboratory programs</p>	<p>Customer Interaction Level.</p> <p>Partnership/Level of Independence.</p> <p>Leveraging Outside Technology.</p>
IV	<p>Organizes, leads, and markets overall technology transition and transfer activities for organization at senior management levels.</p> <p>Leads in formulation and oversight of Advanced Technology Demonstrations, Memorandums of Understanding, Joint Director of Labs/Project Reliance, Cooperative Research and Development Agreements, and other dual-use vehicles.</p> <p>Creates an environment that encourages widespread exploitation of both national and international technologies.</p>	<p>Customer Interaction Level.</p> <p>Partnership/Level of Independence.</p> <p>Leveraging Outside Technology.</p>

FACTOR 5: R&D BUSINESS DEVELOPMENT

I	<p>As a team member communicates with customers to understand customer requirements.</p> <p>By maintaining currency in area of expertise, contributes as a team member to new program development.</p> <p>May technically participate in writing proposals to establish new business opportunities</p>	<p>Customer Interaction level.</p> <p>Knowledge and Level of Planning.</p> <p>Knowledge of Market & Success in Getting Funds.</p>
II	<p>Initiates meetings and interactions with customers to understand customer needs</p> <p>Generates key ideas for program development based on understanding of technology and customer needs. Demonstrates expertise to internal/external customers.</p> <p>Contributes technically to proposal preparation and marketing to establish new business opportunities.</p>	<p>Customer Interaction Level.</p> <p>Knowledge and Level of Planning.</p> <p>Knowledge of Market & Success in Getting Funds.</p>
III	<p>Works to establish customer alliances and translates customer needs to programs in a particular technical area.</p> <p>Develops feasible research strategies and/or business strategies for new technical activities.</p> <p>Seeks joint program coalitions with other agencies and funding opportunities from outside organizations. Pursues near-term business opportunities through proposals.</p>	<p>Customer Interaction Level.</p> <p>Knowledge and Level of Planning.</p> <p>Knowledge of Market & Success in Getting Funds.</p>
IV	<p>Works with the senior management level to stimulate development of customer alliances for several technical areas.</p>	<p>Customer Interaction Level.</p>

Level	Descriptor	Key elements
	Generates strategic research and/or business objectives for core technical areas. Recognizes war-fighting trends, relates business opportunities, and convinces laboratory management to develop and/or acquire expertise and commit funds. Secures business opportunities supporting long-term mission relevancy through targeted proposals and processes..	Knowledge and Level of Planning. Knowledge of Market & Success in Getting Funds.

FACTOR 6: COOPERATION AND SUPERVISION

I	Contributes to all aspects of teams' responsibilities May technically guide or mentor less experienced personnel on limited aspects of scientific or engineering efforts. Receives close guidance from supervisor and/or higher level scientist or engineer. Performs duties in a professional, responsive, and cooperative manner in accordance with established policies and procedures.	Team Role. Breadth of Influence. Supervision & Guidance Received.
II	Contributes as a technical task or team leader; is sought out for expertise by peers; and participates in mentoring of team members. May guide on a daily basis, technical, programmatic, and administrative efforts of individuals or team members. May recommend selection or may select staff and/or team members. Assists in the development and training of individuals or team members. May participate in position and performance management. Receives general guidance in terms of policies, program objectives, and/or funding issues from supervisor and/or higher level scientist or engineer. Discusses novel concepts and significant departures from previous practices with supervisor or team leader.	Team Role. Breadth of Influence. Supervision & Subordinate Development. Supervision & Guidance Received.
III	Is sought out for consultation and mentors team members Guides the research, technical and/or programmatic, and administrative efforts of individuals or teams with accountability for focus and quality. Recommends selection or selects staff and/or team members. Supports development and training of subordinates and/or team members. Participates in position and performance management. Receives only broad policy and administrative guidance from supervisor, such as initiation and curtailment of programs.	Team Role. Breadth of Influence. Supervision & Subordinate Development. Supervision & Guidance Received.
IV	Establishes team charters and develops future team leaders and supervisors Leads and manages all aspects of subordinates' or team members' efforts with complete accountability for mission and programmatic success. Recommends selection or selects staff, team leaders, and team members; fosters development and training of supervisory and non-supervisory individuals. Directs or recommends position and performance management. Works within the framework of agency policies, mission objectives, and time and funding limitations.	Team Role. Breadth of Influence. Supervision & Subordinate Development. Supervision & Guidance Received.

The assessment process (section III D 3) begins with employee input which provides an opportunity to state the accomplishments and level of contribution perceived. To determine the employee's yearly contribution, the six factors will then be assessed by the immediate supervisor. For each factor, the supervisor places the employee's contribution at a particular level. If the contribution level for a factor is at the lowest level of level I, a score of 1.0 is assigned. Higher levels of contribution are assigned scores increasing in 0.1 increments up to 4.9. A factor score of 0.0 can be assigned if the employee's contribution does not demonstrate a minimum level I contribution. Under CCS, immediate supervisors will work with other supervisors in a group setting to render final scores. Weights may be applied to the six factors for different job categories of S&Es (section III D 7). CCS will also incorporate a midyear feedback session.

Employees within organizations are placed into pay pools (section III D 4). Salary adjustments, i.e., decisions to give or withhold salary increases, (section III D 5) are based on the relationship between contribution scores and present salaries. The maximum available pay rate under this demonstration will be the rate for GS-15/Step-10. Decisions for broadband movement (section III D 6) are also based on this relationship.

Cost neutrality is assured within each pay pool by limiting the total of salary increases to the funds available to the pay pool, based on what would have been available in the General Schedule system from general pay increases, step increases, and promotions. No changes will be made to locality pay under the demonstration project.

2. The "Standard Pay Line" (SPL)

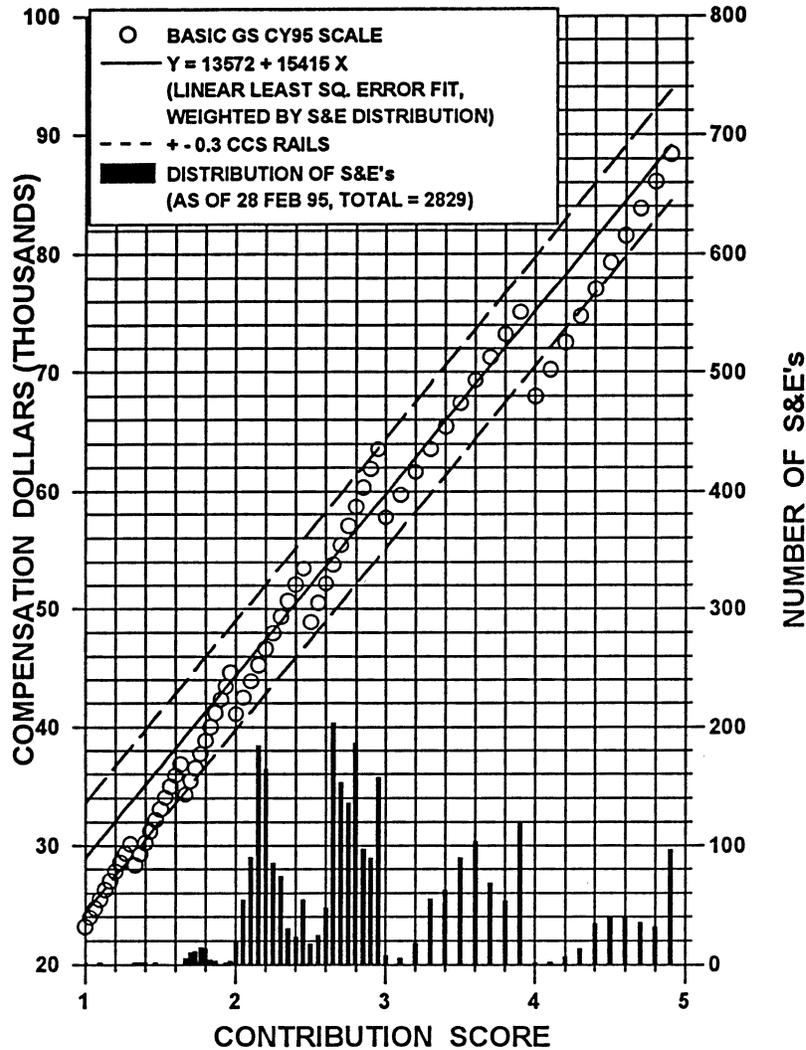
The relationship between each CCS score and the appropriate salary rate is

expressed mathematically as a line. All S&Es entering the system will initially have their salary lie close to this "standard pay line" (SPL). Because employees enter the demonstration from a grade and step system, an initial correlation generally exists between their former GS/GM grade and step and the CCS scores appropriate for that broadband level. For example, level II consists of GS-12s and GS/GM-13s; GS-12/Step-1 closely aligns to a CCS score of 2.0, GS-12/Step-2 correlates with a CCS score of 2.05,...., GS/GM-13/Step-1 relates to a CCS score of 2.5,...., and GS/GM-13/Step-10 to a CCS score of 2.95. This is shown in Figure 1 for the four-level broadband system where the salary of each GS grade/step is plotted on the Y-axis. Although the data are not continuous, there is a linear trend. Each of these data points was weighted by the actual calendar year 1995 (CY95) population data for the demonstration laboratories. Using a least squares error

analysis, the best straight line fit to this weighted data was determined and is shown in Figure 1.
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FIGURE 1—CCS RELATIONSHIP

FIGURE 1 - CCS RELATIONSHIP



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Equation of the Standard Pay Line
(without locality) for CY95

$$\text{COMPENSATION} = \$13,572 + \$15,415 \times \text{CCS SCORE}$$

The SPL defined in Figure 1 is tied to the basic GS pay scale for CY95. The SPL for CY96 was calculated from the SPL for CY95 and the general increase (G) given to GS employees in January 1996. The equation for the CY96 SPL is: $\text{COMPENSATION} = \$13,843 + \$15,723 \times \text{CCS SCORE}$. The CY97 SPL will be the CY96 SPL increased by the "G" for CY97. Continuing this calculation of SPL will maintain the same relationships between the basic GS pay-scale and the SPL in the demonstration

project. Locality salary adjustments are not included in the SPL.

Rails were constructed at + and - 0.3 CCS around the SPL. These rails create an area in which nearly 100% of employees initially entering the demonstration will be included. A few may fall below the lower rail, but no employee will enter the demonstration above the upper rail. The area encompassed by the rails denotes the acceptable contribution and compensation relationship. Future CCS assessments will likely alter an employee's position relative to these rails.

3. The CCS Assessment Process

The annual assessment cycle begins on 1 October and ends on 30 September of the following year. At the beginning of the annual assessment period, the broadband level descriptors and weights (section III D 7) will be provided to employees so that they know the basis on which their contribution will be assessed. A midyear review, in the March to April time frame, will discuss the employee's contributions to-date and the employee's professional development. At the end of the assessment period, employees will summarize their contributions in each factor for their immediate supervisor.

The supervisor will determine initial CCS scores using the employee input and the supervisor's assessment of the overall contribution to the laboratory mission. For each factor, the supervisor places the employee's contribution at a particular level (I, II, III, or IV). If the contribution for a factor is at the lowest end of a level, a score of 1.0, 2.0, 3.0, or 4.0 is assigned. Greater contributions in each level are assigned scores increasing in 0.1 increments up to 1.9, 2.9, 3.9, or 4.9. A factor score of 0.0 can be assigned if the employee does not demonstrate a minimum level I contribution. Factor scores are then averaged to give a total CCS score.

The immediate supervisors (for instance, branch chiefs) and the next level supervisors (for instance, division chiefs) for a pay pool then meet as a group to review and discuss all proposed employee assessments and adjust individual CCS scores, if necessary. Giving authority to the group of managers to make minor score adjustments ensures contributions will have been assessed and measured similarly for all employees. Once the scores have been finalized, the results and any training and/or career development needs will be discussed with the individual employees. Pay adjustments will be made on the basis of this CCS assessment and the employee's current salary. Pay

adjustments are subject to a few payout rules discussed in section III D 5. Final pay determinations will be made at a management level above the group of supervisors who rendered final CCS assessments. CCS scores, however, cannot be changed by managerial levels above the original group of supervisors. Decisions for any broadband level changes (section III D 6) will be submitted to at least one level of management higher than the group of supervisors (for instance, directorate chief) for approval. Pay adjustments and broadband level changes will then be documented by SF-50, Notification of Personnel Action.

4. Pay Pools

Pay pool structure is under the authority of the laboratory directors/commanders. The following minimal guidelines, however, will apply: (a) a pay pool is based on the organizational structure and should include a range of S&E salaries and contribution levels; (b) a pay pool must be large enough to constitute a reasonable statistical sample, i.e., 35 or more; (c) a pay pool must be large enough to encompass a second level of supervision since the CCS process uses a group of supervisors in the pay pool to determine assessments and recommend salary adjustments; and (d) the pay pool manager (for instance, a division chief

or directorate chief) holds yearly pay adjustment authority. Pay pool managers' pay determinations, however, may still be subject to higher management review.

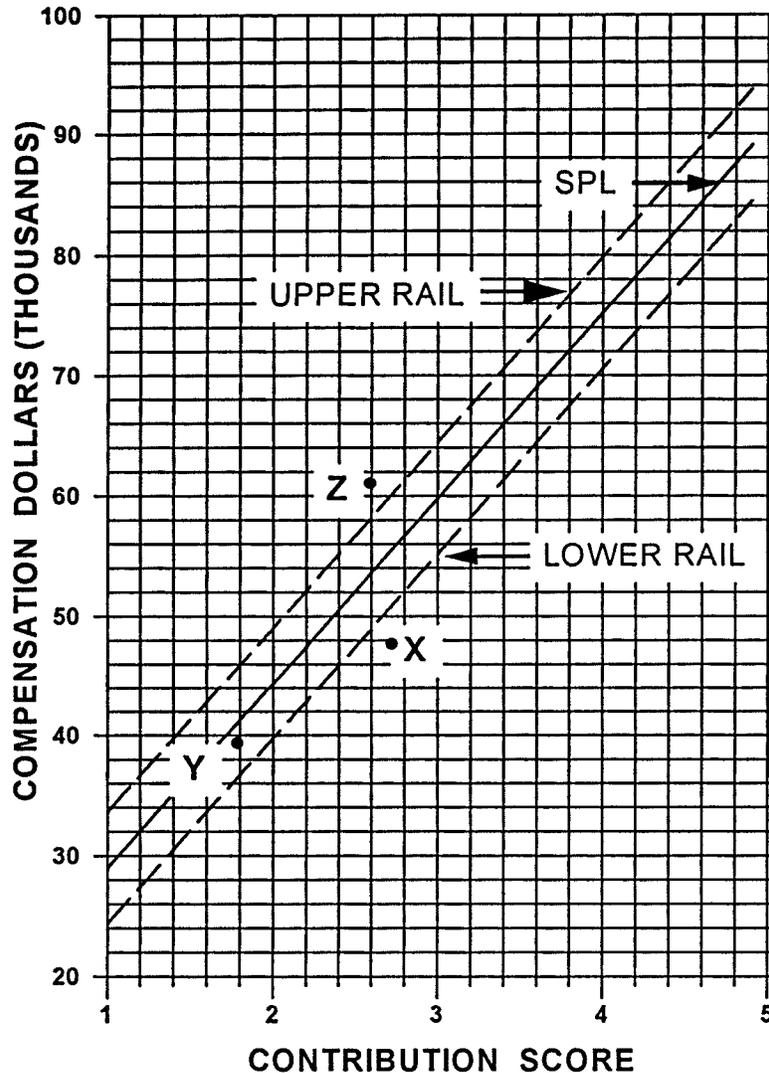
The amount of money available for salary increases within a pay pool is determined by the general increase (G) and money that would have been available for step increases and promotions (I). The latter will be set at 2.4% upon implementing the demonstration and is considered adjustable to ensure cost neutrality over the life of the demonstration. The amount of "I" to be included in the pay pool will be computed based on the salaries of employees in the pay pool as of 30 September each year.

5. Salary Adjustment Guidelines

After the initial assignment into the CCS system, employees' yearly contributions will be determined by the CCS process described above, and their CCS scores versus their current salaries will be plotted on a graph along with the SPL (see Figure 2). The position of those points relative to the SPL gives a relative measure ($\delta Y/Y$) of the degree of over- or under-compensation for the employees. This permits all employees within a pay pool to be rank-ordered by $\delta Y/Y$, from the most under-compensated employee to most over-compensated.

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FIGURE 2 - EMPLOYEE POSITIONING



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In general, those employees who fall below the SPL (indicating under-compensation, for example, employee X in Figure 2) should expect to receive greater salary increases than those who fall above the line (indicating over-compensation, for example, employee Z). Over time, people will migrate closer to the standard pay line and receive a salary appropriate to their level of contribution. The following are more specific guidelines: (a) Those who fall above the upper rail (for example, employee Z) will be given an increase ranging from zero to a maximum of "G"; (b) Those who fall within the rails (for example, employee Y) will be given a minimum of "G"; and (c) Those who fall below the lower rail (for example, employee X) will be given at least their base pay times "G" plus the percentage of funds set aside for step increases and

promotions which will no longer take place (I). Should an employee's CCS assessment fall on either rail, it will be considered to be within the rails.

Initially, the value of "I" will be 2.4%; the percentage, however, may be changed to ensure cost neutrality. Each pay pool manager will set the necessary guidelines for the gradation of pay adjustments in the pay pool within these general rules. Decisions made will be standard and consistent within the pay pool, be fair and equitable to all stakeholders, maintain cost neutrality, and be subject to review. The maximum available pay rate under this demonstration will be the rate for GS-15/Step-10.

6. Movement Between Broadband Levels

It is the intent of the demonstration project to have S&E career growth be

accomplished through unrestricted movement through the broadband levels based on contribution and salary. Movement through the broadband levels will be determined by contribution and salary following the CCS payout calculation. Resulting changes in broadband levels are not accompanied by tradition promotion dollars, but rather, they will be documented as a change in title, change in broadband level, and reaccomplishment of a Statement of Duties and Experiences (SDE) (section III C 6). The terms Promotion and Demotion will not be used in connection with the CCS process. Rather, these terms will be reserved for competitive placement and adverse actions.

Broadband levels are derived from an initial grouping of one or more GS grades. Salary overlap between adjacent levels is desirable for broadband level

movement. It is more convenient, however, to redefine these overlaps (that is, the top and bottom salary ranges of the broadband levels which produce the overlaps) in terms of the SPL. Specifically, the salary overlap between two levels is defined by the salaries at $-$ to $+0.2$ CCS around the whole number score defining the boundary between the contribution levels. For example, the maximum salary for level II would be that salary from the SPL

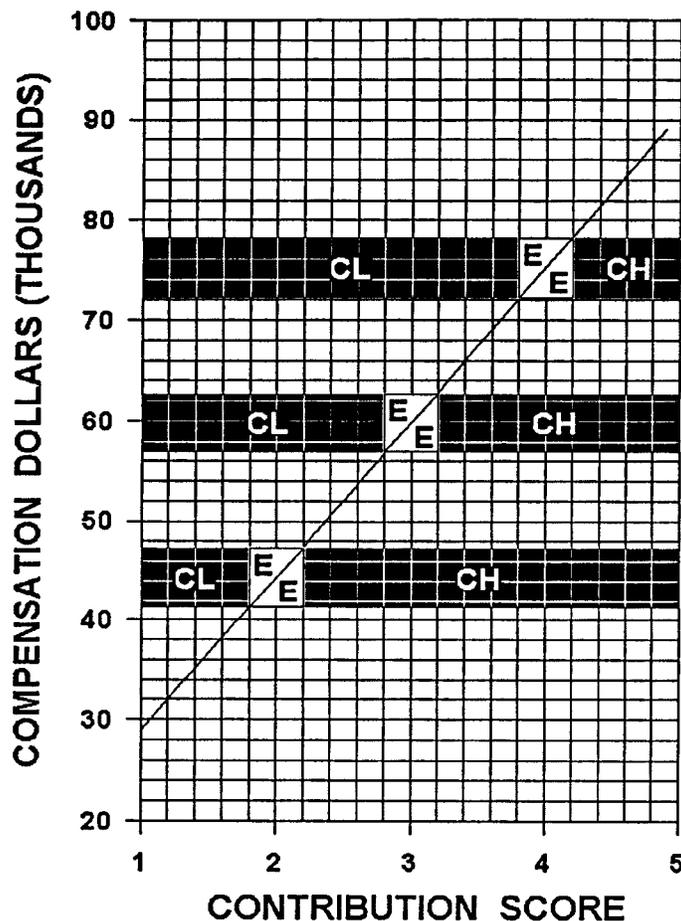
corresponding to a CCS score of 3.2. Likewise, the minimum salary for level III would be the salary from the SPL corresponding to a CCS score of 2.8. This definition provides a salary overlap between broadband levels that is consistent and similar to salary overlaps in the GS schedule.

Figure 3 shows the salary overlap areas between broadband contribution levels. These salary overlap areas are divided into three zones designated as

CL (consideration for change to lower level), CH (consideration for change to higher level), and E (eligible for change to higher or lower level). All the E zones have the same width, 0.4 CCS, and height. The E zone is described as the box formed by the intersection of the integer $+$ and -0.2 CCS lines and the SPL.

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FIGURE 3 - OVERLAP AREAS



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The E zones serve to stabilize the movement between adjacent broadband levels. This allows for annual fluctuations in contribution scores for people near the top or bottom of a level, without creating the need for repeated changes of their titles. An employee whose contribution score falls within an E zone is eligible for a change in broadband level (with the associated title change), but one should not be given unless the supervisor has a compelling reason to advance or reduce

the employee's level. Under normal circumstances, pay adjustments under CCS will follow contribution scores. Those who consistently achieve increased contribution assessments will progress through their broadband level and will find their salary climbing into the corresponding CH zone. Once the employee's CCS score is demonstrated to be consistently within the CH zone, the employee should be moved to the higher broadband level unless the supervisor has a compelling reason not to request the change. Conversely,

regression through the broadband levels works the same way in the opposite direction. Those who consistently receive decreasing contribution assessments will regress through their broadband level and would not have been receiving any salary adjustments greater than "G." They will find that the CL zone at the bottom of their current broadband level will catch up with their current salary. Once the employee's CCS score is demonstrated to be consistently within the CL zone, the employee should be moved to the lower

broadband level unless the supervisor has a compelling reason not to request the change. Compelling reasons for retaining broadband levels in the presence of a consistent assessment in the CH or CL range must be documented in writing and provided to the employee. If an employee moves totally above the CH zone or below the CL zone, the employee will be changed in broadband level without supervisory action.

At the present time, high-grade controls within the agency restrict movement between broadband level II and broadband level III. A separate tri-service initiative to replace these controls with other management measures is currently under review by the Department of Defense. Until the high-grade controls are lifted, demonstration project employees will not be able to advance from broadband level II to broadband level III unless a high-grade authorization is available. To accommodate this, level II employees whose salary adjustment would place them above the CH zone for level II in organizations where high-grade authorizations are unavailable will receive permanent adjustments to basic salary up to an amount equivalent to the top of broadband level II. Any additional amount granted under CCS will be paid as a one-time bonus payment from pay pool funds. This pattern of payout will continue until high-grade authorizations become available.

Movement under CCS happens once a year. Under the demonstration project, managers are provided greater flexibility in assigning duties by moving employees between positions within their broadband level. If, throughout the year, there are vacancies at higher levels (typically supervisory positions), employees may be considered for promotion to those positions according to the demonstration project competitive promotion procedures approved by the Air Force. Demonstration employees selected for positions at a higher broadband level will receive the minimum of the new broadband level or their existing salary, whichever is greater. Under the approved competitive promotion procedures, the selecting official may consider candidates from any source based on viable and supportable job related merit-based methodology. Similarly, if there is sufficient cause, an employee may be demoted to a lower level position according to the contribution-based reduction in pay or removal procedures discussed in section III E or the existing procedures related to disciplinary actions.

7. Weights

Employees under the demonstration will be assigned to one of five job categories:

- (a) Supervisor, primary function is to supervise other employees;
- (b) Plans & Programs S&E, primary function is to formulate plans and policies to further the organizational mission;
- (c) Program Manager, primary function is to run/direct research and development (R&D) programs;
- (d) Support S&E, primary function is to support the research efforts of the laboratory; and
- (e) Bench-Level S&E, primary function is to perform R&D within the mission focus of the laboratory. Laboratory directors/commanders will have the authority to determine if varying weights should be applied to the six CCS factors based on these job categories. As an example, Technical Problem Solving may be more heavily weighted for Bench-Level S&Es than the factor of Technology Transition/Technology Transfer.

The authority to use weights and the authority to set weights may be delegated below the laboratory director/commander. But, weights must be the same for all employees in a particular job category in a pay pool. This ensures that a fair comparison of employees is made, without having the weights tailored to specific individuals. The overall CCS score is determined by multiplying the score for each factor by the weight, adding the results, and then dividing by the sum of the weights.

This demonstration project, in part, is predicated on the belief that the continued success and viability of the laboratories depends on all employees seeking to contribute in each of the areas defined by the six factors. Making all employees accountable for all factors shifts organizational values in new directions. For this reason, no factor can be given a weight of zero. Laboratory directors/commanders should annually review the weightings for the various job categories to see if they can be increased toward a weighting of 1.0 to encourage and allow employees to raise their CCS contribution assessment by contributing in a broader range of activities. Contribution in all six factors is important to ensure both the overall success of DoD laboratories and individual S&E career growth. Hence, the weights should be reviewed frequently, and an effort made to move away from them in later years of the demonstration.

Other guidelines for setting weights for the six factors are: (a) Weights may

be assigned any value, in increments of 0.1, from 0.1 to 1.0; (b) At least three factors must have a weight of 1.0; and (c) No more than one factor can have a weight of less than 0.5. For all six factors, therefore, the weights must sum from 4.1 to 6.0.

8. Voluntary Pay Reduction and Pay Raise Declination

A provision exists today for an employee to request a change to lower grade. If that request is totally the employee's choice, then the employee's salary is lowered accordingly. Although the rationale behind such a voluntary request varies, under CCS a voluntary request for a pay reduction or a voluntary declination of a pay raise would effectively put an over-compensated employee's pay closer to or below the standard pay line. Since an objective of CCS is to properly compensate employees for their contribution, the granting of such requests is consistent with this goal. Under normal circumstances, all employees should be encouraged to advance their careers through increasing contribution rather than trying to be under-compensated at a fixed level of contribution.

To handle these special circumstances, employees must submit a request for voluntary pay reduction or pay raise declination during the 30-day period immediately following the annual payout, and show reasons for the request. All actions will be appropriately documented.

9. Implementation Schedule

The 1996 employee annual appraisal will be done according to Air Force performance plan rules in effect at the time of the 1996 close-out. The 1997 appraisal cycle will also begin but is not anticipated to be completed due to the implementation schedule of this demonstration project. The first assessment cycle under CCS will commence the day the demonstration is implemented and run through 30 September 1997. The first CCS payout will be given in the traditional first full pay period in calendar year 1998.

10. CCS Grievance Procedures

An employee may grieve the assessment received under CCS. Nonbargaining unit employees, and bargaining unit employees covered by a negotiated grievance procedure which does not permit grievances over performance ratings, must file assessment grievances under administrative grievance procedures. Bargaining unit employees, whose negotiated grievance procedures cover

performance rating grievances, must file assessment grievances under those negotiated procedures.

E. Contribution-based Reduction in Pay or Removal Actions

This section applies to reduction in pay or removal of demonstration project employees based solely on inadequate contribution. Adverse actions procedures under 5 CFR 752 remain unchanged.

When an employee's contribution plots in the area above the upper rail of the SPL (section III D 3) the employee is considered to be in the Automatic Attention Zone (AAZ). In this case, the supervisor has two options. The first is to take no action but to document this decision in a memorandum for record. A copy of this memorandum will be provided to the employee and to higher levels of management. The second option is to inform the employee, in writing, that unless the contribution increases to, and is sustained at, a higher level, the employee may be reduced in pay or removed.

These provisions also apply to an employee whose contribution deteriorates during the year. In such instances, the group of supervisors who meet during the CCS assessment process may reconvene any time during the year to review the circumstances warranting the recommendation to take further action on the employee.

The supervisor will afford the employee a reasonable opportunity (a minimum of 60 days) to demonstrate increased contribution commensurate with the duties and responsibilities of the employee's position. As part of the employee's opportunity to demonstrate increased contribution, the laboratory will offer assistance to the employee.

Once an employee has been afforded a reasonable opportunity to demonstrate increased contribution, the laboratory may propose a reduction in pay or removal action. If the employee's contribution increases to a higher level and is again determined to deteriorate in any area within 2 years from the beginning of the opportunity period, the laboratory may initiate reduction in pay or removal with no additional opportunity to improve. If an employee has contributed appropriately for 2 years from the beginning of an opportunity period and the employee's overall contribution once again declines, the laboratory will afford the employee an additional opportunity to demonstrate increased contribution before determining whether or not to propose a reduction in pay or removal.

An employee whose reduction in pay or removal is proposed is entitled to a

30 day advance notice of the proposed action that identifies specific instances of inadequate contribution by the employee on which the action is based. The laboratory may extend this advance notice for a period not to exceed an additional 30 days. The laboratory will afford the employee a reasonable time to answer the laboratory's notice of proposed action orally and/or in writing.

A decision to reduce in pay or remove an employee for inadequate contribution may be based only on those instances of inadequate contribution that occurred during the 2 year period ending on the date of issuance of the advance notice of proposed action. The laboratory will issue written notice of its decision to the employee at or before the time the action will be effective. Such notice will specify the instances of inadequate contribution by the employee on which the action is based and will inform the employee of any applicable appeal or grievance rights.

The laboratory will preserve all relevant documentation concerning a reduction in pay or removal which is based on inadequate contribution and make it available for review by the affected employee or designated representative. At a minimum, the laboratory's records will consist of a copy of the notice of proposed action; the written answer of the employee or a summary thereof when the employee makes an oral reply; and the written notice of decision and the reasons therefore, along with any supporting material including documentation regarding the opportunity afforded the employee to demonstrate increased contribution.

When the action is not taken because of contribution improvement by the employee during the notice period, the employee is not reduced in pay or removed, and the employee's contribution continues to be deemed adequate for 2 years from the date of the advanced written notice, any entry or other notation of the proposed action will be removed from all laboratory records relating to the employee.

F. Voluntary Emeritus Corps

Under the demonstration project, laboratory directors/commanders will have the authority to offer retired or separated employees voluntary assignments in the laboratories. This authority will include employees who have retired or separated from Federal service, including those who have accepted a buy-out. The voluntary emeritus corps will ensure continued quality research while reducing the overall salary line by allowing higher

paid employees to accept retirement incentives with the opportunity to retain a presence in the scientific community. The program will be of most benefit during manpower reductions as senior S&Es could accept retirement and return to provide valuable on-the-job training or mentoring to less experienced employees.

To be accepted into the emeritus corps, a volunteer must be recommended by laboratory managers to the laboratory director/commander. Everyone who applies is not entitled to a voluntary assignment. The laboratory director/commander must clearly document the decision process for each applicant (whether accepted or rejected) and retain the documentation throughout the assignment. Documentation of rejections will be maintained for 2 years.

To encourage participation, the volunteer's federal retirement pay (whether military or civilian) will not be affected while serving in a voluntary capacity.

Volunteers will not be permitted to monitor contracts on behalf of the government or to participate on any contracts where a conflict of interest exists.

An agreement will be established between the volunteer, the laboratory director/commander, and the Civilian Personnel Flight. The agreement must be finalized in advance and shall include as a minimum:

(a) a statement that the voluntary assignment does not constitute an appointment in the civil service and is without compensation,

(b) the volunteer waives any and all claims against the Government because of the voluntary assignment except for purposes of on-the-job injury compensation as provided in 5 U.S.C. 8101(1)(B),

(c) volunteer's work schedule,

(d) length of agreement (defined by length of project or time defined by weeks, months, or years),

(e) support provided by the laboratory (travel, administrative, office space, supplies),

(f) a one page SDE,

(g) a provision that states no additional time will be added to a volunteer's retirement credit as a result of being a member of the voluntary emeritus corps,

(h) a provision allowing either party to void the agreement with 10 working days written notice, and

(i) the level of security access required (any security clearance required by the assignment will be managed by the

laboratory while the volunteer is a member of the emeritus corps).

G. Revised Reduction-In-Force (RIF) Procedures

Reduction-in-force is not the vehicle for addressing contribution/disciplinary problems properly addressed under section III E or 5 U.S.C. 75, Adverse Actions. When there is a requirement to reduce the size of the laboratory workforce due to a lack of funds, lack of work, or other reason specified in 5 CFR 351.201, demonstration project employees will be identified for reduction using the following procedures.

A separate competitive area will be established by geographic location for all laboratory personnel included in the demonstration project. The revised RIF procedures apply to all regular career S&Es (including those who have not completed their probationary period).

Each laboratory shall establish competitive levels consisting of all positions in a competitive area which are in the same broadband level and occupational family and which are similar enough that the incumbent of one position could succeed in the new position without any loss of productivity beyond that normally expected in the orientation of any new, but fully qualified, employee. The laboratory directors/commanders, or their designee, will observe and participate with the appropriate Civilian Personnel representative in all placement actions.

Competing employees shall be ranked on a retention register on the basis of their annual CCS assessment (ΔX), veterans preference, and length of service. The ΔX is determined by plotting an individual's annual CCS score and present salary as a point on a graph and computing the difference between the position of that point and the contribution point on the SPL for the employee's salary rate. This is computed by actual CCS score minus expected SPL point for that salary rate and may result in positive, zero, or negative ΔX . This ΔX replaces the annual performance rating in the RIF definition and is the primary factor in determining an employee's retention standing.

The retention order will be as follows:

(a) All regular career employees, including those employees who have not completed a probationary period, will be listed on the retention register based on an individual's ΔX consisting of an average of the three most recent CCS assessments of record. The employees will then be divided into three categories: (1) above the upper rail (a ΔX less than -0.30), (2) within the

two rails (a ΔX equal to or greater than -0.30 and less than or equal to $+0.30$), and (3) below the lower rail (a ΔX greater than $+0.30$).

(b) All employees within each of these three categories will tie for the purposes of RIF. Ties will be broken by using an employee's veterans preference for RIF (i.e., 30 percent disabled veterans will be listed first, followed by other veterans, and all non-veterans will be listed last).

(c) Ties within this latter category will be broken based on Service Computation Date (SCD). No additional credit will be added to the SCD based on the CCS annual assessments.

Until the first CCS assessment is given under the demonstration project, traditional RIF rules will be followed. Should a RIF occur between the first and second CCS assessment dates, employees will have their SCD adjusted based on the employee's two most recent annual performance ratings of record received during the 3-year period prior to implementation of the demonstration project. Effective with the second CCS assessment date, no credit will be given for ratings received outside the demonstration project.

One objective of the demonstration project is to ensure lower ranked contributors are the first to be RIFed while continuing to preserve Veterans Preference. After 3 years of evaluating CCS and the revised RIF process, a decision will be made whether or not to continue the RIF process described above or to consider alternatives.

Employees serving under a contingent appointment will not have a right to compete for retention in RIF. Accordingly, these employees will be listed at the bottom of the appropriate retention register and must be separated before any regular career employees can be released from the competitive level.

To provide adequate time to determine employee retention standing, the laboratory will establish a cutoff date—a minimum of 30 calendar days prior to the issuance of RIF notices—after which no new CCS assessments will be put on record and used for purposes of RIF. When a cutoff date is used, employees will receive their ΔX for the three most recent CCS assessments received during the 4 year period prior to the cutoff date.

To be creditable for purposes of RIF, an assessment must have been issued to the employee, with all appropriate reviews and signatures, and must be on record (e.g., the assessment is available for use by the office responsible for establishing retention registers).

An employee who has received fewer than three annual CCS assessments of

record shall be ranked based on any actual assessment(s) received and the required number of assumed assessment(s) of 0.0 ΔX (the contribution factor for their current salary as defined by the SPL).

An employee who has received a written decision under the contribution-based actions provision of the demonstration described in section III E competes under RIF from the position to which the employee will be or has been demoted.

Assignment rights for employees identified for release from a competitive level will be determined in the following order: (a) Vacant positions—assignment may be made to any available vacant position in the competitive area; then (b) Trumping—an employee with a higher retention standing displaces another employee in another competitive level in the same broadband level. Trumping replaces the bumping and retreat action under the traditional RIF system.

Each competing employee is entitled to a specific written notice at least 60 full calendar days before the effective date of release when a significant number of employees will be separated. An employee is entitled to a second written notice, as appropriate, at least 60 full calendar days if the agency decides to take an action more severe than first specified.

IV. Training

An extensive training program is planned for support personnel and every employee in the demonstration project including managers, supervisors, and S&Es. Training will be tailored to fit the requirements of every employee included and will fully address employee concerns to ensure everyone has a comprehensive understanding of the program and to emphasize the benefits to employees. In addition, leadership training will be provided to all managers and supervisors as the new system places more responsibility and decision making authority on their shoulders.

Using an existing task order contract through Armstrong Laboratory, the training packages will be developed to encompass all aspects of the project and validated prior to training the workforce. Specifically, training is being developed for the following groups of employees:

(a) lab S&Es included in the demonstration,

(b) civilian and military supervisors and managers, and

(c) administrative support personnel, civilian personnel offices, civilian pay offices, and HQ AFMC and center

personnel who must understand laboratory operations under the demonstration.

Training requirements will vary from an overview of the new system; to a more detailed package for laboratory S&Es; to very specific instructions for both civilian and military supervisors, managers, and others who provide personnel and payroll support.

Base level training personnel will provide local training management, facilities, and support to laboratory directors/commanders. Contract training personnel will be utilized where organic capabilities are not available or not economically feasible. The training will begin, and be completed, within the 90 days prior to implementation.

V. Conversion

A. Conversion to the Demonstration Project

Initial entry into the demonstration project for covered employees will be accomplished through a full employee protection approach that ensures each employee an initial place in the appropriate broadband level without loss of pay. An automatic conversion from current GS/GM grade and step into the new broadband system will be accomplished. Special Salary Rates will no longer be applicable to demonstration project employees. All employees will be eligible for the future locality pay increases of their geographical area. Employees on Special Salary Rates at the time of conversion will receive a new basic pay rate computed by dividing their highest adjusted basic pay (i.e., special pay rate or, if higher, the locality rate) by the locality pay factor for their area. A full locality adjustment will then be added to the new basic pay rate. Adverse action and pay retention provisions will not apply to the conversion process as there will be no change in total salary. Employees who enter the demonstration project later by lateral reassignment or transfer will be subject to parallel pay conversion rules.

B. Conversion Back to the Former System

In the event the project ends, a conversion back to the former (regular) Federal civil service system will be required. All employees in a broadband level corresponding to a single General Schedule (GS) grade will be converted to that grade. Employees in a multiple grade broadband level will be considered to have attained the next higher grade when they have been in the level at least 1 year and their salary equals or exceeds the minimum salary

of the higher grade. For employees who are entitled to a special rate upon return to the General Schedule, the demonstration project locality rate must equal or exceed the minimum special rate of the higher grade. To set GS pay upon conversion, an employee's demonstration project locality rate would be converted (prior to leaving the project) to the highest General Schedule rate range (i.e., locality rate range or special rate range) applicable to the employee. If the employee's rate falls between the fixed rates for the applicable range, it will be raised to the next higher rate. The employee's GS basic rate (excluding special rates or locality payments) would then be derived based on the grade and step associated with this converted rate. Employees who leave the demonstration project and return to the General Schedule pay system via reassignment, promotion, demotion, or transfer are subject to parallel pay conversion rules to determine the converted GS rates under the demonstration project to be used in applying GS pay administration rules (e.g., promotion rule or maximum payable rate rule) in setting pay at the gaining agency.

VI. Project Duration

Public Law 103-337 removed any mandatory expiration date for this demonstration. The project evaluation plan adequately addresses how each intervention will be comprehensively evaluated for at least the first 5 years of the demonstration. Major changes and modifications to the interventions can be made through announcement in the Federal Register and would be made if formative evaluation data warranted. At the 5 year point, the entire demonstration will be reexamined for either: (a) permanent implementation, (b) change and another 3-5 year test period, or (c) expiration.

VII. Evaluation Plan

Authorizing legislation mandates evaluation of the demonstration project to assess the merits of project outcomes and to evaluate the feasibility of applications to other federal organizations. A comprehensive and methodologically rigorous evaluation of the personnel system changes will be carried out. The overall evaluation consists of two components—external and internal evaluation. Both components will be overseen by the Office of Personnel Management (OPM) to benefit from their extensive experience evaluating demonstration projects. Further, OPM will serve in the role of external evaluator to ensure the integrity of the evaluation process,

and interpretation of results. Their external evaluation will be supplemented by an internal evaluation to be accomplished by the staff of the USAF laboratories. Selected parts of the evaluation will be completed using contractor support; the contractor(s) will be well qualified and experienced with demonstrated expertise in performing relevant support functions.

Essential elements of the evaluation plan are set forth below. The demonstration project is a complex experiment to be conducted in a dynamic environment over several years. Modifications and refinements to the evaluation plan will be made as required by mid-course project changes. All additions, deletions, and refinements to the current plan will be fully documented and explained as part of the evaluation reporting process.

The main purpose of the evaluation is to determine the effectiveness of the personnel system changes described by the individual interventions. Every effort will be made to establish direct cause-and-effect relationships between the interventions and effectiveness criteria. An ancillary objective is to assess the effects of the interventions on improved organizational performance. An indirect causal link is hypothesized between the personnel system changes and improved organizational effectiveness, e.g., improved laboratory performance, mission accomplishment, and customer satisfaction. The current personnel management system with its many rigid rules and regulations often is perceived as a barrier to mission accomplishment. Together, the demonstration project initiatives are intended to remove some of those barriers, and, therefore, are expected to contribute to improved laboratory performance.

The evaluation effort will be accomplished in four distinct phases:

- (a) Design phase—includes development of the evaluation model, selection of experimental and comparison sites, and collection of baseline data prior to implementation;
- (b) Implementation phase—includes actual project implementation and monitoring of the degree and support of implementation to assure that each of the project interventions has been operationalized as originally conceived;
- (c) Formative evaluation phase—includes data collection and analysis for 5 years for purposes of evaluating the effects of the interventions. Periodic reports and annual summaries will be prepared to document the findings; and
- (d) Summative evaluation phase—focuses on summary evaluation and overall assessment of the project's

impact, including presentation of conclusions and final recommendations upon completion of the project.

A quasi-experimental design with pre- and post-implementation comparisons will be employed. Baseline measures will be taken prior to project implementation. Then, repeated measurements will be taken post-implementation, throughout the formative evaluation phase, to allow longitudinal comparisons.

Scientific and engineering personnel at all USAF laboratory sites constitute the experimental group, leaving no laboratory site that can be used to form a permanent, equivalent "no treatment" control group. A control group is defined as consisting of employees managed under the traditional Civil Service system.

Provisions are being made to address the lack of a control group by collecting data from other non-equivalent sites for comparison purposes. Options being explored are:

(a) Use Army and Navy laboratories as temporary control groups. These laboratories are eligible to conduct personnel demonstration projects under the authorizing legislation, and most, if not all, are planning their own projects. Until their projects are approved, the employees could serve as short-term controls.

(b) Construct a composite comparison group from laboratories in civilian federal agencies, with occupational and other workforce demographics comparable to those of the USAF laboratories.

An additional feature of the design calls for comparisons of trends relative

to those for prior demonstration projects now operating under non-traditional personnel systems, including the National Institutes for Standards and Technology (NIST) and Naval laboratories (Naval Warfare Center and Naval Ocean Systems Center). A retrospective analysis will be conducted to compare historic data from prior projects with that obtained from the USAF laboratories on common measures collected at equivalent points during the implementation and formative evaluation phases.

As shown in Figure 4, a general evaluation model has been developed which postulates: (a) specific intermediate effects of each individual intervention, and (b) ultimate effects of the combined interventions on organizational performance. Intermediate, intended outcomes are those changes, as a result of the experimental interventions, which contribute to achieving the ultimate goals. Further, efforts will be made to assess unintended effects, that is, unanticipated impacts that may be positive or negative in nature. Any changes can have unintended outcomes, and those proposed for the demonstration project are no exception. The evaluation methods and measures will be comprehensive in design in order to capture unintended results. Moreover, as the results of the intervention evaluation are being interpreted and conclusions are being drawn, consideration will be given to the context in which the demonstration project is occurring. Much of the context cannot be controlled, but contextual

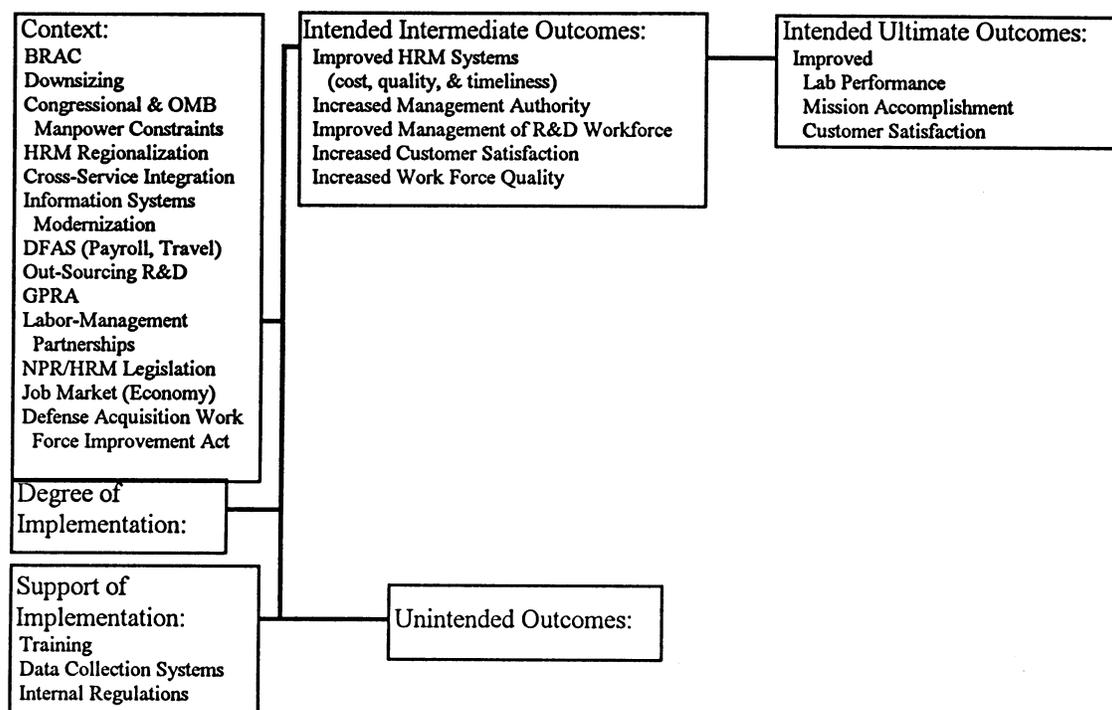
events will be identified and considered in the evaluation as potential intervening variables.

The effectiveness of each intervention and the project as a whole in meeting stated objectives will be addressed using a multi-method approach. Some methods will be unobtrusive in that they do not require reactions or inputs from employees or managers. These methods include analysis of archival workforce data and personnel office data, review of logs maintained by site historians documenting contextual events, and organizational records of scientific and engineering products and research study progress reports. Other methods such as structured interviews, focus groups, and attitude surveys will be used to collect the perceptions of laboratory managers and supervisors, as well as customers.

The specific measures to be collected using the different methods will be deduced from the goals and objectives stated for each intervention. Both quantitative and qualitative measures will be obtained. Most of the potential measures can be grouped around three major effectiveness criteria: speed, cost, and quality. Collectively, the intermediate outcomes of the interventions are hypothesized to lead to human resource management improvements, as reflected by timeliness, cost-effectiveness, and quality. The same three criteria apply to ultimate outcomes indicating organizational performance.

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FIGURE 4 - GENERAL EVALUATION MODEL



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VIII. Demonstration Project Costs

A. Step Buy-Ins

Under the current pay structure, employees progress through their assigned grade in step increments. Since this system is being replaced under the demonstration project, employees will be awarded that portion of the next higher step they have completed up until the effective date of implementation. As under the current system, supervisors will be able to withhold these partial step increases if the employee's performance falls below fully successful.

The 1996 annual appraisal will be closed on the normal close-out date of June 30, 1996. The first formal CCS assessment cycle will begin on the effective date of implementation of the demonstration and will end on September 30, 1997. The general increase to employee's base pay in January 1997 will be handled under existing procedures. The first CCS pay adjustments will be made during the first full pay period of CY98. Future CCS pay adjustments will be effective the beginning of the first full pay period of subsequent calendar years.

Rules governing Within-Grade Increases (WGI) under the current Air Force performance plan will continue in effect until the implementation date.

Adjustments to the employees base salary for WGI equity will be computed effective the date of implementation to coincide with the beginning of the first formal CCS assessment cycle. WGI equity will be acknowledged by increasing base salaries by a prorated share based upon the number of days an employee has completed towards the next higher step. Employees at step 10 on the date of implementation will not be eligible for WGI equity adjustments since they are already at the top of the step scale.

B. Cost Neutrality

The demonstration project is required to be cost neutral. A baseline will be established at the start of the project and salary expenditures will be tracked yearly. Implementation costs, including the step buy-in costs detailed above, will not be included in the cost neutrality evaluations.

Special Salary Rates will no longer be applicable to demonstration project employees. The only factor in the pay equation which varies from the current system is the allowance for step increases and promotions, denoted by "I." The 15 year demonstration project at China Lake has demonstrated this number to average 2.4% per year. This figure has been further validated by OPM. By limiting annual CCS based pay increases to the general increases (G) plus 2.4% should, by definition,

maintain cost neutrality under CCS. If through the project evaluation process it is determined that cost neutrality is not being maintained, the "I" rate will be adjusted to a rate which will provide for cost neutrality within 3 years.

C. Personnel Policy Boards

It is being recommended that each laboratory establish a Personnel Policy Board that would consist of the senior civilian in each directorate within the laboratory and be chaired by the laboratory executive director. The board would be tasked with the following:

- (a) Overseeing the civilian pay budget,
- (b) Addressing issues associated with two separate pay systems (CCS and GS) during the first phase of the demonstration project,
- (c) Determining the composition of the CCS pay pools in accordance with the established guidelines,
- (d) Reviewing operation of the laboratory CCS pay pools,
- (e) Providing guidance to pay pool managers,
- (f) Administering funds to CCS pay pool managers,
- (g) Integrating CCS with the free-market model,
- (h) Reviewing hiring and promotion salaries,
- (i) Addressing Manage to Budget (MTB) issues to include the tracking of average salaries, and

(j) Monitoring award pool distribution by organization and by S&E versus non-S&E.

Should the laboratory elect not to establish a Personnel Policy Board, the charter of an existing group within each

laboratory must be modified to include the duties detailed above.

D. Developmental Costs

Costs associated with the development of the demonstration system include software automation, training, and project evaluation. All

funding will be provided through the Air Force Science and Technology budget. The projected annual expenses for each area is summarized in Table 4. Project evaluation costs will continue for at least the first 5 years and may continue beyond.

TABLE 4.—PROJECTED DEVELOPMENTAL COSTS
[Then year dollars in thousands]

	FY95	FY96	FY97	FY98	FY99
Training	\$170	\$100	\$50		
Project Eval	20	200	150	\$150	\$150
Automation		150	100		
Data Systems		260			
Totals	190	710	300	150	150

IX. Required Waivers to Law and Regulation ¹⁰

A. Waivers to Title 5, United States Code

Chapter 31, Section 3111: Acceptance of volunteer service.

Chapter 33: Examination; selection; placement.

Chapter 35, Sections 3501–3502: Related to retention preference.

Chapter 43, Sections 4301–4305: Related to performance appraisal.

Chapter 51, Sections 5101–5102 and Sections 5104–5107: Related to classification standards and grading.

Chapter 53, Sections 5301; 5302 (8) and (9); 5303; 5304 (only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees and to allow basic rates of pay under the demonstration to be treated as scheduled rates of basic pay): 5305; 5331–5336; and 5361–5366: Related to special pay; pay rates and systems; grade and pay retention.

Chapter 55, Section 5545 (d): Related to hazardous duty premium pay (only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees).

Chapter 57, Sections 5753, 5754, and 5755: Related to recruitment, relocation, and retention payments; supervisory differential (only to the extent necessary to allow employees and positions under the demonstration project to be treated as

employees and positions under the General Schedule).

Chapter 75, Sections 7512 (3): Related to adverse action (but only to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay) and 7512 (4): Related to adverse action (but only to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee's total rate of pay).

Chapter 75, Sections 7512 (3): Related to adverse action (but only to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee's total rate of pay).

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B. Waivers to Title 5, Code of Federal Regulations

Part 300, Sections 300.601 through 300.605: Time-in-grade restrictions.

Part 308, Sections 308.101 through 308.103: Volunteer service.

Part 315, Sections 315.801 and 315.802: Probationary period.

Part 334, Section 334.102 : Temporary assignment of employees outside agency.

Part 340: Other than full-time career employment.

Part 351, Sections 351.203; 351.403; 351.501; 351.504; 351.701; 351.801; and 351.805: Related to retention preference.

Part 430, Subpart A and Subpart B: Performance management; performance appraisal.

Part 432, Sections 432.103 through 432.105: Performance-based reduction-in-grade and removal actions.

Part 511, Subpart A, Subpart B, and Subpart F, sections 511.601 through 511.612: Classification within the General Schedule.

Part 530, Subpart C: Special salary rates.

Part 531, Subpart B, Subpart D, Subpart E, and Subpart F: Determining rate of pay; within-grade increases; quality step increases; locality payments (only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees and to allow basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay).

Part 536, Subpart A, Subpart B, and Subpart C: Grade and pay retention.

Part 550, Sections 550.902: Hazard Pay, definition of "employee" (only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees).

Part 575, Sections 575.102 (a)(1), 575.202 (a)(1), 575.302 (a)(1), and Subpart D: Recruitment and relocation bonuses; retention allowances; supervisory differentials (only to the extent necessary to allow employees and positions under the demonstration project to be treated as employees and positions under the General Schedule positions).

Part 752, Sections 752.401 (a)(3): Reduction in grade and pay (but only to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay) and 752.401 (a)(4) (but only to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee's total rate of pay).

Part 752, Sections 752.401 (a)(3): Reduction in grade and pay (but only to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay) and 752.401 (a)(4) (but only to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee's total rate of pay).

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Part 752, Sections 752.401 (a)(3): Reduction in grade and pay (but only to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay) and 752.401 (a)(4) (but only to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee's total rate of pay).

Part 752, Sections 752.401 (a)(3): Reduction in grade and pay (but only to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay) and 752.401 (a)(4) (but only to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee's total rate of pay).

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¹⁰ Waiver required only to the extent that the project conflicts with pertinent provision of law and regulation.

Federal Reserve

Wednesday
May 15, 1996

Part VI

**Securities and
Exchange
Commission**

17 CFR Part 231, et al.
Use of Electronic Media by Broker-
Dealers, Transfer Agents, and Investment
Advisers for Delivery of Information;
Final Rules

**SECURITIES AND EXCHANGE
COMMISSION****17 CFR Parts 231, 241, 271, and 276**[Release No. 33-7288; 34-37182; IC-21945;
IA-1562; File No. S7-13-96]**Use of Electronic Media by Broker-
Dealers, Transfer Agents, and
Investment Advisers for Delivery of
Information; Additional Examples
Under the Securities Act of 1933,
Securities Exchange Act of 1934, and
Investment Company Act of 1940****AGENCY:** Securities and Exchange
Commission.**ACTION:** Interpretation; solicitation of
comments.

SUMMARY: The Securities and Exchange Commission ("Commission") is publishing its views with respect to the use of electronic media by broker-dealers, transfer agents, and investment advisers to deliver information as required under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940. This interpretation is intended to provide guidance in using electronic media to fulfill broker-dealers' obligations to deliver information to customers, transfer agents' obligations to deliver information upon written request, and investment advisers' disclosure delivery obligations. The Commission also is supplementing its interpretive release published on October 6, 1995, with seven additional examples illustrating the application of that earlier release to information delivery under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940. Finally, the Commission is seeking comment on the issues discussed in this release.

DATES: This interpretation is effective on
May 15, 1996.Comments must be received on or
before July 1, 1996.**ADDRESSES:** Comments should be
submitted in triplicate to Jonathan G.
Katz, Secretary, Securities and Exchange
Commission, 450 Fifth Street NW., Mail
Stop 6-9, Washington, DC 20549.
Comments also may be submitted
electronically at the following electronic
mail address: rule-comments@sec.gov.
All comment letters should refer to File
Number S7-13-96. This file number
should be included on the subject line
if comments are submitted using
electronic mail. Comment letters will be
available for public inspection and
copying at the Commission's Public
Reference Room, 450 Fifth Street NW.,
Washington, DC 20549. Electronically
submitted comment letters will be
posted on the Commission's Internet
web site (<http://www.sec.gov>).**FOR FURTHER INFORMATION CONTACT:**
Catherine McGuire, Chief Counsel, or
Elizabeth King, Special Counsel, or Jack
Drogin, Special Counsel (concerning
Rules 10b-10, 10b-16, 15c1-5, 15c1-6,
15c2-12, and 15g-2 through 15g-9
under the Securities Exchange Act of
1934, and the release generally), 202/
942-0073, Office of Chief Counsel, Mail
Stop 5-10; Sheila Slevin, Assistant
Director (concerning information about
technology generally), 202/942-0796,
Mail Stop 5-1; Michael Walinskas,
Special Counsel (concerning Rule 9b-1
under the Securities Exchange Act of
1934), 202/942-0188, Mail Stop 5-1;
Elizabeth MacGregor, Special Counsel
(concerning Rule 11Ac1-3 under the
Securities Exchange Act of 1934), 202/
942-0158, Mail Stop 5-1; Alan Reed,
Attorney (concerning Rules 15c2-8 and
15c2-11 under the Securities Exchange
Act of 1934), 202/942-0772, Mail Stop
5-1; Michael A. Macchiaroli, Associate
Director (concerning Exchange Act
Rules 8c-1, 15c2-5, 15c3-2, 15c3-3,
and 17a-5), 202/942-0132, Mail Stop 5-
1; Jerry Carpenter, Assistant Director
(concerning Exchange Act Rule 17Ad-
5), 202/942-4187, Mail Stop 5-1,
Division of Market Regulation; Jack W.
Murphy, Chief Counsel or Amy
Doberman, Assistant Chief Counsel
(concerning the Investment Advisers
Act of 1940 and the examples
illustrating application of electronic
delivery to mutual funds), 202/942-
0660, Mail Stop 10-6, Division of
Investment Management; Joseph Babits,
Special Counsel (concerning the
examples regarding application of
electronic delivery to issuers other than
mutual funds), 202/942-2910, Mail Stop
3-7, Division of Corporation Finance,
Securities and Exchange Commission,
450 Fifth Street NW., Washington, DC
20549.**SUPPLEMENTARY INFORMATION:****I. Introduction**

On October 6, 1995, the Commission published an interpretive release expressing its views on the electronic delivery of documents, such as prospectuses, annual reports to shareholders, and proxy solicitation materials under the Securities Act of 1933 ("Securities Act"), the Securities Exchange Act of 1934 ("Exchange Act"), and the Investment Company Act of 1940 ("October Interpretive Release").¹

¹ Securities Act Release No. 7233 (Oct. 6, 1995), 60 FR 53458 (Oct. 13, 1995) (hereinafter "October

In the October Interpretive Release, the Commission directed the Division of Market Regulation ("Division") to review Rule 10b-10 and other rules it administers under the Exchange Act to determine if and under what conditions electronic delivery of information required by those rules is feasible.² Accordingly, the Division conducted a review of the rules it administers under the Exchange Act. Based on that review, the Commission is issuing this release, which expresses its views with respect to the delivery of information through electronic media in satisfaction of broker-dealer and transfer agent requirements to deliver information under the Exchange Act and the rules thereunder. In conjunction with the results of that review, the Commission is publishing its views on the use of electronic media with respect to the disclosure delivery obligations of investment advisers and persons acting on their behalf³ under the Investment Advisers Act of 1940 ("Advisers Act").

This release addresses only the procedural aspects under the federal securities laws of the delivery of information by broker-dealers, transfer agents, and investment advisers. It does not affect the rights and responsibilities of any party under the federal securities laws.⁴ This release also does not address

Interpretive Release"). In a companion release, the Commission proposed technical amendments to certain of its rules that currently are premised on the distribution of paper documents. Securities Act Release No. 7234 (Oct. 6, 1995), 60 FR 53467 (Oct. 13, 1995). Today the Commission is adopting these technical amendments substantially as proposed. Securities Act Release No. 7289 (May 9, 1996).

² October Interpretive Release, *supra* note 1, at 53459, n.12.

³ The term investment adviser is used in the rest of this release to refer to both investment advisers and persons acting on their behalf (including any solicitor receiving cash compensation from an adviser in accordance with Advisers Act Rule 206(4)-3, 17 CFR 275.206(4)-3).

⁴ The substantive requirements and liability provisions of the federal securities laws apply equally to electronic and paper-based media. For example, the antifraud provisions of the Exchange Act and Rule 10b-5 thereunder, as well as section 206 of the Advisers Act and the rules thereunder, apply to information delivered and communications transmitted electronically, to the same extent as they apply to information delivered in paper form. See October Interpretive Release, *supra* note 1, at 53459, n.11. In addition, broker-dealers, transfer agents, and investment advisers continue to be subject to their respective recordkeeping requirements under Exchange Act Rules 17a-3 and 17a-4, 17 CFR 240.17a-3 and 240.17a-4, Exchange Act Rules 17Ad-6 and 17Ad-7, 17 CFR 240.17Ad-6 and 240.17Ad-7, and Advisers Act Rule 204-2, 17 CFR 275.204-2.

The Commission proposed for comment amendments to the broker-dealer record preservation rule, which would permit broker-dealers to employ, under certain conditions, optical storage technology to maintain required records. See Exchange Act Release No. 32609 (July 9, 1993), 58 FR 38092 (July 15, 1993) ("Proposing Release").

or affect the applicability of any self-regulatory organization ("SRO") rules,⁵

At the time these amendments were proposed, concerns were expressed that optical disk images would make it difficult, from an examination and discovery perspective, to detect alterations made to handwritten records and to records containing handwritten text. To address these concerns, the Proposing Release solicited comments on the adequacy of optical disk technology to preserve handwritten records or records that contain handwritten text.

Simultaneous with the issuance of the Proposing Release, the Division of Market Regulation, with the Commission's concurrence, issued a no-action letter permitting broker-dealers to use optical disk technology immediately. See Letter from Michael A. Macchiaroli, Associate Director, Division of Market Regulation, SEC to Mr. Michael D. Udoff, Chairman, *Ad Hoc* Record Retention Committee, Securities Industry Association, Inc., (June 18, 1993). The no-action letter permits the optical storage of all paper records, including handwritten records, except those records required to be made under paragraphs (a)(6) and (a)(7) of Rule 17a-3 (proprietary and customer order tickets).

The Commission's request for comment in the Proposing Release regarding handwritten records was in no way intended to limit reliance on the no-action letter. In addition, the Commission notes that paperless order tickets (*i.e.*, those generated by computers) may, under the no-action letter, be stored on optical disks. The Commission understands that most of the large firms generate paperless order tickets rather than handwritten order tickets.

Finally, the Commission is aware that questions have been raised regarding the application of the optical storage no-action letter. The staff of the Division of Market Regulation is prepared to discuss with interested persons any issues in connection with this letter, as well as with the Proposing Release.

⁵ See, *e.g.*, National Association of Securities Dealers, Inc. ("NASD") Notice to Members 95-80 (Sept. 26, 1995), NASD Rules of Fair Practice § 35, and New York Stock Exchange, Inc. ("NYSE") Rule 472, which govern member firm responsibilities relating to communications with the public, including electronic communications.

In order to determine whether new guidelines are needed for the use of electronic communications, on January 12, 1996, the NYSE sent a survey to its members and member organizations regarding the use of electronic systems to communicate with customers. The NYSE asked its members to return the survey by February 15, 1996. NYSE Information Memorandum (Jan. 12, 1996). The Commission understands that the NASD intends to send a similar survey to its members.

The Commission strongly encourages the SROs to continue to work with broker-dealers to adapt SRO supervisory review requirements governing communications with customers to accommodate the use of electronic communications by broker-dealers. Because electronic delivery systems allow broker-dealers and their associated persons to freely contact the general public, as well as their clients, firms should maintain effective supervision and records of associated persons' communications to avoid potential sales practice problems. The Commission believes, however, that the SROs' rules concerning the supervisory requirements for electronic communications should be based on the content and audience of the message, and not merely the electronic form of the communication. For example, the SROs should consider whether electronic mail communications, that, as a practical matter, replace or substitute for telephone conversations, in many cases would not require advance authorization or prior supervisory review.

The Commission also recognizes that broker-dealers are concerned about the costs of

of any state laws. Broker-dealers, transfer agents, and investment advisers, therefore, are reminded to consider the applicability of SRO rules and state laws in connection with delivering information electronically.⁶ The release further does not affect any rules promulgated under the Exchange Act by agencies other than the Commission.⁷

Finally, this interpretation does not address the existing paper filing requirements with the Commission,⁸

maintaining electronic communications as records on a long term basis, and it intends to discuss these concerns further with the securities industry.

⁶ Article 8 of the UCC was revised substantially in 1994, and the revisions were endorsed by both the American Law Institute and the National Conference of Commissioners on Uniform State Laws. This revised version has been adopted by 13 states. Under Revised Article 8 Section 8-102(6), parties to a transaction may "transmit information by any mechanism agreed upon by the persons transmitting and receiving the information." Revised Article 8 eliminates the current Section 8-319 requirement for a signed writing evidencing the terms of a securities transaction.

It states that have not yet codified the 1994 amendments, a confirmation bearing the broker-dealer's letterhead or some other identifying marking, generally, fulfills that requirement. See *e.g.*, *Kohlmeyer and Co. v. Bowen*, 192 S.E.2d 400, 126 Ga. App. 700 (Ga. Ct. App. 1972); See also *Bains v. Piper, Jaffray & Hopwood*, 497 N.W.2d 263 (Minn. Ct. App. 1993) (computer generated confirmation held to satisfy the UCC requirement for a writing).

⁷ See, *e.g.*, Treas. Reg. §§ 404.4(e) and 403.5(d) (rules regarding hold in custody repurchase agreements applicable to government securities brokers and dealers that are financial institutions).

⁸ For example, this interpretation does not apply to any requirements to file information with the Commission in connection with registering under sections 15, 15A, 15B, or 15C of the Exchange Act as a broker-dealer, national securities association, municipal securities dealer, or government securities broker-dealer. Broker-dealers currently register with the Commission, the SROs, and the states through the Central Registration Depository ("CRD") system operated by the NASD. A redesign of the CRD system will allow broker-dealers to file uniform registration forms electronically. In connection with the CRD redesign the Commission intends to adopt amendments to Form BD, the uniform application for broker-dealer registration under the Exchange Act. See Exchange Act Release No. 35224 (Jan. 12, 1995), 60 FR 4040 (Jan. 19, 1995) (proposing amendments to Form BD).

Because, at the present time, the Commission does not have the technological capacity to receive electronic transmissions of information from broker-dealers, transfer agents, or investment advisers, this interpretation also does not apply to other requirements to file information with the Commission under the Exchange and Advisers Acts. See, *e.g.*, Exchange Act Rule 9b-1, 17 CFR 240.9b-1 (options markets' obligation to file with the Commission any revisions to an options disclosure document); Advisers Act Form ADV, 17 CFR 279.1 (application for registration of investment advisers). The Commission, nevertheless, recognizes the desirability of electronic filing and is examining the feasibility of establishing systems capable of receiving information electronically.

other regulatory authorities,⁹ and other third parties.¹⁰

II. Use of Electronic Media

In the October Interpretive Release, the Commission noted that the electronic distribution of information provides numerous benefits and that the use of this type of medium is growing among all participants in the securities industry. The Commission concluded that issuers, third parties (such as persons making tender offers or soliciting proxies), and persons acting on behalf of such third parties may use electronic media, in accordance with the guidance provided in the October Interpretive Release, to deliver information. In addition, the Commission believes that broker-dealers, transfer agents, and investment advisers may satisfy their delivery obligations under the Exchange Act and the Advisers Act by using electronic media as an alternative to paper-based media.¹¹

This interpretation is intended to provide broker-dealers, transfer agents, and investment advisers with guidance in using electronic media to satisfy delivery requirements under the federal securities laws. This release generally covers those requirements that obligate broker-dealers to deliver information to customers, obligate transfer agents to deliver information upon written request, and obligate investment advisers to deliver information to their clients or prospective clients. Broker-dealers and investment advisers also may rely on this interpretation in obtaining customers' and clients' consents as required under certain provisions of the Exchange and Advisers Acts and the rules

⁹ For example, the notice requirements to the National Association of Securities Dealers, Inc. under Exchange Act Rule 10b-17, also are not within the scope of this interpretation. 17 CFR 240.10b-17.

¹⁰ For example, Rule 15a-6 requires U.S. registered broker-dealers, under certain circumstances, to obtain certain foreign persons' consent to service of process. 17 CFR 240.15a-6(a)(3)(iii)(D). The Commission has never taken a position as to the specific means by which the U.S. broker-dealer may meet this obligation, but believes that a consent to service of process may be obtained through the use of a facsimile.

¹¹ The exact nature of the broker-dealer's, transfer agent's, and investment adviser's delivery obligations is defined broadly and includes such terms as "give," "furnish," "send," and "deliver." The Commission believes that, in general, these terms are sufficiently broad to accommodate the contemplated electronic transmission of documents by or on behalf of the broker-dealer, transfer agent, or investment adviser and, when called for, from a customer to a broker-dealer, transfer agent, or investment adviser. *But see infra* notes 12 and 50.

thereunder.¹² A discussion of the information delivery requirements covered by this interpretation is provided in section III of this release ("Covered Delivery Requirements"). Unless the Commission indicates otherwise, this interpretive release also is intended to apply to all rules promulgated under the Exchange and Advisers Acts, including rules promulgated subsequent to the issuance of this release, requiring broker-dealers or investment advisers to deliver information to customers or clients, and to rules requiring transfer agents to deliver information in response to written requests.

A. General

This discussion is intended to complement the discussion in the October Interpretive Release and to provide general guidance concerning issues under the Exchange and Advisers Acts. The Commission believes that broker-dealers, transfer agents, and investment advisers should be able to satisfy their obligations under the federal securities laws to deliver information required under the Covered Delivery Requirements by electronic distribution. The framework set forth in the October Interpretive Release is applicable to such electronic distribution.

In the October Interpretive Release, the Commission stated that it would view information distributed through electronic means as satisfying the delivery or transmission requirements of the federal securities laws if such distribution results in the delivery to the intended recipients of substantially equivalent information as such recipients would have if the required information were delivered to them in paper form.¹³ The Commission is not specifying the electronic medium or source that broker-dealers, transfer agents, and investment advisers may use.

Like paper documents, electronically delivered documents must be prepared and delivered in a manner consistent with the federal securities laws. Regardless of whether information is delivered in paper form or by electronic means, it should convey all material and required information. If a paper document is required to present

information in a certain order, for instance, then the information delivered electronically should be in substantially the same order.¹⁴

Moreover, regardless of whether information is delivered in paper or electronic form, broker-dealers and investment advisers must reasonably supervise firm personnel with a view to preventing violations.¹⁵ Thus, broker-dealers and investment advisers should consider the need for systems and procedures to deter or detect misconduct by firm personnel in connection with the delivery of information, whether by electronic or paper means.¹⁶

The Commission believes that, as a matter of policy, a person who has a right to receive a document under the federal securities laws and chooses to receive it electronically, should be provided with the information in paper form whenever specifically requesting paper.¹⁷

In the October Interpretive Release, the Commission discussed issues of notice and access that should be considered in determining whether the legal requirements pertaining to delivery or transmission of documents

¹⁴ For a discussion of how requirements to present information in a certain order may be applied to documents containing hyperlinks, see example 51 in the October Interpretive Release. *Id.* 53466.

¹⁵ See Exchange Act § 15(b)(4)(E); Advisers Act § 203(e)(5). See also NASD Rules of Fair Practice § 27; NYSE Rule 342.

¹⁶ See, e.g., *In re: Bryant*, Securities Exchange Act Release No. 32357 (May 24, 1993), (Commission upheld a finding of the National Association of Securities Dealers, Inc. that, among other things, the failure to develop procedures to supervise a registered representative, who sent a false confirmation statement on behalf of the broker-dealer, and to enforce existing procedures constituted a failure to supervise on the part of the president of the firm).

¹⁷ For example if a person revokes consent to receiving information electronically, even following delivery of the information, a paper copy should be delivered upon request. Revocation, however, is not a prerequisite to requesting a paper copy.

The Commission understands that it can be very costly for broker-dealers to maintain records for long periods of time. This is particularly true with respect to information that is specific to a customer's account or to a transaction, such as the type of information defined below as Personal Financial Information. See *infra* section II.B. For this reason, the Commission has limited the time period that broker-dealers must preserve records required to be made under Exchange Act Rules 17a-3, 17 CFR 240.17a-3. Specifically, Exchange Act Rule 17a-4 requires broker-dealers to preserve records for a period of six years (3 years in the case of certain types of information), the first two years in an easily accessible place. 17 CFR 240.17a-4. For these same reasons, the Commission believes it is reasonable to expect that broker-dealers would provide customers with information in paper form upon request for a period of two years. Transfer agents and investment advisers are subject to similar recordkeeping requirements. 17 CFR 250.17Ad-6 and 240.17Ad-7; 17 CFR 275.204-2.

have been satisfied,¹⁸ and stated that persons using electronic delivery of information should have reason to believe that any electronic means so selected will result in the satisfaction of the delivery requirements.¹⁹ The Commission believes that broker-dealers, transfer agents, and investment advisers should apply the same considerations in using electronic media to satisfy their delivery obligations under the Covered Delivery Requirements.

1. Notice

Broker-dealers, transfer agents, and investment advisers providing information electronically should consider the extent to which electronic communication provides timely and adequate notice that such information is available electronically.²⁰ When information is delivered on paper through the postal mail, recipients most likely will be made aware that they have received information that they may wish to review and, therefore, separate notice is not necessary. Information transmitted through electronic media, however, may not always provide a similar likelihood of notice that information has been sent that the recipient may wish to review.²¹ Broker-dealers, transfer agents, and investment advisers, therefore, should consider whether it is necessary to supplement the electronic communication with another communication that would provide notice similar to that provided by delivery in paper through the postal mail.

2. Access

The Commission believes that customers, securities holders, and clients who are provided information through electronic delivery from broker-dealers, transfer agents, and investment advisers should have access to that information comparable to that which would be provided if the information

¹⁸ October Interpretive Release, *supra* note 1, at 53460-61.

¹⁹ *Id.* at 53461.

²⁰ See *id.* at 53460. See also *infra* section II.B.2. regarding additional requirements when broker-dealers, transfer agents, and investment advisers send certain types of information (defined as Personal Financial Information) to customers.

²¹ For example, if information is provided by physically delivered material (such as a computer diskette or CD-ROM) or by electronic mail, that communication itself generally should be sufficient notice. If information is made available electronically through a passive delivery system, such as an Internet Web Site, however, separate notice would be necessary to satisfy the delivery requirements unless the broker-dealer, transfer agent, or investment adviser can otherwise evidence that delivery to the customer or client has been satisfied.

¹² In connection with transactions in penny stocks, however, the Commission believes that in order to fulfill the purposes of the Securities Enforcement Remedies and Penny Stock Reform Act of 1990, broker-dealers should continue to have customers manually sign and return in paper form any documents that require a customer's signature or written agreement. See *infra* note 50.

¹³ October Interpretive Release, *supra* note 1, at 53460. See also *supra* example 7.

were delivered in paper form. Thus, the use of a particular medium should not be so burdensome that intended recipients cannot effectively access the information provided. Also, persons to whom information is sent electronically should have an opportunity to retain the information through the selected medium or have ongoing access equivalent to personal retention.²²

3. Evidence to Show Delivery

Providing information through postal mail provides reasonable assurance that the delivery requirements of the federal securities laws have been satisfied. The Commission believes that broker-dealers, transfer agents, and investment advisers similarly should have reason to believe that electronically delivered information will result in the satisfaction of the delivery requirements under the federal securities laws. Thus, whether using paper or electronic media, broker-dealers, transfer agents, and investment advisers should consider the need to establish procedures to ensure that applicable delivery obligations are met.

Broker-dealers, transfer agents, and investment advisers may be able to evidence satisfaction of delivery obligations, for example, by: (1) obtaining the intended recipient's informed consent²³ to delivery through a specified electronic medium, and ensuring that the recipient has appropriate notice and access, as discussed above; (2) obtaining evidence that the intended recipient actually received the information, such as by an electronic mail return-receipt or by confirmation that the information was accessed, downloaded, or printed;²⁴ or

(3) disseminating information through certain facsimile methods. In order to ensure that information is delivered as intended, broker-dealers, transfer agents, and investment advisers delivering information using either electronic or paper-media should take reasonable precautions to ensure the integrity and security of that information.²⁵

B. Personal Financial Information

Certain information that broker-dealers, transfer agents, and investment advisers deliver is specific to a particular person's personal financial matters ("Personal Financial Information"). For example, the information reported to customers under Exchange Act Rule 10b-10 relates to specific securities transactions and includes the identity and number of shares bought or sold and the net dollar price for the shares. Under Exchange Act Rule 10b-16, a broker-dealer that imposes finance charges on a customer's account during a quarterly period must deliver a quarterly statement disclosing, among other things, the account's beginning and closing balances, debits and credits entered during the period, the interest charged, and the rate or rates of interest. Similarly, under Advisers Act Rule 206(3)-2, investment advisers engaging in agency cross transactions involving clients are required to send the clients disclosure about those transactions.²⁶

1. Confidentiality and Security

Broker-dealers, transfer agents, and investment advisers sending Personal Financial Information should take reasonable precautions to ensure the integrity, confidentiality, and security of that information, regardless of whether it is delivered through electronic means or in paper form. The Commission believes that broker-dealers, transfer agents, and investment advisers transmitting Personal Financial Information electronically must tailor those precautions to the medium used in order to ensure that the information

written consent or acknowledgement, as required under certain Exchange and Advisers Acts rules and discussed *infra* notes 28-29 and accompanying text, may serve as sufficient evidence to show delivery.

²⁵ October Interpretive Release, *supra* note 1, at 53460, n.22.

²⁶ 17 CFR 275.206(3)-2(a)(2) (written confirmation of each transaction "at or before the completion of each such transaction"); 17 CFR 275.206(3)-2(a)(3) (annual written disclosure statement identifying transactions). In addition, investment advisers having custody of client assets are required to send an itemized statement to each client at least quarterly showing assets in custody of the adviser. 17 CFR 275.206(4)-2(a)(4).

is reasonably secure from tampering or alteration.

2. Consent

Because of the need to maintain the confidentiality and security of Personal Financial Information, it is important that the intended recipient is willing to accept the delivery of such information through electronic media and has actual notice that the Personal Financial Information will be delivered electronically. Therefore, in order to ensure that Personal Financial Information can be delivered in a manner that maintains the information's confidentiality, unless a broker-dealer, transfer agent, or investment adviser is responding to a request for information that is made through electronic media or the person making the request specifies delivery through a particular electronic medium, the broker-dealer, transfer agent, or investment adviser should obtain the intended recipient's informed consent prior to delivering Personal Financial Information electronically.²⁷ This consent will ensure that the intended recipient is willing to accept the delivery of Personal Financial Information through electronic media and has actual notice that the Personal Financial Information will be delivered electronically. The Commission believes that such consent by the customer or client to the delivery of Personal Financial Information may be made either by a manual signature or by electronic means.

C. Communications From Broker-Dealers' Customers and Investment Advisers' Clients

In addition to requirements to deliver information, the Exchange Act and the Advisers Act provide for broker-dealers and investment advisers to "receive" or "obtain" responses from their customers or clients. For example, Exchange Act Rules 8c-1 and 15c2-1 require, under certain circumstances, broker-dealers to obtain a customer's written consent in order to hypothecate securities. Similarly, under the Advisers Act, certain provisions call for clients to consent to a transaction or acknowledge receipt of certain disclosures.²⁸ The Commission generally views an electronic communication from a customer to a broker-dealer or from a client to an investment adviser as

²⁷ See discussion *supra* note 23 regarding informed consent.

²⁸ See, e.g. Advisers Act §§ 205(a)(2) and 206(3); 17 CFR 275.206(3)-2(a)(1); 17 CFR 275.206(4)-3(a)(2)(iii).

²² For example, the intended recipient's ability to download or print information delivered electronically would enable a recipient to retain a permanent record. See October Interpretive Release, *supra* note 1, at 53460.

²³ See *id.* at 53460. If a consent is used, the consent should be an informed consent. An informed consent should specify the electronic medium or source through which the information will be delivered and the period during which the consent will be effective, and should describe the information that will be delivered using such means. The broker-dealer, transfer agent, or investment adviser also should inform the customer that there may be potential costs associated with electronic delivery, such as on-line charges. Except where a manual signature is required under the penny stock rules, see *infra* note 50, broker-dealers may obtain consents either manually or electronically. In most cases in which a request for information is made through an electronic medium, consent to receive the requested information by means of electronic delivery may be presumed.

In addition, if the broker-dealer, transfer agent, or investment adviser is relying on the consent to ensure effective delivery and the intended recipient revokes the consent, future documents should be delivered in paper.

²⁴ For example, depending on the circumstances and the procedures used, customers' and clients'

satisfying the requirements for such written consent or acknowledgement.²⁹

D. Electronic Transmission of Non-Required Disclosure

The guidance provided above is intended to permit broker-dealers, transfer agents, and investment advisers to comply with their delivery obligations under the federal securities laws when using electronic media. This interpretation does not apply to the electronic delivery of non-required information that in some cases is being provided voluntarily to customers, securities holders, and clients³⁰ in that it is not necessary (although it is, of course, permitted) to conform the electronic delivery of such information to the guidance in this release. Nevertheless, the Commission urges broker-dealers, transfer agents, and investment advisers to take into consideration the need to implement security measures when using electronic media to provide personal financial information.

The staff also has received inquiries about the permissibility of using various electronic media to disseminate advertisements for an investment adviser's services or other information that is not subject to a delivery requirement. Such communications are permissible, subject to the same requirements and restrictions that apply to such communications in paper. For example, electronically disseminated advertisements are subject to the same prohibitions against misleading disclosure as advertisements in paper.³¹ Materials concerning an adviser that are potentially available to ten or more persons through an electronic system would be considered subject to the recordkeeping requirements applicable

to such communications.³² Similarly, if an adviser uses a publicly available electronic medium such as a World Wide Web site to provide information about its services, the adviser would not qualify for the exemption from registration in section 203(b)(3) of the Advisers Act. That exemption is available only if, among other things, an adviser does not hold itself out generally to the public as an investment adviser.

III. Covered Delivery Requirements

For clarity, below is a list of current rules under the Exchange Act and requirements under the Advisers Act to which broker-dealers, transfer agents, and investment advisers may apply the guidance provided in this interpretation. The Commission believes that the list sets forth all of the rules that require or permit communications between broker-dealers, transfer agents, investment advisers and customers, securities holders, and clients under the Exchange and Advisers Acts.³³ The interpretation in this release is intended to cover all optional and required communications under the Exchange and Advisers Acts between broker-dealers, transfer agents, and investment advisers, and customers, securities holders, and clients.³⁴

A. Exchange Act

Subject to the guidelines in this release, broker-dealers and transfer agents may fulfill their requirements to deliver information to customers and securities holders under the following Exchange Act rules:³⁵

- Rule 8c-1, which requires broker-dealers to obtain customers' written

consent in order to hypothecate securities under circumstances that would permit the commingling of customers' securities and to give written notice to a pledgee that, among other things, a security pledged is carried for the account of a customer.³⁶

- Rule 9b-1, which, among other things, requires a broker-dealer to furnish to each customer, and keep current, an options disclosure document, prior to accepting an order to purchase or sell an option on behalf of that customer.³⁷

- Rule 10b-10, which requires a broker-dealer to give or send confirmation information to customers.³⁸ In addition, broker-dealers must furnish to customers upon written request information such as the factors that affect the yield calculation related to asset-based securities.³⁹

- Rule 10b-16, which requires both initial and periodic written disclosure of the credit terms of margin loans.⁴⁰

- Rule 11Ac1-3, which requires a broker-dealer to deliver to each customer, upon opening a new account and on an annual basis thereafter, an account statement disclosing the broker-dealer's policies relating to payment for order flow and its order routing policies.⁴¹

- Rule 15c1-5, which requires, under specified circumstances, written disclosure of control if a broker-dealer or municipal securities dealer is controlled by, controlling, or under common control with the issuer of a security.⁴²

- Rule 15c1-6, which requires a broker-dealer or municipal securities dealer receiving advisory fees to

³⁶ 17 CFR 240.8c-1(a)(1) and (f).

³⁷ 17 CFR 240.9b-1(d).

³⁸ 17 CFR 240.10b-10. This release, therefore, resolves the issues in the October Interpretive Release with respect to Exchange Act Rule 10b-10, which requires broker-dealers to send confirmations at or before completion of the transaction by permitting electronic delivery of the confirmation. 17 CFR 240.10b-10. See October Interpretive Release, *supra* note 1, at 53459, n.12.

In a release adopting certain amendments to Rule 10b-10, the Commission recognized the use of a facsimile machine to send customer confirmation statements. At that time, however, the Commission believed that the use of other electronic means to send confirmations should be viewed on a case-by-case basis. See Exchange Act Release No. 34962 (Nov. 10, 1994); 59 FR 59612 (Nov. 17, 1994). This interpretation supersedes the view expressed in the 1994 release.

Broker-dealers are reminded that, when a prospectus is required to be delivered, it should be delivered prior to, or concurrent with, delivery of the confirmation. Thus, if a confirmation is sent by facsimile, the prospectus also should be sent by facsimile or equally prompt means.

³⁹ 17 CFR 240.10b-10(a)(7).

⁴⁰ 17 CFR 240.10b-16.

⁴¹ 17 CFR 240.11Ac1-3.

⁴² 17 CFR 240.15c1-5.

²⁹ Of course, broker-dealers and investment advisers should be cognizant of their responsibilities to prevent, and the potential liability associated with, unauthorized transactions. See, e.g., *supra* note 16. In this regard, the Commission believes that broker-dealers and investment advisers should have reasonable assurance that the response received from a customer or client is authentic.

In addition, for policy reason discussed *infra* note 50, the Commission will continue to require broker-dealers to obtain the manual signature of customers on certain disclosure documents required under Exchange Act Rules 15g-2 and 15g-9.

³⁰ See, e.g., *Kimberly Weisul, Calvert Becomes First Fund to Offer Info On-Line; Mutual Fund Company Dodges the Security Issue*, Investment Dealers' Digest, Jan. 22, 1996, at 9; Jon Birger, *Prudential Web Site to Let Clients Track Their Accounts Daily*, Bond Buyer, Oct. 18, 1995, at 10.

³¹ See 17 CFR 275.206(4)-1. Broker-dealers' advertisements and sales literature are subject to NASD rules, which have recently been amended specifically to include electronic communications. NASD, Notice to Members 95-74 (Sept. 1995); NASD, Notice to Members 95-80 (Sept. 26, 1995).

³² 17 CFR 275.204-2(a)(11). Broker-dealers also are subject to recordkeeping requirements that would be applicable to all electronic communications received and sent by the firm relating to its business. 17 CFR 17a-4(a)(4).

³³ The summary provided of the delivery obligations under the Covered Delivery Requirements is intended for ease of reference only. It is not intended to be a statement of all the requirements under the rules and provisions listed, and has no legal force or effect. Reference should be made to the full text of the rules, which is published in the Code of Federal Regulations, as well as to relevant releases, interpretations, and no-action letters, and to the full text of the Exchange and Advisers Acts, 15 U.S.C. §§77 and 78, et seq.

³⁴ But see *supra* notes 4-10 and accompanying text. See also *infra* notes 35 and 50.

³⁵ This release does not address the prospectus delivery requirements under Exchange Act Rule 15c2-8. 17 CFR 240.15c2-8. Broker-dealer requirements to deliver a preliminary prospectus in connection with the issuance of securities by an issuer that has not previously been required to file reports pursuant to Exchange Act Section 13(a), 15 U.S.C. 78m(a), or 15(d), 15 U.S.C. 78o(d), were addressed in the October Interpretive Release. See October Interpretive Release, *supra* note 1, at 53462, n. 31.

disclose any participation or financial interest in the distribution of a security at or before the completion of a transaction in such security for the account of a customer.⁴³

- Rule 15c2-1, which requires broker-dealers to obtain customers' written consent in order to hypothecate securities under circumstances that would permit the commingling of customers' securities.⁴⁴

- Rule 15c2-5, which requires a written statement making disclosures prior to effecting transactions in special insurance premium funding accounts that would involve an extension or arrangement of credit, as well as retaining for its files, a written statement setting forth the basis for making a determination that the arrangement is suitable for the customer.⁴⁵

- Rule 15c2-11, with regard to the requirement that broker-dealers make certain information enumerated in the rule reasonably available upon request.⁴⁶

- Rule 15c2-12, with regard to the requirements that municipal securities underwriters provide, upon request, a preliminary official statement (if one exists) and a final official statement.⁴⁷

- Rule 15c3-2, which requires a broker-dealer to give or send to its customers a written notification of a free credit balance, that the broker-dealer may use that free credit balance in its business operations, and that the funds are payable upon demand of the customer.⁴⁸

- Rule 15c3-3, which requires that broker-dealers obtain repurchase agreements in writing and confirm in writing the specific securities that are the subject of hold in custody repurchase agreements.⁴⁹

- Rules 15g-3 through 15g-8, which require a broker-dealer, among other things, to disclose to its customers, both prior to effecting a transaction in a penny stock and on the written confirmation, bid and ask quotations and broker-dealer and associated person compensation.⁵⁰

- Rule 17a-5, which requires a broker-dealer to send to its customers audited and unaudited financial statements.⁵¹

- Rule 17Ad-5, which requires a transfer agent to respond within certain time frames to written requests for the status of items presented for transfer, for acknowledgement of transfer instructions, for confirmation of a transfer agent's possession of a certificate, for a transcript of a person's account, or for dividend and interest payments.⁵²

B. Advisers Act

- Section 205(a)(2) of the Advisers Act, which requires an investment adviser to obtain its client's consent to the assignment of an advisory contract.⁵³

- Section 205(a)(3) of the Advisers Act, which requires an investment adviser to notify its clients, if the adviser is organized as a partnership and there is a change in members of partnership.⁵⁴

- Section 206(3) of the Advisers Act, which prohibits certain principal and agency transactions with a client without prior written disclosure about the transaction and consent of the client.⁵⁵

means of electronic media. In adopting these provisions pursuant to the Securities Enforcement Remedies and Penny Stock Reform Act of 1990, the Commission intended to provide customers with an opportunity to make an informed, deliberate decision without the high pressure sales practices that sometimes are characteristic of transactions in these securities. For similar reasons, a facsimile copy of a customer's signature has not been sufficient to satisfy the requirements under Rules 15g-2 and 15g-9 that certain documents be manually signed and dated. See Exchange Act Release No. 32576 (July 2, 1993); NASD Notice to Members 90-65 (Oct. 1990); NASD Notice to Members 90-18 (Mar. 1990).

While broker-dealers may not meet the signature requirement under Rule 15g-9 by electronic means, the Commission believes that, consistent with the guidance set forth in this interpretation, they may meet their delivery obligations to their customers under this rule by electronic means. The "risk disclosure document" that broker-dealers are required to furnish to their customers under Rule 15g-2 is subject to strict formatting and typefacing restrictions. In order to comply with the requirements set forth in the instructions to Schedule 15G, a risk disclosure document delivered electronically, when printed, would have to result in a document that meets the requirements and contains the exact text of Schedule 15G.

When the Commission next reviews the penny stock rules, it may be willing to consider a "cooling-off" period as an alternative to the requirement of a manual signature under Rules 15g-2 and 15g-9. The Commission requests comment on this approach.

⁵¹ 17 CFR 240.17a-5(c).

⁵² 17 CFR 17Ad-5. Under certain circumstances, transfer agents currently are permitted to respond to requests by telephone.

⁵³ 15 U.S.C. 80b-5(a)(2).

⁵⁴ 15 U.S.C. 80b-5(a)(3).

⁵⁵ 15 U.S.C. 80b-6(3).

- Rule 204-3, which requires investment advisers to deliver a written disclosure statement, or "brochure," to clients at least 48 hours before entering into an advisory contract, unless the client has the right to terminate the contract without penalty within five business days.⁵⁶ In addition, investment advisers are required, except in certain cases, to make available "without charge" updates to its brochure.⁵⁷

- Rule 205-3(d), which requires disclosure regarding advisory arrangements involving performance fees.⁵⁸

- Rule 206(3)-2, which permits agency cross transactions, provided that the investment adviser provides general written disclosure about its role in the transactions, receives from clients consent to agency cross transactions, and sends both written confirmation of each transaction and an annual written disclosure statement.⁵⁹

- Rule 206(4)-2, which requires certain disclosure relating to adviser custody of client assets.⁶⁰

- Rule 206(4)-3, which requires certain disclosures to be made by solicitors who receive cash solicitation fees from advisers and a signed and dated acknowledgement from clients of the receipt of the investment advisers and solicitors written disclosure statements.⁶¹

⁵⁶ 17 CFR 275.204-3(b). To the extent an adviser relies on 48-hour advance delivery rather than the five-day cancellation period, the 48-hour period would be measured from the time at which notice is given to the client that the statement is available through a specified electronic medium or source. Investment advisers should have reason to believe that the nature of the system or any limitations on the client's access to that system will not result in any material delay in the client's access to the information following receipt of the notice.

⁵⁷ 17 CFR 275.204-3(c). If a client has elected to receive the disclosure statement electronically, and neither the adviser nor any system used by the adviser to disseminate updates electronically imposes a charge upon the client specifically for the receipt of this information, the Commission would consider this requirement satisfied, even though a system selected by a client to gain access to the adviser's system may impose charges for access, printing or downloading. Alternatively, the Commission would consider the requirement satisfied so long as a paper version of the update is available without charge, notwithstanding any charges that may be imposed upon a client for access, printing or downloading by the system used by an adviser to disseminate updates electronically.

⁵⁸ 17 CFR 275.205-3(d).

⁵⁹ 17 CFR 275.206(3)-2.

⁶⁰ 17 CFR 275.206(4)-2.

⁶¹ 17 CFR 275.206(4)-3. Cf. Investment Company Act Release No. 21260 at n. 38 (July 27, 1995), 60 FR 39574 (contemplating that notification required under proposed Investment Company Act Rule 3a-4 could be provided electronically by investment advisers and other sponsors of investment advisory programs).

⁴³ 17 CFR 240.15c1-6.

⁴⁴ 17 CFR 240.15c2-1(a)(1).

⁴⁵ 17 CFR 240.15c2-5.

⁴⁶ 17 CFR 240.15c2-11(a)(4) and (a)(5).

⁴⁷ 17 CFR 240.15c2-12.

⁴⁸ 17 CFR 240.15c3-2.

⁴⁹ 17 CFR 240.15c3-3(b)(4).

⁵⁰ 17 CFR 240.15g-3 through 15g-8.

The Commission believes that the requirements under Exchange Act Rules 15g-2 and 15g-9, which require broker-dealers to obtain from a customer prior to effecting transactions in penny stocks (1) a manually signed acknowledgement of the receipt of a risk disclosure document, (2) a written agreement to transactions involving penny stocks, and (3) a manually signed and dated copy of a written suitability statement, should not be met by

IV. Additional Securities Act, Exchange Act, and Investment Company Act Examples

The October Interpretive Release included a series of examples illustrating the general concepts set forth earlier in that release in order to provide guidance in applying those concepts to specific facts and circumstances. The Commission is publishing here the following, additional examples to provide further guidance and illustration. These examples are based on questions that have been raised with the staff by industry representatives since the publication of the October Interpretive Release. Any party (whether or not a registered investment company) may look to these examples for guidance.

(1) Company XYZ places a prospectus for any securities offering on its electronic mail system. Company XYZ also uses its electronic mail system to disseminate documents required under the Exchange Act. Employees use the company's electronic mail in the ordinary course of performing their duties as employees and ordinarily are expected to log-on to electronic mail routinely to receive mail and communications. Those employees who do not log-on have alternative means of receiving electronic mail messages, such as having them sent to secretaries or co-workers who then deliver them to the employee. The electronic mail either includes the actual document or announces the availability of the document and provides information as to how to access the document through the local area network. The electronic mail also prominently states that a paper version of the document is available upon request.

This would satisfy delivery obligations with respect to employees who use the company's electronic mail system in the course of performing their duties or who are expected to have alternative means made available to receive electronic mail messages.

(2) Company XYZ places a notice announcing its unregistered Dividend Reinvestment Plan⁶² on its Internet Web site under a menu heading "Dividend Reinvestment Plan." The announcement also contains the phone

⁶² A company need not register its dividend reinvestment plan under the Securities Act where its involvement in the plan is limited to administrative or ministerial functions. For additional information, including a listing of permitted functions, see Securities Act Release No. 4790 (July 13, 1965), 30 FR 9059 (July 20, 1965); Securities Act Release No. 5515 (July 22, 1974), 39 FR 28520 (August 8, 1974); Securities Act Release No. 6188 (February 1, 1980), 45 FR 8960 (February 11, 1980).

number of the Company's agent (which is independent from the Company) from whom additional information regarding the operation of the Dividend Reinvestment Plan can be obtained. Additionally, the Company's Internet Web site contains a hypertext link to the independent agent's Internet Web site where a brochure describing the operation of the Dividend Reinvestment Plan and an enrollment card can be obtained.

This would be permissible, so long as the information on the Company's Internet Web site is limited to the announcement of the unregistered Dividend Reinvestment Plan and the name and address of the independent agent from whom additional information can be obtained. (This would be analogous to the communications that an issuer of an unregistered plan could make in paper format.) As with communications in paper format, the Company may not use its Internet Web site to advertise the Dividend Reinvestment Plan or its benefits. Further, the use of a hypertext link to the home page of the independent agent would be permitted; however, the Company could not provide a hypertext link directly to the Dividend Reinvestment Plan materials.

(3) Brokerage firm ABC, a recordholder of Company XYZ's common stock, received consents from beneficial holders of Company XYZ's common stock for electronic delivery of Company XYZ's annual report and proxy materials and for electronic processing of voting instructions. These customers are provided with the Internet Web site address where Company XYZ's annual report and proxy materials are located and the Internet Web site address where they can provide their voting instructions electronically to the brokerage firm.

The electronic processing of voting instructions from beneficial holders and the electronic voting of proxies would be consistent with the proxy rules. Issuers and others are reminded to consider any applicable state laws or self-regulatory organization rules.

(4) A fund makes supplemental sales literature and its prospectus available through a commercial on-line service. Under section 5(b) of the Securities Act, sales literature, whether in paper or electronic form is required to be preceded or accompanied by a final prospectus meeting the requirements of section 10(a) of the Securities Act. By contrast, an advertisement satisfying the requirements of Securities Act Rule 134 or 482 need not be preceded or accompanied by a prospectus. Users could click on a box in the

supplemental sales literature to have the prospectus downloaded or to request that a prospectus be mailed. While the system permits the sales literature to be viewed on-line, it does not allow users to view the prospectus. Unlike the system in example 36 in the October Interpretive Release, this system would not require that a user have downloaded or printed the prospectus before viewing the supplemental sales literature. Users accessing the supplemental sales literature would give specific consent to electronic delivery of the prospectus.

This would not satisfy the prospectus delivery requirement because there would not be sufficient access to the prospectus. Because the system does not give users the opportunity to view the prospectus, it would lack the sort of reasonably comparable access to the prospectus and the sales literature present in examples 14, 15, and 35 in the October Interpretive Release. The opportunity to request that a prospectus be mailed or downloaded would not, under current technology, be considered to give investors sufficient access to the prospectus. Instead, it would be analogous to giving investors sales literature in paper with a toll-free telephone number for requesting the prospectus: under those circumstances the prospectus would be received later and would not be considered to have preceded or accompanied the sales literature.⁶³

(5) A fund places its prospectus on its site on the World Wide Web or some other electronic system. Shareholders provide a written, revocable consent to receive prospectuses electronically through the system. The consent informs shareholders that the current version of each prospectus will be available continuously on the system and that the fund will use the quarterly account statement or quarterly newsletter as the means of notification of prospectus amendments. It also states that another means of notification may be used, but only after shareholders have been notified of the change by the then current means of notification.⁶⁴ The fund replaces its prospectus with an annual amendment updating the

⁶³ As technology develops, some users may have the capacity to download and view a prospectus in no more time than it takes to jump via hyperlink from the sales literature to the prospectus. Under those circumstances, the capacity to download would be considered to give those users reasonably comparable access to the prospectus that would provide sufficient access.

⁶⁴ A change in means of notification under such circumstances would also be effective in the case of notification of the availability of shareholder reports discussed in example 46 in the October Interpretive Release. October Interpretive Release, *supra* note 1.

fund's financial information and making other changes.⁶⁵ The fund has provided notification that the prospectus will be updated by including notification in the preceding account statement or shareholder newsletter; the notification provides the approximate date on which the amendment will be available. A subsequent amendment to the fund's prospectus reflects the addition of a redemption fee. Notification of the prospectus amendment has been included in the preceding statement or newsletter.⁶⁶

Just as the use of a newsletter or statement in example 46 in the October Interpretive Release constituted sufficient notice for effective delivery of the semi-annual reports required under the Investment Company Act of 1940, the use of a newsletter or statement here would constitute sufficient notice for effective delivery with respect to the scheduled prospectus update.

(6) A fund's on-line prospectus has the same text as the paper version, but the text appears in a different format. For example, text that appears as a block in the margin of a page in the paper prospectus appears in a box in the flow of the text in the electronic version. The fund does not make a separate filing under Securities Act Rule 497 with respect to the electronic version.

The mere difference in format without any difference in text would not qualify the electronic version as a different "form of prospectus" for which filing is required.

(7) An investment company produces both an electronic version (such as a CD-ROM) and a paper version of its prospectus. Each version contains all information required by, and otherwise complies with, the applicable form and all other applicable provisions of the federal securities laws. The electronic version contains a movie that does not appear in the paper version. Each version of the prospectus indicates that there may be other versions of the prospectus and, if the issuer determines to make such other versions available, provides information on how to obtain such other versions.⁶⁷ The paper

version does not include a summary or transcript of the movie in the electronic version. Both versions of the prospectus are filed with the Commission as part of the company's registration statement, or separately pursuant to Rule 497.⁶⁸

The use of either version of the prospectus to satisfy delivery requirements would be permissible.⁶⁹ The issuer (or other party to whom the law assigns the responsibility) remains responsible for ensuring that each version satisfies applicable statutory requirements.⁷⁰

V. Solicitation of Comments

Any interested person wishing to submit written comments relating to the views expressed in this release are invited to do so by submitting them in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 6-9, Washington, D.C. 20549. Comments also may be submitted electronically at the following electronic mail address: rule-comments@sec.gov. All comment letters should refer to File Number S7-13-96. This file number should be included on the subject line if comments are submitted using electronic mail. Comment is requested not only on the specific issues discussed in detail in the release, but on any other issues that should be considered in connection with facilitating the use of electronic media by broker-dealers, transfer agents, and investment advisers. Comment is sought from both the point of view of the sender and the intended recipient. The Commission further requests comment on any competitive burdens that may result from this interpretation. Comments must be received on or before July 1, 1996. Comments received will be available for public inspection and copying in the Commission's public reading 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>).

List of Subjects

17 CFR Parts 231 and 241
Securities.

17 CFR Parts 271 and 276
Investment companies, Securities.

Amendment to the Code of Federal Regulations

The Commission is amending Title 17, Chapter II of the Code of Federal Regulations in the manner set forth below:

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Part 231 is amended by adding Release No. 33-7288 and the release date of May 9, 1996 to the list of interpretive releases.

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Part 241 is amended by adding Release No. 34-37182 and the release date of May 9, 1996 to the list of interpretive releases.

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Part 271 is amended by adding Release No. IC-21945 and the release date of May 9, 1996 to the list of interpretive releases.

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Part 276 is amended by adding Release No. IA-1562 and the release date of May 9, 1996 to the list of interpretive releases.

By the Commission.

Dated: May 9, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12176 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-P

⁶⁵ Under section 10(a)(3) of the Securities Act, a fund that continuously offers its shares would have to amend its prospectus no less frequently than every 16 months in order to include updated financial statements.

⁶⁶ With *unscheduled* material prospectus amendments for which such advance notice would not be feasible, the fund would need to use other forms of notification such as a postcard or e-mail message. See October Interpretive Release, *supra* note 1, example 43.

⁶⁷ The facts of this example should not be read as imposing any obligation on the issuer to make such other versions of its prospectus available to any person.

⁶⁸ Alternatively, the company may file with the Commission as an appendix to the prospectus the script of the movie and a fair and accurate narrative description of the graphic or image material. See October Interpretive Release, *supra* note 1, example 13.

⁶⁹ Of course, the general principles concerning electronic delivery, as described in the October Interpretive Release, *supra* note 1, would apply.

⁷⁰ See *id.* at 53460.

SECURITIES AND EXCHANGE COMMISSION**17 CFR Parts 200, 228, 229, 230, 232, 239, 240, 270, and 274****[Release No. 33-7289, 34-37183, IC-21946; File No. S7-31-95]****RIN 3235-AG67****Use of Electronic Media for Delivery Purposes****AGENCY:** Securities and Exchange Commission.**ACTION:** Final rule.

SUMMARY: The Securities and Exchange Commission ("Commission") today is adopting technical amendments to its rules that are premised on the distribution of paper documents. These amendments are intended to clarify certain rules in light of the interpretations set forth in the Commission's October 6, 1995 release (Release No. 33-7233 [60 FR 53458]) regarding the use of electronic media for the dissemination of issuer-related information under the federal securities laws ("October Interpretive Release") and the availability of electronic filings on the Commission's World Wide Web site.

EFFECTIVE DATE: The amendments will become effective June 14, 1996.

FOR FURTHER INFORMATION CONTACT:

Joseph P. Babits or James R. Budge, (202) 942-2910, Division of Corporation Finance; and, with regard to questions concerning investment companies and investment advisers, Kathleen K. Clarke, (202) 942-0721, Division of Investment Management, U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: To clarify certain rules in light of the interpretations relating to electronic distribution of securities-related information as set forth in the October Interpretive Release, the Commission is adopting technical amendments to the following rules and forms: Rule 200.80, ¹ Item 502 of Regulation S-B; ² Item 502 of Regulation S-K; ³ Rule 120 ⁴ of the Securities Act of 1933 ("Securities Act"); ⁵ Rule 253 of Regulation A; ⁶ Rule 420 of Regulation C; ⁷ Rules 481 and 482

of Regulation C; ⁸ Rule 605 of Regulation E; ⁹ Rule 304 of Regulation S-T; ¹⁰ Forms F-7, ¹¹ F-8, ¹² F-9, ¹³ F-10 ¹⁴ and F-80; ¹⁵ Rule 12b-12; ¹⁶ Rule 13e-3; ¹⁷ Rule 13e-4; ¹⁸ Schedule 13E-4F; ¹⁹ Rule 14a-3; ²⁰ Rule 14a-5; ²¹ Rule 14a-7; ²² Rule 14c-4; ²³ Rule 14c-7; ²⁴ Rule 14d-5; ²⁵ Schedule 14D-1F; ²⁶ Schedule 14D-9F; ²⁷ under the Securities Exchange Act of 1934 ("Exchange Act"); ²⁸ and Rule 8b-12; ²⁹ Rule 30d-1; ³⁰ Rule 30d-2; ³¹ Form N-1A; ³² Form N-2; ³³ Form N-3; ³⁴ and Form N-4 ³⁵ under the Investment Company Act of 1940 ("Investment Company Act"). ³⁶

I. Introduction

In its October Interpretive Release, the Commission recognized the promise of electronic distribution of information in enhancing investors' ability to access, research, and analyze information, and in facilitating the provision of information by issuers and others.³⁷ Acknowledging the wide spectrum of media available to issuers and others who distribute securities-related information, as well as the fact that strict compliance with requirements applicable to printed material may not be possible in all electronic media, in a companion release, the Commission proposed for comment technical amendments to rules that were

⁸ 17 CFR 230.481 and 230.482.

⁹ 17 CFR 230.605.

¹⁰ 17 CFR 232.304.

¹¹ 17 CFR 239.37.

¹² 17 CFR 239.38.

¹³ 17 CFR 239.39.

¹⁴ 17 CFR 239.40.

¹⁵ 17 CFR 239.41.

¹⁶ 17 CFR 240.12b-12.

¹⁷ 17 CFR 240.13e-3.

¹⁸ 17 CFR 240.13e-4.

¹⁹ 17 CFR 240.13e-102.

²⁰ 17 CFR 240.14a-3.

²¹ 17 CFR 240.14a-5.

²² 17 CFR 240.14a-7.

²³ 17 CFR 240.14c-4.

²⁴ 17 CFR 240.14c-7.

²⁵ 17 CFR 240.14d-5.

²⁶ 17 CFR 240.14d-102.

²⁷ 17 CFR 240.14d-103.

²⁸ 15 U.S.C. 78a *et seq.*

²⁹ 17 CFR 270.8b-12.

³⁰ 17 CFR 270.30d-1.

³¹ 17 CFR 270.30d-2.

³² 17 CFR 274.11A.

³³ 17 CFR 274.11a-1.

³⁴ 17 CFR 274.11b.

³⁵ 17 CFR 274.11c.

³⁶ 15 U.S.C. 80a-1 *et seq.*

³⁷ The Commission has issued a second interpretive release dealing with electronic communication issues relating to broker-dealers, transfer agents, and investment advisers. Several additional examples also were included. See Release No. 33-7288 (May 9, 1996).

premised on the distribution of paper documents ("Proposing Release").³⁸

The Commission received 12 letters of comment on various issues raised in its October Interpretive Release and Proposing Release; the majority of commenters focused on the October Interpretive Release rather than the Proposing Release.³⁹ Except as noted, the Commission is adopting the amendments as proposed,⁴⁰ and certain other technical rule changes are being made that did not require proposal.⁴¹ The amendments are designed to maintain the intent of the original requirements while allowing flexibility to issuers and others in the choice of distribution medium.

A. General Formatting Requirements

As proposed, Commission rules that prescribe the physical appearance of a paper document, such as type size and font requirements, are being amended to provide that the issuer, when delivering an electronic version of a document, may comply with the requirements by presenting the information in a format readily communicated to investors. Where legends are required to be printed in red ink or bold-face type, or in a different font size, the amended rules will allow issuers to satisfy such requirements by presenting the legends in any manner reasonably calculated to draw attention to them.

³⁸ Release No. 33-7234 (October 6, 1995) [60 FR 53468].

³⁹ These letters are available for inspection and copying in the Commission's public reference room located at 450 Fifth Street, N.W., Washington, D.C. (File No. S7-31-95).

⁴⁰ Certain clarifying modifications have been made to the proposed language of Rule 304(c) of Regulation S-T and the note to Rule 14d-5.

⁴¹ See technical changes to Rule 200.80 of the Commission's rules relating to organization, conduct and ethics and information and requests, Securities Act Rule 120, Item 502 of Regulations S-K and S-B, and Item 601(c) of Regulations S-K and S-B, and to the following Investment Company Act registration statement forms: Form N-1A for open-end investment companies; Form N-2 for closed-end companies; Form N-3 for separate accounts offering variable annuity contracts that are registered under the Investment Company Act as management investment companies; and Form N-4 for separate accounts offering variable annuity contracts that are registered under the Investment Company Act as unit investment trusts. The amendments to Rules 200.80 and 120 relate to agency organization, procedure or practice; therefore, publication for notice and comment is not required under the Administrative Procedure Act. 5 U.S.C. 553(b). With respect to the amendments to Regulations S-K and S-B, and to the Investment Company Act registration statement forms, the Commission for good cause finds that publication of these amendments for notice and comment is unnecessary because they are minor, technical changes. 5 U.S.C. 553(b).

¹ 17 CFR 200.80.

² 17 CFR 228.502.

³ 17 CFR 229.502. Two unrelated technical corrections to Item 601(c) of Regulations S-B and S-K [17 CFR 228.601(c) and 229.601(c), respectively] also are included in this release.

⁴ 17 CFR 230.120.

⁵ 15 U.S.C. 77a *et seq.*

⁶ 17 CFR 230.253.

⁷ 17 CFR 230.420.

B. Graphic, Image and Audio Information

1. Documents Delivered to Investors

With respect to documents delivered to investors, the proposed rules provided that if material graphic, image and audio information is included in one version of a disclosure document, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information. The Commission has determined that this language is not necessary to ensure compliance with the federal securities laws; consequently, the adopted rules do not include it. Where more than one version of a document is delivered to investors, each version must contain all information required by, and otherwise comply with, the requirements of the applicable form and other provisions of the federal securities laws.⁴² The issuer (or other party to whom the law assigns the responsibility) remains responsible for ensuring that each version satisfies applicable statutory and regulatory requirements.⁴³

2. Documents Filed With the Commission

Documents containing video, audio and graphic presentations currently cannot be filed on the EDGAR system. Where these presentations are used in documents delivered to investors, Rule 304 of Regulation S-T has always required electronic filers to provide fair and accurate descriptions of omitted materials in their EDGAR filings. Rule 304 initially was phrased in terms of graphic and image material included in "the paper format version" of an EDGAR filing. To reflect the possibility of the delivery of an electronic version that differs from the EDGAR filing, the Commission is amending Rule 304 to provide that wherever the "document delivered to investors or others" includes graphic, image or audio information that cannot be reproduced in an electronic filing on EDGAR, the EDGAR filing must include a fair and accurate narrative description, tabular

⁴² See Release No. 33-7288 (May 9, 1996), Part IV, example (7).

⁴³ Differing versions of a document may need to be filed with the Commission. For example, differing prospectuses should be filed with the Commission pursuant to Rule 424 [17 CFR 230.424] or Rule 497 [17 CFR 230.497]. Alternatively, the company may file with the Commission as an appendix to the prospectus a fair and accurate description of any omitted material. As discussed below, graphic, image and audio material should be described in EDGAR filings pursuant to Rule 304 of Regulation S-T.

presentation or transcript of the omitted material.⁴⁴

C. Rules Where Mailing Is Identified as a Delivery Method

Certain Commission rules provide that information may be distributed to investors by mail. While some indicate that reasonably prompt alternative delivery methods may be used,⁴⁵ others specifically require "mailing." These rules should be read consistently to allow the use of alternative methods of distribution that are reasonably prompt. These rules are being amended where necessary to reflect this view.⁴⁶

D. Identification of Where Filings Are Available for Inspection

Rule 200.80 identifies the public reference rooms located in Washington, D.C. and other designated Regional Offices as the primary locations where documents filed with the Commission may be inspected and copied; in addition, Securities Act Rule 120 states that registration statements are available for public inspection during business hours at Commission headquarters. Other rules require a registrant that is a reporting company to include on the inside front cover of a prospectus a statement to the effect that reports and other information filed by the registrant may be inspected and copied at the Commission's public reference rooms.⁴⁷ The Commission now also makes electronic filings publicly available on the Internet within 24 hours of acceptance.⁴⁸ Consequently, the Commission believes it is appropriate, as a reflection of this agency's current dissemination procedures and practices,

⁴⁴ Of course, immaterial differences would not need to be described. The rule retains the provisions that all such omitted material is deemed filed as part of the electronic filing and that copies of the document as distributed should be retained by the issuer for a period of five years. One commenter suggested that rather than require descriptions, the Commission should allow the filing of documents in formats that currently are not compatible with EDGAR. This suggestion fundamentally relates to the design of the EDGAR system, which currently is being reevaluated by the staff; any necessary rulemaking related to electronic filing will be undertaken as modifications to the EDGAR system are developed and implemented in the future.

⁴⁵ See e.g., Rule 14d-4(a)(2)(ii) [17 CFR 240.14d-4(a)(2)(ii)].

⁴⁶ Where the costs of distribution are to be calculated under the rules, the amendments provide that methods analogous to those applicable to mailing should be used where alternative delivery methods are chosen. In that regard, the proposed change to Rule 14d-5 has been modified to provide greater guidance with respect to cost calculation under that rule.

⁴⁷ Item 502(a) of Regulations S-K and S-B [17 CFR 229.502(a) and 228.502(a), respectively].

⁴⁸ See Commission News Release No. 95-195 (September 28, 1995).

to amend Rules 200.80(c) and 120 to include a statement that electronic filings are publicly available on the Commission's Web site.⁴⁹ The prospectus requirements also have been amended to provide for the inclusion of a statement that the Commission maintains a Web site that contains reports, proxy and information statements and other information regarding registrants that file electronically with the Commission.⁵⁰

The Commission also is amending certain investment company registration statement forms to provide for inclusion of a statement on the cover page of prospectuses that the Commission maintains a Web site that contains the Statement of Additional Information, material incorporated by reference, and other information regarding registrants that file electronically with the Commission.⁵¹ This new requirement is limited to prospectuses disseminated electronically by investment companies that are electronic filers because it should not impose any significant additional burden on such registrants to include the disclosure in those prospectuses. The Commission intends to propose expanding this requirement to apply to all investment company prospectuses as part of future amendments to investment company registration forms.

II. Cost-Benefit Analysis

Quick and broad access to material information was one of the fundamental premises upon which the federal securities laws were adopted, and electronic distribution no doubt will benefit issuers and investors through cheaper and faster communication of information. While the Commission expects the increased use of electronic media to benefit securities markets and investors by making disclosure available faster and more cheaply, it does not anticipate that the amendments will, in and of themselves, result in substantial economic costs or benefits. Those benefits will be derived from advances in technology, and not from the minor technical amendments that are the subject of this rulemaking.

⁴⁹ A correction to the cross reference to confidential treatment rules in Rule 120 also is being adopted.

⁵⁰ Item 502(a) of Regulations S-K and S-B. The Commission's Internet address is <http://www.sec.gov>.

⁵¹ See amendments to Item 1(a)(iii)(C) of Form N-1A; Item 1.1.d(C) of Form N-2; Item 1(a)(vi)(C) of Form N-3; and Item 1(a)(v)(C) of Form N-4. This new requirement would apply to any prospectus that is disseminated electronically by an investment company that is an electronic filer after the effective date of these rules, but the new disclosure would not necessitate filing a prospectus supplement or "stickering" the prospectus.

III. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendments will not have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, was attached to the Proposing Release as Appendix A.

IV. Statutory Bases

The amendments to the Commission's rules under the Securities Act and amendments to the Commission's rules under the Exchange Act are being made pursuant to Sections 6, 7, 8, 10 and 19(a) of the Securities Act and Sections 3, 4, 10, 12, 13, 14, 15, 16 and 23 of the Exchange Act. The amendments to the Commission's rules under the Investment Company Act are being made pursuant to Sections 8(b) and 38(a) under the Investment Company Act, as amended.

List of Subjects

17 CFR Parts 200, 228, 229, 230, 232, 239, 240, 270 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of the Amendments

In accordance with the foregoing, Title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

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

Authority: 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 79t, 77sss, 80a-37, 80b-11, unless otherwise noted.

* * * * *

2. By amending § 200.80 by adding paragraph (c)(3), to read as follows:

§ 200.80 Commission records and information.

* * * * *

(c)(1) * * *

(3) Electronic filings made through the Electronic Data Gathering, Analysis, and Retrieval system are publicly available through the Commission's Web site (<http://www.sec.gov>).

* * * * *

PART 228—INTEGRATED DISCLOSURE SYSTEM FOR SMALL BUSINESS ISSUERS

3. 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, 78l, 78m, 78n, 78o, 78w, 78ll, 80a-8, 80a-29, 80a-30, 80a-37, 80b-11, unless otherwise noted.

4. By amending § 228.502 by revising paragraph (a)(2) to read as follows:

§ 228.502 (Item 502) Inside front and outside back cover pages of prospectus.

* * * * *

(a)(1) * * *

(2) If the small business issuer is a reporting company, state that the reports and other information filed by the small business issuer may be inspected and copied at the public reference facilities of the Commission in Washington D.C., and at some of its Regional Offices (include addresses), and that copies of such material can be obtained from the Public Reference Section of the Commission, 450 Fifth Street, N.W., Washington D.C. 20549, at prescribed rates. If the small business issuer is an electronic filer, state that the Commission maintains a Web site that contains reports, proxy and information statements and other information regarding issuers that file electronically with the Commission and state the address of such site (<http://www.sec.gov>); and

* * * * *

§ 228.601 [Amended]

5. By amending § 228.601(c) by revising the headings "Note 1 to paragraph (c)(1)(vi)" to read "Note 1 to paragraph (c)(1)" and "Note 2 to paragraph (c)(1)(vi)" to read "Note 2 to paragraph (c)(1)".

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

6. 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, 78l, 78m, 78n, 78o, 78w, 78ll(d), 79e, 79n, 79t, 80a-8, 80a-29, 80a-30, 80a-37, 80b-11, unless otherwise noted.

* * * * *

7. By amending § 229.502 by revising paragraph (a)(2) to read as follows:

§ 229.502 (Item 502) Inside front and outside back cover pages of prospectus.

* * * * *

(a) * * *

(2) State that reports (and where the registrant is subject to sections 14(a) and 14(c) of the Exchange Act, proxy and

information statements) and other information filed by the registrant can be inspected and copied at the public reference facilities maintained by the Commission in Washington, D.C., and at certain of its Regional Offices, and state the current address of each such facility (see §§ 200.11(b) and 200.80(c) of this chapter), and that copies of such material can be obtained from the Public Reference Section of the Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 at prescribed rates. If the registrant is an electronic filer, state that the Commission maintains a Web site that contains reports, proxy and information statements and other information regarding registrants that file electronically with the Commission and state the address of such site (<http://www.sec.gov>); and

* * * * *

229.601 [Amended]

8. By amending § 229.601(c) by revising the heading "Note 1 to paragraph (c)(1)(vi)" to read "Note 1 to paragraph (c)(1)" and "Note 2 to paragraph (c)(1)(vi)" to read "Note 2 to paragraph (c)(1)".

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

9. The authority citation for Part 230 continues to read in part as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78d, 78l, 78m, 78n, 78o, 78w, 78ll(d), 79t, 80a-8, 80a-29, 80a-30, and 80a-37, unless otherwise noted.

* * * * *

10. By revising § 230.120 to read as follows:

§ 230.120 Inspection of registration statements.

Except for material contracts or portions thereof accorded confidential treatment pursuant to § 230.406, all registration statements are available for public inspection, during business hours, at the principal office of the Commission in Washington, D.C. Electronic registration statements made through the Electronic Data Gathering, Analysis, and Retrieval system are publicly available through the Commission's Web site (<http://www.sec.gov>).

11. By amending § 230.253 by designating the text of paragraph (b) after the heading as paragraph (b)(1) and by adding paragraph (b)(2), to read as follows:

§ 230.253 Offering circular.

* * * * *

(b) Presentation of information.

(1) * * *

(2) Where an offering circular is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents by presenting all required information in a format readily communicated to investors.

* * * * *

12. By amending § 230.420 by designating the text as paragraph (a) and by adding paragraph (b), to read as follows:

§ 230.420 Legibility of prospectus.

(a) * * *

(b) Where a prospectus is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size, type size and font, bold-face type, italics and red ink, by presenting all required information in a format readily communicated to investors, and where indicated, in a manner reasonably calculated to draw investor attention to specific information.

13. By amending § 230.481 to add paragraph (h) to read as follows:

§ 230.481 Information required in prospectus.

* * * * *

(h) Where a prospectus is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size, type size and font, bold-face type, italics and red ink, by presenting all required information in a format readily communicated to investors, and where indicated, in a manner reasonably calculated to draw investor attention to specific information.

14. By amending § 230.482 by removing the note following paragraph (a)(7) and adding a note to paragraph (a)(6), to read as follows:

§ 230.482 Advertising by an investment company as satisfying requirements of section 10.

(a) * * *

(6) * * *

Note to paragraph (a)(6). All advertisements made pursuant to this rule are subject to Rule 420 [17 CFR 230.420].

* * * * *

15. By amending § 230.605 by designating the text of paragraph (c) as paragraph (c)(1) and by adding paragraph (c)(2) to read as follows:

§ 230.605 Filing and use of the offering circular.

* * * * *

(c)(1) * * *

(2) Where an offering circular is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents by presenting all required information in a format readily communicated to investors.

* * * * *

PART 232—REGULATION S—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

16. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79t(a), 80a-8, 80a-29, 80a-30 and 80a-37.

17. By amending § 232.304 by revising the section heading, paragraphs (a), (b)(1), and (c) to read as follows:

§ 232.304 Graphic, image and audio material.

(a) If a filer includes graphic, image or audio material in a document delivered to investors and others that cannot be reproduced in an electronic filing, the electronically filed version of that document shall include a fair and accurate narrative description, tabular representation or transcript of the omitted material. Such descriptions, representations or transcripts may be included in the text of the electronic filing at the point where the graphic, image or audio material is presented in the delivered version, or they may be listed in an appendix to the electronic filing. Immaterial differences between the delivered and electronically filed versions, such as pagination, color, type size or style, or corporate logo need not be described.

(b)(1) The graphic, image and audio material in the version of a document delivered to investors and others shall be deemed part of the electronic filing and subject to the liability and anti-fraud provisions of the federal securities laws.

(2) * * *

(c) An electronic filer shall retain for a period of five years a copy of each publicly distributed document, in the format used, that contains graphic, image or audio material where such material is not included in the version filed with the Commission. The five-year period shall commence as of the filing date, or the date that appears on the document, whichever is later. Upon request, an electronic filer shall furnish to the Commission or its staff a copy of any or all of the documents contained in the file.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

18. The authority citation for Part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79e, 79f, 79g, 79j, 79l, 79m, 79n, 79q, 79t, 80a-8, 80a-29, 80a-30 and 80a-37, unless otherwise noted.

* * * * *

19. By amending Form F-7 (referenced in § 239.37) by adding a note to Part I, Item 2, to read as follows:

Note.—The text of Form F-7 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F-7

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

PART I

INFORMATION REQUIRED TO BE SENT TO SHAREHOLDERS

* * * * *

Item 2. Information Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

20. By amending Form F-8 (referenced in § 239.38) by adding a note to Part I, Item 2, to read as follows:

Note.—The text of Form F-8 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F-8

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

* * * * *

PART I

INFORMATION REQUIRED TO BE DELIVERED TO OFFEREEES OR PURCHASERS

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

21. By amending Form F-9 (referenced in § 239.39) by adding a note to Part I, Item 2, to read as follows:

Note.—The text of Form F-9 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F-9
REGISTRATION STATEMENT UNDER THE
SECURITIES ACT OF 1933

* * * * *

PART I

INFORMATION REQUIRED TO BE
DELIVERED TO OFFEREES OR
PURCHASERS

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

22. By amending Form F-10 (referenced in § 239.40) by adding a note to Part I, Item 3, to read as follows:

Note.—The text of Form F-10 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F-10
REGISTRATION STATEMENT UNDER THE
SECURITIES ACT OF 1933

* * * * *

PART I

INFORMATION REQUIRED TO BE
DELIVERED TO OFFEREES OR
PURCHASERS

* * * * *

Item 3. Informational Legends

* * * * *

Note to Item 3. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

23. By amending Form F-80 (referenced in § 239.41) by adding a note to Part I, Item 2, to read as follows:

Note.—The text of Form F-80 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F-80
REGISTRATION STATEMENT UNDER THE
SECURITIES ACT OF 1933

* * * * *

PART I

INFORMATION REQUIRED TO BE
DELIVERED TO OFFEREES OR
PURCHASERS

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

**PART 240—GENERAL RULES AND
REGULATIONS, SECURITIES
EXCHANGE ACT OF 1934**

24. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78w, 78x, 78ll(d), 79q, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4 and 80b-11, unless otherwise noted.

* * * * *

25. The authority citation following § 240.14d-5 is removed.

26. By amending § 240.12b-12 by adding paragraph (e) to read as follows:

§ 240.12b-12 Requirements as to paper, printing and language.

* * * * *

(e) Where a statement or report is distributed to investors through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size and type size and font, by presenting all required information in a format readily communicated to investors.

27. By amending § 240.13e-3 by designating the instructions to paragraph (e)(3) immediately following paragraph (e)(3)(ii)(B) as "Instructions to paragraph (e)(3)" and by adding instruction 3 thereto, to read as follows:

§ 240.13e-3 Going private transactions by certain issuers or their affiliates.

* * * * *

(e) * * *

(3) * * *

Instructions to paragraph (e)(3).

1. * * *

2. * * *

3. If the information delivered to security holders is distributed through an electronic medium and the legend required by paragraph (e)(3)(ii) is included, issuers may satisfy the legibility requirement relating to type size and font by presenting the legend in any manner reasonably calculated to draw security holder attention to it.

* * * * *

28. By amending § 240.13e-4 by revising paragraph (e)(1)(ii)(A), to read as follows:

§ 240.13e-4 Tender offers by issuers.

* * * * *

(e) * * *

(1) * * *

(ii) * * *

(A) By mailing or otherwise furnishing promptly the statement required by paragraph (d)(1) of this section to each security holder whose name appears on the most recent shareholder list of the issuer;

* * * * *

29. By amending Schedule 13E-4F (§ 240.13e-102) by adding a note to Item 2 of Part I, to read as follows:

§ 240.13e-102 Schedule 13E-4F. Tender offer statement pursuant to section 13(e)(1) of the Securities Exchange Act of 1934 and § 240.13e-4 thereunder.

* * * * *

Part I—Information Required To Be Sent to Shareholders

* * * * *

Item 2. * * *

Note to Item 2. If the home jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and fonts by presenting the legend in any manner reasonably calculated to draw security holder attention to it.

* * * * *

30. By amending § 240.14a-3 by designating the text of paragraph (b)(2) as (b)(2)(i) and by adding paragraph (b)(2)(ii), to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

* * * * *

(b) * * *

(2)(i) * * *

(ii) Where the annual report to security holders is delivered through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as type size and font, by presenting all required information in a format readily communicated to investors.

* * * * *

31. By amending § 240.14a-5 by designating the text of paragraph (d) as paragraph (d)(1) and by adding paragraph (d)(2), to read as follows:

§ 240.14a-5 Presentation of information in proxy statement.

* * * * *

(d)(1) * * *

(2) Where a proxy statement is delivered through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as type size and font, by presenting all required information in a format readily communicated to investors.

* * * * *

32. By amending § 240.14a-7 by adding a note at the end of the section, to read as follows:

§ 240.14a-7 Obligations of registrants to provide a list of, or mail soliciting material to, security holders.

* * * * *

Note to § 240.14a-7. Reasonably prompt methods of distribution to security holders may be used instead of mailing. If an alternative distribution method is chosen, the costs of that method should be considered where necessary rather than the costs of mailing.

33. By amending § 240.14c-4 by adding paragraph (d), to read as follows:

§ 240.14c-4 Presentation of information in information statement.

* * * * *

(d) Where an information statement is delivered through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as type size and font, by presenting all required information in a format readily communicated to investors.

34. By amending § 240.14c-7 by revising paragraph (c), to read as follows:

§ 240.14c-7 Providing copies of material for certain beneficial owners.

* * * * *

(c) A registrant, at its option, may send by mail or other equally prompt means, its annual report to security holders to the beneficial owners whose identifying information is provided by record holders and respondent banks, pursuant to § 240.14b-1(b)(3) and § 240.14b-2(b)(4) (ii) and (iii), provided that such registrant notifies the record holders and respondent banks at the time it makes the inquiry required by paragraph (a) of this section that the registrant will send the annual report to security holders to the beneficial owners so identified.

* * * * *

35. By amending § 240.14d-5 by adding a note at the end of the section, to read as follows:

§ 240.14d-5 Dissemination of certain tender offers by the use of stockholder lists and security position listings.

* * * * *

Note to § 240.14d-5. Reasonably prompt methods of distribution to security holders may be used instead of mailing. If alternative methods are chosen, the approximate direct costs of distribution shall be computed by adding the estimated direct costs of preparing the document for distribution through the chosen medium (including updating of shareholder lists) plus the estimated reasonable cost of distribution through that medium. Direct costs incidental to the

distribution of tender offer materials and amendments thereto may include all reasonable charges paid by the subject company to third parties for supplies or services, including costs attendant to preparing shareholder lists, handling the bidder's materials, and contacting participants named on security position listings, but shall not include indirect costs, such as employee time which is devoted to either contesting or supporting the tender offer on behalf of the subject company.

36. By amending Schedule 14D-1F (§ 240.14d-102) by adding a note to Item 2 of Part I, to read as follows:

§ 240.14d-102 Schedule 14D-1F. Tender offer statement pursuant to rule 14d-1(b) under the Securities Exchange Act of 1934.

* * * * *

PART I—INFORMATION REQUIRED TO BE SENT TO SHAREHOLDERS

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legend in any manner reasonably calculated to draw security holder attention to it.

* * * * *

37. By amending Schedule 14D-9F (§ 240.14d-103) by adding a note to Item 2 of Part I, to read as follows:

§ 240.14d-103 Schedule 14D-9F. Solicitation/recommendation statement pursuant to section 14(d)(4) of the Securities Exchange Act of 1934 and rules 14d-1(b) and 14e-2(c) thereunder.

* * * * *

Part I—Information Required To Be Sent to Shareholders

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legend in any manner reasonably calculated to draw security holder attention to it.

* * * * *

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

38. The authority citation for Part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a-1 *et seq.*, 80a-37, 80a-39, unless otherwise noted;

* * * * *

39. The authority citations following § 270.8b-12 are removed.

40. By amending § 270.8b-12 by adding paragraph (f) to read as follows:

§ 270.8b-12 Requirements as to paper, printing and language.

* * * * *

(f) Where a registration statement or report is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size, type size and font, bold-face type, italics and red ink, by presenting all required information in a format readily communicated to investors, and where indicated, in a manner reasonably calculated to draw investor attention to specific information.

§ 270.30d-1 [Amended]

41. By amending § 270.30d-1 by revising the word "mailed" in paragraph (c) to read "transmitted", revising the word "mailed" in the last sentence of paragraph (d)(2) to read "transmitted", and revising the word "mailed" in paragraph (e) to read "transmitted".

§ 270.30d-2 [Amended]

42. By amending § 270.30d-2 by removing from the first sentence the phrase "by mail, postage prepaid,"; and in the second sentence, by revising the word "mailed" to read "transmitted" and by revising the word "mailing" to read "transmitting".

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

43. The authority citation for Part 274 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78l, 78m, 78n, 78o(d), 80a-8, 80a-24, and 80a-29, unless otherwise noted.

44. By amending Part A, Information Required in a Prospectus, Item 1(a)(iii) of Form N-1A (referenced in §§ 239.15A and 274.11A) by adding a sentence to the end of the parenthetical following paragraph (C) to read as follows:

[Note: The text of Form N-1A does not and these amendments will not appear in the Code of Federal Regulations.]

Form N-1A

* * * * *

**PART A
INFORMATION REQUIRED IN A PROSPECTUS**

Item 1. Cover Page

(a) * * *

(iii) * * *
(C) * * * (* * * If the Registrant intends to disseminate its prospectus electronically and is an electronic filer, also include the information that the Commission maintains a Web site (<http://www.sec.gov>) that contains the Statement of Additional Information, material incorporated by reference, and other information regarding registrants that file electronically with the Commission.);

* * * * *
45. By amending Part A, Information Required in a Prospectus, Item 1.1.d of Form N-2 (referenced in §§ 239.14 and 274.11a-1) by adding a sentence at the end of the parenthetical following paragraph (C) to read as follows:

[Note: The text of Form N-2 does not and these amendments will not appear in the Code of Federal Regulations.]

Form N-2
* * * * *

PART A—INFORMATION REQUIRED IN A PROSPECTUS

Item 1. Outside Front Cover

- 1. * * *
- d. * * *
- (C) * * * (* * * If the Registrant intends to disseminate its prospectus electronically and is an electronic filer, also include the information that the Commission maintains a Web site (<http://www.sec.gov>) that contains the Statement of Additional Information, material incorporated by reference, and other

information regarding registrants that file electronically with the Commission.);
* * * * *

46. By amending Part A, Information Required in a Prospectus, Item 1(a)(vi) of Form N-3 (referenced in §§ 239.17a and 274.11b) by adding a sentence at the end of the parenthetical following paragraph (C) to read as follows:

[Note: The text of Form N-3 does not and these amendments will not appear in the Code of Federal Regulations.]

Form N-3
* * * * *

Part A

INFORMATION REQUIRED IN A PROSPECTUS

Item 1. Cover Page

- (a) * * *
 - (vi) * * *
 - (C) * * * (* * * If the Registrant intends to disseminate its prospectus electronically and is an electronic filer, also include the information that the Commission maintains a Web site (<http://www.sec.gov>) that contains the Statement of Additional Information, material incorporated by reference, and other information regarding registrants that file electronically with the Commission.);
- * * * * *

47. By amending Part A, Information Required in a Prospectus, Item 1(a)(v) of

Form N-4 (referenced in §§ 239.17b and 274.11c) by adding a sentence at the end of the parenthetical following paragraph (C) to read as follows:

[Note: The text of Form N-4 does not and these amendments will not appear in the Code of Federal Regulations.]

Form N-4
* * * * *

Part A

INFORMATION REQUIRED IN A PROSPECTUS

Item 1. Cover Page

- (a) * * *
 - (v) * * *
 - (C) * * * (* * * If the Registrant intends to disseminate its prospectus electronically and is an electronic filer, also include the information that the Commission maintains a Web site (<http://www.sec.gov>) that contains the Statement of Additional Information, material incorporated by reference, and other information regarding registrants that file electronically with the Commission.);
- * * * * *

By the Commission.

Dated: May 9, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-12177 Filed 5-14-96; 8:45 am]

BILLING CODE 8010-01-P

Executive Order

Wednesday
May 15, 1996

Part VII

The President

Proclamation 6894—Older American
Month, 1996

Proclamation 6895—Peace Officers
Memorial Day and Police Week, 1996

Presidential Documents

Title 3—

Proclamation 6894 of May 13, 1996

The President

Older Americans Month, 1996

By the President of the United States of America

A Proclamation

America's high standard of living, advanced health care system, and commitment to better nutrition and physical fitness have allowed millions of our citizens the luxury of long and fulfilling lives. Because current estimates indicate that one in six Americans will be 65 or older by the year 2020, our Nation faces new challenges as we seek to address the needs of this growing population of seniors.

Fortunately, many of our older Americans—who have already led the way in setting a sound course for our country's future—are helping us to meet these new challenges as well. Having lived through times of depression and war, peace and prosperity, they have shaped our progress with their achievements. The safety net they created—including Social Security, Medicare, Medicaid, and the provisions of the Older Americans Act—helps us to honor our debt to senior citizens and ensures that Americans who have worked hard throughout their lives can look forward to a secure retirement.

Each year, we set aside the month of May as a special time to pay tribute to older Americans and to affirm our obligation to sustain and improve their quality of life. The theme of this year's observance, "Aging: A Lifetime Opportunity," underscores the gifts that older people offer to our country every day. Thanks to senior citizens, our communities are stronger, our Nation is more diverse, and we are better prepared to meet the challenges of the next century.

As we celebrate the contributions of all those in their golden years, let us recognize that long life is a gift we must cherish and a responsibility for which we must prepare. With an eye toward the future and with the example of today's seniors firmly before us, we can prepare for a better tomorrow for ourselves and for the generations of Americans to come.

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 May 1996, as Older Americans Month. I call upon Government officials, businesses, communities, volunteers, educators, and all the people of the United States to acknowledge the contributions made by older Americans this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, 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.



Presidential Documents

Proclamation 6895 of May 13, 1996

Peace Officers Memorial Day and Police Week, 1996

By the President of the United States of America

A Proclamation

Despite the dangers they face while patrolling our Nation's cities, neighborhoods, and highways, America's law enforcement officers continue to serve with commitment and distinction every day. They put themselves in harm's way to safeguard our fellow citizens, and their dedication to the rule of law is essential to maintaining a just and orderly society. Each year, Police Week is a welcome opportunity to recognize the brave men and women of the law enforcement professions, and on Peace Officers Memorial Day we pause to honor those who have given their lives while protecting others.

According to recent figures, 161 law enforcement officers were killed in the line of duty during 1995. And let us not forget the law enforcement personnel who died in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19—the single deadliest day in law enforcement history. Since police deaths were first recorded in this country, in 1794, more than 14,000 officers have lost their lives working to keep the peace in our communities. On average, more than 66,000 are assaulted every year, and some 24,000 are injured.

To pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime, the Congress, by joint resolution approved October 1, 1962 (76 Stat. 676), has authorized and requested the President to designate May 15 of each year as "Peace Officers Memorial Day," and the week in which it falls as "Police Week," and by Public Law 103-322 (36 U.S.C. 175) has directed that the flag be flown at half-staff on Peace Officers Memorial Day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 15, 1996, as Peace Officers Memorial Day, and May 12 through May 18, 1996, as Police Week. I call upon the people of the United States to observe these occasions with appropriate ceremonies, activities, and programs. I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff on Peace Officers Memorial Day on all buildings, grounds, and naval vessels throughout the United States and all areas under its jurisdiction and control. In addition, I invite all Americans to display the flag at half-staff from their homes on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, 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.



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Wednesday, May 15, 1996

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628.....20789
641.....24267
649.....20207
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REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY**COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration**
Fishery conservation and management:

- Pacific Coast groundfish; published 4-15-96
- Pacific Coast groundfish; correction; published 4-30-96

ENVIRONMENTAL PROTECTION AGENCY

Clean Air Act:

- State operating permits programs--
Massachusetts; published 5-15-96

Superfund program:

- National oil and hazardous substances contingency plan--
- National priorities list update; published 4-29-96
- National priorities list update; published 4-30-96

FEDERAL COMMUNICATIONS COMMISSION

Television broadcasting:

- Cable Television Consumer Protection and Competition Act of 1992--
Leased commercial access; published 4-15-96

FEDERAL EMERGENCY MANAGEMENT AGENCY

Flood insurance program:

- Allocated loss adjustment expense fee schedule; published 5-15-96

FEDERAL TRADE COMMISSION

Textile Fiber Products Identification Act:

- Lycocell; generic name application; published 4-15-96

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Animal drugs, feeds, and related products:

- Gentamicin injection; published 5-15-96

Liquid Sul-Q-Nox (sodium sulfaquinolaxaline solution); published 5-15-96

Monensin; published 5-15-96

POSTAL RATE COMMISSION

Practice and procedure:

Market testing; published 5-15-96

SECURITIES AND EXCHANGE COMMISSION

Electronic media; use in delivery purposes; published 5-15-96

TRANSPORTATION DEPARTMENT**Coast Guard**

Vessels; small passenger vessel inspection and certification
Correction; published 5-15-96

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

- Construccion Aeronauticas, S.A. (CASA); published 4-15-96
- Lockheed; published 4-15-96
- McDonnell Douglas; published 4-15-96

Airworthiness standards:

- Special conditions--
Turbomeca Model Arriel 2S1 turboshaft engine; published 4-15-96

TRANSPORTATION DEPARTMENT**Research and Special Programs Administration**

Hazardous materials:

- Hazardous materials transportation--
Ticketing for certain transportation violations; pilot program; published 2-26-96

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Cranberries grown in Massachusetts et al.; comments due by 5-22-96; published 4-22-96

Limes and avocados grown in Florida; comments due by 5-22-96; published 4-22-96

Milk marketing orders:

- Southwest Plains; comments due by 5-22-96; published 4-22-96

Potatoes (Irish) grown in--
Washington; comments due by 5-22-96; published 4-22-96

AGRICULTURE DEPARTMENT**Forest Service**

National Forest System timber; sale and disposal:

Timber sale and substitution; comments due by 5-20-96; published 4-3-96

AGRICULTURE DEPARTMENT**Food Safety and Inspection Service**

Meat and poultry inspection:

Sodium citrate buffered with citric acid; use in certain cured and uncured whole meat products; comments due by 5-24-96; published 4-24-96

AGRICULTURE DEPARTMENT

Nondiscrimination in USDA conducted programs and activities; comments due by 5-23-96; published 4-23-96

COMMERCE DEPARTMENT**Export Administration Bureau**

Export licensing:

Regulations simplification; comments due by 5-24-96; published 3-25-96

COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration**

Fishery conservation and management:

- Gulf of Alaska groundfish; comments due by 5-24-96; published 4-24-96
- Pacific Coast groundfish; comments due by 5-24-96; published 5-9-96
- Western Pacific crustacean; comments due by 5-23-96; published 4-8-96

Tuna, Atlantic bluefin fisheries; comments due by 5-22-96; published 4-25-96

Whaling provisions; Federal regulatory review; comments due by 5-24-96; published 4-9-96

ENVIRONMENTAL PROTECTION AGENCY

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Hazardous waste:

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Exclusion; comments due by 5-20-96; published 4-3-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

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Toxic substances:

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Cyclohexyldiamino ethyl esters (substituted); comments due by 5-20-96; published 4-19-96

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Broadcast facilities; license term extension to 8 years; comments due by 5-20-96; published 4-23-96

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Maritime services--

Passenger ships, large cargo and small; radio installation inspection; comments due by 5-24-96; published 5-9-96

Radio stations; table of assignments:

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Iowa et al.; comments due by 5-21-96; published 4-8-96

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Mississippi et al.; comments due by 5-23-96; published 4-8-96

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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Write-your-own program; assistance to private sector property insurers; comments due by 5-20-96; published 4-3-96

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

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**INTERIOR DEPARTMENT
Fish and Wildlife Service**

Migratory bird hunting:

Natural vegetation in moist soil areas, artificial alteration or manipulation to attract waterfowl; prohibition; comments due by 5-20-96; published 3-22-96

**INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office**

Permanent program and abandoned mine land reclamation plan submissions:

North Dakota; comments due by 5-24-96; published 4-24-96

West Virginia; comments due by 5-23-96; published 4-23-96

**LABOR DEPARTMENT
Employment and Training Administration**

Aliens:

Labor certification process for permanent employment, and researchers employed by colleges and universities; comments due by 5-22-96; published 4-22-96

**LABOR DEPARTMENT
Mine Safety and Health Administration**

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Training and retraining of miners; policy review; comments due by 5-24-96; published 3-20-96

NATIONAL CREDIT UNION ADMINISTRATION

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NUCLEAR REGULATORY COMMISSION

Nuclear power reactors, standard design certifications; and combined licenses; early site permits:

Boiling water reactors-- U.S. advanced boiling water reactor and system 80+ standard designs; certification approval; comments due by 5-24-96; published 4-24-96

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Domestic Mail Manual:

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SECURITIES AND EXCHANGE COMMISSION

Securities:

Accounting policies for derivative financial and derivative commodity instruments; financial statement footnote disclosures requirements; comments due by 5-20-96; published 4-16-96

Derivative financial, other financial, and derivative commodity instruments; safe harbor for disclosure of information about inherent market risk; comments due by 5-20-96; published 4-16-96

**OFFICE OF UNITED STATES TRADE REPRESENTATIVE
Trade Representative, Office of United States**

Tariff-rate quota amount determinations:

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TRANSPORTATION DEPARTMENT

Coast Guard

Anchorage regulations:

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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AlliedSignal Inc.; comments due by 5-21-96; published 3-22-96

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Jetstream Aircraft Ltd.; comments due by 5-24-96; published 3-25-96

McDonnell Douglas; comments due by 5-21-96; published 3-28-96

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Class E airspace; comments due by 5-20-96; published 4-8-96

Restricted areas; comments due by 5-20-96; published 4-22-96

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National Highway Traffic Safety Administration

Motor vehicle safety standards:

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Windshield wiping and washing systems; Federal regulatory review; comments due by 5-23-96; published 4-8-96

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LIST OF PUBLIC LAWS

This is a list of public bills from the 104th Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

H.R. 2024/P.L. 104-142

Mercury-Containing and Rechargeable Battery Management Act (May 13, 1996; 110 Stat. 1329)

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