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CHICAGO, IL

WHEN: June 11, 1996 at 9:00 am

WHERE: Metcalfe Federal Building, Conference Room 328, 77 West Jackson, Chicago, Illinois 60604

RESERVATIONS: 1–800–688–9889

WASHINGTON, DC

[Two Sessions]

WHEN: June 18, 1996 at 9:00 am, and June 25, 1996 at 9:00 am

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

RESERVATIONS: 202–523–4538

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 50 and 77

[Docket No. 94–133–2]

Tuberculosis in Cattle, Bison, and Cervids; Payment of Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with one change, an interim rule that amended the regulations to provide for the payment of indemnity for cervids destroyed because of tuberculosis, and to provide for the payment of indemnity for cattle, bison, and cervids found to have been exposed to tuberculosis by reason of association with any tuberculous livestock. The interim rule was necessary to encourage owners to rapidly remove cattle, bison, and cervids affected with and exposed to tuberculosis from their herds. Rapid removal of such cattle, bison, and cervids will help protect other cattle, bison, and cervids from tuberculosis and will facilitate tuberculosis eradication efforts in the United States. The interim rule also amended the regulations to deny claims for indemnity for depopulation of cattle, bison, and cervid herds unless other exposed livestock in the herd have been destroyed. This action was necessary to help ensure that when cattle, bison, and cervids in a herd are depopulated, other livestock do not remain as potential sources of infection when the owner restocks the herd with healthy animals.

EFFECTIVE DATE: June 19, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–8715.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis (referred to below as tuberculosis) is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis.* Tuberculosis causes weight loss, general debilitation, and sometimes death. The regulations in 9 CFR part 50 provide for payment of Federal indemnity to owners of certain cattle, bison, or swine destroyed because of tuberculosis.

In an interim rule effective and published in the Federal Register on July 24, 1995 (60 FR 37804–37810, Docket No. 94–133–1), the Animal and Plant Health Inspection Service (APHIS) amended the tuberculosis regulations in 9 CFR part 50 to provide for the payment of indemnity for cervids destroyed because of tuberculosis, at rates not to exceed $750 for any reactor cervid and $450 for any exposed cervid. In conjunction with this action, we amended the regulations to make the provisions that apply to cattle and bison also apply to cervids, where appropriate. These provisions include recordkeeping, procedures for claiming indemnity, and claims not allowed.

These provisions also include identification of reactor and exposed cervids to be moved interstate to slaughter. The interim rule required that reactor cervids be identified by branding the letter ''T'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size and by attaching to the left ear an approved metal eartag bearing a serial number and the inscription ''U.S. Reactor'', or a similar State reactor tag; and that exposed cervids be identified by branding the letter ''S'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size and by attaching to the left ear an approved metal eartag bearing a serial number. As an alternative to branding, we allowed exposed cervids to be moved interstate to slaughter without branding if they are either accompanied directly to slaughter by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative. For reactor cervids, we allowed the same movement without branding as for exposed cervids, if the reactors are identified by a ''TB'' tattooed on the left ear and with yellow paint sprayed on the left ear.

We also amended the regulations to provide for the payment of indemnity for cattle, bison, and cervids found to have been exposed to tuberculosis by reason of association with any tuberculous livestock, not just by reason of association with tuberculous cattle and bison. Finally, we amended the regulations to deny claims for indemnity for depopulation of cattle, bison, and cervid herds unless other exposed livestock in the herd have been destroyed.

Comments on the interim rule were required to be received on or before September 22, 1995. We received 50 comments by that date. They were from cervid producers and cervid producer associations, other livestock producers, veterinary associations, and animal welfare groups. Forty-eight of the comments supported the interim rule without change; two were opposed to the interim rule. The objections raised by the two comments opposed to the rule are discussed below.

Both of the opposing comments were against the interim rule because it concerns the farming of cervids, and the commenters oppose any activities involving the confinement and breeding of wild animals. One commenter stated that ''by offering to pay businesses to slaughter off those captive cervids who test positive for tuberculosis, or who are exposed to the disease, APHIS, in fact, ensures that the confinement and breeding of cervids shall not only continue, but also become more profitable, and, inevitably, more widespread.''

The commenters gave two reasons for objecting to the farming of cervids. One is that they claim the farming of wildlife is ecologically irresponsible. They argue that cervids do not have a long history of domestication and breeding for docility, making them ill-suited for captivity; and, the existence of deer farms encourages the public to view wildlife as private property, undermining efforts to protect wildlife in its natural habitat. The second reason is that they claim the farming of wildlife is epidemiologically unwise because it

facilitates disease transfer between wild and domestic species. We have made no changes based on these comments.

The practice of raising deer and elk for agricultural purposes has existed for thousands of years and is considered an established and legitimate agricultural activity. Deer have been farmed in China since before 3000 B.C. The Romans were active game ranchers, and deer and elk farming is today a standard agricultural practice in Europe. Breeding and production of deer, elk, and other cervids has taken place in the United States since at least the 1930's.

It is true that the last 20 years has seen a marked increase in the number of captive cervid farms and ranches. There are currently more than 1,600 deer and elk owners in the United States, raising about 250,000 head. This may account for the increase in the number of *M. bovis* cases discovered in captive cervid herds in the last decade. It is not APHIS' mission, nor is it within our authority, to prohibit what is considered a legitimate agricultural practice. If APHIS were to ignore discoveries of tuberculosis in captive cervids, the consequences for all U.S. livestock, and for wild cervids and other wildlife that can contract tuberculosis, would be devastating. The mission of APHIS is to ensure the health of all livestock in the United States. The indemnity paid to ranchers who must sacrifice tuberculous livestock is not enough to help make their businesses more profitable—the slaughter of diseased livestock always results in monetary loss to an owner. The payment may enable the ranchers to restock their herds, but also will encourage owners who may not otherwise depopulate a tuberculous herd for fear of monetary loss to slaughter their animals knowing they will receive partial compensation. The payment of indemnity to owners of reactor and exposed cervids is very important not only to achieve tuberculosis-free herds of captive cervids, but for the health of all U.S. livestock and for the health of U.S. wildlife.

One of the opposing commenters asked that, if APHIS does choose to make the interim rule final, we amend it to eliminate the need for branding by requiring that all reactor and exposed cervids moved interstate to slaughter be accompanied by an APHIS or State representative or be moved in vehicles closed with official seals applied and removed by an APHIS representative, a State representative, an accredited veterinarian, or an individual authorized for this purpose by an APHIS representative. We have made no changes based on this comment.

It is our belief that most cervid owners will choose to move their animals to slaughter without branding using one of the options provided in the interim rule. Branding a herd of livestock is time-consuming, difficult, and costly because of the effort and personnel needed to restrain each animal. This is even more true for cervids than for other livestock because, as one commenter pointed out, cervids are powerful, flighty, and easily frightened animals requiring firmer restraint than most domesticated cattle and posing a safety risk to anyone handling them. It is far easier to simply herd the animals into a truck which is then sealed by the APHIS representative, State representative, or accredited veterinarian who identified the herd. However, there are always circumstances under which it is impractical or unfeasible for owners to move their animals in this manner, such as lack of a proper vehicle, unavailability of APHIS or State personnel, or inability to market the animals immediately. Under such circumstances, it would be necessary for owners to have the cervids branded.

The commenter further asked that, if we do not make the change requested above, we amend the interim rule by replacing the requirement that cervids be marked with a hot-iron brand with a requirement that allows for any method of marking (specifically, freeze-branding) that produces permanence and legibility by the time of an animal's shipment to slaughter, even if the mark is not instantly recognizable upon application. We have made no changes based on this comment.

This rulemaking concerns animals that have responded to a test for tuberculosis, or are known to have been exposed to an animal that has responded to a test for tuberculosis. Because tuberculosis is such a destructive disease, it is imperative that such animals be either identified immediately or moved to slaughter in such a manner that there is no significant risk the animals will be diverted from their destination. For this reason we did not propose to allow marking methods (such as freeze-branding) that are not instantly recognizable for identifying tuberculosis reactor and exposed cervids. The necessity for an instantly recognizable mark is so that the animals are not unknowingly commingled with healthy animals after they leave the premises where they were identified for slaughter. Even if the ''instantly recognizable'' requirement were to be waived to allow freeze-branding, the owners of reactor or exposed cervids would have to keep those animals under quarantine for the 18–21 days that it takes for the mark to become visible. That extra time on the farm would increase the chances that healthy animals might become exposed or infected. A central goal of the tuberculosis eradication program is to identify diseased animals and get them away from other animals before the disease can spread. To require the animals to be kept on the farm runs counter to that goal. The owners of the quarantined cervids would also be subject to economic losses associated with feeding and caring for the animals, potential decreases in market prices, and animals dying before sale.

The commenter pointed out that the tattoo mark that the interim rule allows for reactor cervids moved to slaughter in sealed vehicles is instantly recognizable, and that we should allow this method of marking for exposed cervids, as well. The tattoo mark in the ear of reactor cervids moved to slaughter in a sealed vehicle is an added precaution to ensure that a tuberculosis reactor is not sold for any purpose other than slaughter.

There are problems with tattooing that prevent us from offering it as a general alternative to branding for all disease-affected animals. One is that the tattoo must be on skin (not hair) in order to be legible. We have chosen the inside of the ear as the most accessible and reliable area on which to place a tattoo. However, unlike a brand, which can be applied and spotted more easily, the animal's head must be restrained in order to tattoo the ear, and in order to see the tattoo at a later time. Yellow paint on the ear can help identify an animal which has a ''TB'' tattoo, but it is not foolproof, as paint can wear or rub off. For these reasons, we have chosen to confine the use of a tattoo as disease identification to tuberculosis reactors that are moved to slaughter in sealed vehicles.

Miscellaneous Change

As stated previously, the interim rule required that reactor cervids be identified by a brand and by attaching to the left ear an approved metal eartag bearing a serial number and the inscription ''U.S. Reactor'', or similar State reactor tag; and that exposed cervids be identified by a brand and by attaching to the left ear an approved metal eartag bearing a serial number. We recently published a final rule that required the same identification for tuberculosis reactor and exposed cattle and bison (Docket No. 95–006–2, 60 FR 48362–48369, published September 19, 1995).

Although not mentioned in any comments we received on this interim rule or on the final rule for cattle and bison, it has nevertheless come to our attention that the requirement that exposed cattle, bison, and cervids be tagged on the left ear needs to be revised to allow the eartag to be attached to either ear. The eartag attached to reactor cattle, bison, and cervids bears the inscription ''U.S. Reactor'', and has historically been attached to the left ear to help quickly differentiate reactors from other cattle, bison, and cervids. The eartag attached to exposed cattle, bison, and cervids is not a special eartag, but is the same eartag used to identify any animal that has been tested for tuberculosis. Historically, we have not specified to which ear the tag should be attached, and in some cases, it has been policy to attach all eartags except reactor tags to the right ear. Veterinarians and cattle, bison, and cervid owners have been used to attaching non-reactor eartags to either ear, and we have experienced no problems with this system.

Therefore, to avoid confusion, we are revising the interim rule to allow exposed cervids to be identified by attaching to either ear an approved metal eartag bearing a serial number. We are also revising the regulations in 9 CFR part 50 and part 77, concerning tuberculosis in cattle and bison, to allow exposed cattle and bison to be identified by attaching to either ear an approved metal eartag bearing a serial number.

Therefore, based on the rationale set forth in the interim rule and in this document, we are adopting the provisions of the interim rule as a final rule, with the change discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

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

This document makes final an interim rule effective and published in the Federal Register on July 24, 1995 (60 FR 37804–37810, Docket No. 94–133–1). As part of the interim rule document, we performed an Initial Regulatory Flexibility Analysis, in which we invited comments concerning potential effects of the interim rule. We stated that we were particularly interested in determining the number and kind of small entities that might incur benefits or costs from implementation of the rule. None of the comments we received on the interim rule addressed our Initial Regulatory Flexibility Analysis, and none provided any information of the type we requested. We have therefore based this Final Regulatory Flexibility Analysis on the data available to us.

The interim rule provided for the payment of indemnity for the destruction of tuberculosis reactor cervids, at the rate of up to $750 per head. The interim rule also provided for the payment of indemnity for cervids, cattle, or bison that are destroyed because of tuberculosis after being exposed to any tuberculous livestock, at the rate of up to $450 per head. These are the same rates currently provided in the regulations for tuberculosis reactor cattle and bison and for cattle and bison exposed to tuberculous cattle and bison. The interim rule was necessary to encourage owners to rapidly remove cattle, bison, and cervids affected with and exposed to tuberculosis from their herds, thereby facilitating tuberculosis eradication efforts in the United States. Depopulation of tuberculous cattle, bison, and cervids is voluntary.

Cervid producers affected by this rule would be primarily producers of deer and elk. There are approximately 1,600 deer and elk producers in the United States, raising about 250,000 head under controlled farm conditions. Holdings vary in size and degree of commercialization, but almost all deer and elk producers can be classified as small businesses (defined by the Small Business Administration as having less than $0.5 million annual gross receipts). However, many producers rely on other sources of income (such as dairy farming or beef cattle ranching) for their livelihoods.

In general, elk producers concentrate on building up their herds, with most newborns retained as breeding stock. However, a fair market value for a heifer elk is between $4,000 and $5,000. Annual income is earned from the sale of antlers cut in the velvet stage of growth. The antlers sell for about $65 per pound, and a single bull elk can produce an average of 18 pounds of antlers per year, for more than 10 years. Thus, a gross income of $1,000 or more can be derived per year from a bull elk.

The value per animal is lower for deer than for elk, and varies by species. Currently, at private sales, prices for good quality fallow does and bucks range between $500 and $1,000. Young deer command only $300 to $500 per head. Slightly lower prices prevail at public auctions.

Destruction of cervid herds affected with tuberculosis is voluntary on the part of the owners. The indemnity payments of up to $750 per head for reactor cervids and up to $450 per head for exposed cervids will partially compensate cervid producers for lost income incurred by the destruction of the animals. These indemnity payments could provide a significant incentive for the owners of these herds to destroy the tuberculous animals. Although the indemnity payments will not completely cover the monetary losses resulting from whole herd depopulation, the payments will significantly reduce losses for deer and elk producers.

The alternative to the interim rule would have been to take no action. We did not consider taking no action a reasonable alternative because, without the economic incentive of Federal compensation for destroyed animals, owners would be more likely to allow tuberculosis infection to persist in their herds.

Executive Order 12372

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

Executive Order 12778

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0084.

List of Subjects

9 CFR Part 50

Animal diseases, Bison, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements, Tuberculosis.

9 CFR Part 77

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

Accordingly, 9 CFR parts 50 and 77 are amended as follows:

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

1. The authority citation for part 50 continues to read as follows:

Authority: 21 U.S.C. 111–113, 114, 114a, 114a-1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

§ 50.6 [Amended]

2. In § 50.6, paragraphs (b) and (e), the words ''the left ear'' are removed from the first sentence of each paragraph and the words ''either ear'' are added in their place.

PART 77—TUBERCULOSIS

3. The authority citation for part 77 continues to read as follows:

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

§ 77.5 [Amended]

4. In § 77.5, paragraph (b)(1), the words ''the left ear'' are removed and the words ''either ear'' are added in their place.

Done in Washington, DC, this 14th day of May 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–12623 Filed 5–17–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 28564; Amdt. No. 1726]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8722.

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

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

The Rule

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

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

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on May 3, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

** * * Effective May 23, 1996*

Cornith, MS, Roscoe Turner, ILS RWY 17, Orig
Lebanon, TN, Lebanon Muni, NDB RWY 19, Orig
Seattle, WA, Boeing Field/King County Intl, LOC/DME RWY 13R, Orig

** * * Effective June 20, 1996*

Stevensville, MD, Bay Bridge, GPS RWY 11, Orig
Charlevoix, MI, Charlevoix Muni, NDB or GPS RWY 9, Amdt 9
Charlevoix, MI, Charlevoix Muni, NDB or GPS RWY 27, Amdt 10
Fremont, Mi, Fremont Muni, GPS RWY 18, Orig
Wentzville, MO, Wentzville, VOR/DME OR GPS–A, Amdt 2, CANCELLED
Omaha, NE, Eppley Airfield, ILS RWY 14R, Amdt 3B, CANCELLED
Omaha, NE, Eppley Airfield, ILS RWY 32L, Amdt 5, CANCELLED
Portales, NM, Portales Muni, GPS RWY 1, Orig
Cortland, NY, Cortland County-Chase Field, GPS RWY 24, Orig
Sparta, WI, Fort McCoy, GPS RWY 11, Orig
Sparta, WI, Fort McCoy, GPS RWY 29, Orig

** * * Effective July 18, 1996*

Petersburg, WV, LDA/DME–B, Amdt 2

** * * Effective August 15, 1996*

Hollister, CA, Hollister Muni, GPS RWY 31, Orig
Beaumont-Port Arthur, TX, Jefferson Conunty, VOR/DME OR GPS RWY 34, Amdt 7

The FAA published an Amendment in Docket No. 28548, Amdt. No. 1724 to Part 97 of the Federal Aviation Regulations (Vol. 61, FR No. 84, Page 18943; dated Tuesday, April 30, 1996) under Section 97.23 effective 20 Jun 96, which is hereby amended as follows:

SELMA, AL, Craig Field,
VOR RWY 15, Orig
VOR RWY 33, Orig
VOR RWY 32, Amdt 3, CANCELLED

The effective date is changed to 23 MAY 96.

[FR Doc. 96–12641 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28565; Amdt. No. 1727]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the

following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC, on May 3, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

* * * Effective Upon Publication.

FDC date	State	City	Airport	FEC No.	SIAP
04/18/96	LA	Slidell	Slidell	6/2294	NDB RWY 19, AMDT 1...
04/18/96	LA	Slidell	Slidell	6/2295	NDB RWY 36, ORIG...
04/18/96	NE	Chadron	Chadron Muni	6/2285	VOR OR GPS RWY 20, AMDT 6...
04/19/96	MS	McComb	McComb-Pike County-John E. Lewis Field.	6/2335	NDB OR GPS RWY 15, AMDT 4...
04/19/96	MS	McComb	McComb-Pike County-John E. Lewis Field.	6/2336	LOC RWY 15, AMDT 6...
04/19/96	NE	Cozad	Codaz Muni	6/2329	VOR OR GPS RWY 13, AMDT 1...
04/19/96	NE	Fairmont	Fairmont State Airfield	6/2331	NDB OR GPS RWY 35, AMDT 1...
04/19/96	NE	Gothenburg	Quinn Field	6/2327	VOR OR GPS-AMDT 1...
04/19/96	NE	Gothenburg	Quinn Field	6/2328	NDB OR GPS RWY 32, AMDT 1...
04/19/96	NE	Kimball	Kimball Muni/Robert E Arraj Field	6/2330	NDB OR GPS RWY 28, ORIG...
04/19/96	NE	Lincoln	Lincoln Muni	6/2322	ILS RWY 17R, AMDT 6...
04/19/96	NE	Lincoln	Lincoln Muni	6/2323	ILS RWY 35L, AMDT 11...
04/19/96	NE	Lincoln	Lincoln Muni	6/2324	VOR OR GPS RWY 17L, AMDT 6...
04/19/96	NE	Lincoln	Lincoln Muni	6/2325	VOR OR GPS RWY 17R, AMDT 11...
04/19/96	NE	Lincoln	Lincoln Muni	6/2326	NDB OR GPS RWY 35L, AMDT 8...
04/22/96	KS	Topeka	Forbes Field	6/2380	VOR/DME OR TACAN OR GPS RWY 21, AMDT 6...
04/22/96	IA	Maquoketa	Maquoketa Muni	6/2388	RNAV OR GPS RWY 33, ORIG...
04/22/96	IA	Maquoketa	Maquoketa Muni	6/2390	NDB OR GPS RWY 15, AMDT 2...
04/22/96	IA	Marshalltown	Marshalltown Muni	6/2402	VOR OR GPS RWY 30, AMDT 7...
04/22/96	KS	Topeka	Forbes Field	6/2378	ILS RWY 31, AMDT 8...

FDC date	State	City	Airport	FEC No.	SIAP
04/22/96	KS	Topeka	Forbes Field	6/2379	VOR/DME OR TACAN RWY 3, AMDT 5...
04/22/96	KS	Topeka	Forbes Field	6/2383	RNAV RWY 13, AMDT 3...
04/22/96	KS	Topeka	Forbes Field	6/2384	NDB OR GPS RWY 31, AMDT 7...
04/22/96	KS	Topeka	Forbes Field	6/2386	NDB OR GPS RWY 13, AMDT 5...
04/22/96	LA	Homer	Homer Muni	6/2403	GPS RWY 30, ORIG...
04/22/96	MO	Kansas City	Kansas City Downtown	6/2396	NDB RWY 19, AMDT 16B...
04/22/96	MO	Kansas Cith	Kansas City Downtown	6/2399	VOR OR GPS RWY 19, AMDT 18...
04/22/96	MO	St Joseph	Rosecrans Memorial	6/2397	NDB OR GPS RWY 35, AMDT 28A...
04/22/96	MO	St Joseph	Rosecrans Memorial	6/2398	ILS RWY 34, AMDT 29A...
04/24/96	TN	Nashville	Nashville Intl	6/2434	ILS RWY 2L AMDT 7...
04/24/96	VA	Winchester	Winchester Regional	6/2447	LOC RWY 32 AMDT 3A...
04/25/96	IA	Sioux City	Sioux Gateway	6/2503	VOR/DME RNAV RWY 17, ORIG...
04/25/96	MO	Point Lookout	M. Graham Clark	6/2499	VOR/DME RNAV OR GPS RWY 23, AMDT 2...
04/25/96	NM	Zuni Pueblo	Zuni Pueblo/Black Rock	6/2481	GSP RWY 7, ORIG...
04/26/96	MO	Kansas City	Richards-Gebaur Memorial	6/2536	ILS 1, RWY 36, AMDT 3...
04/30/96	MD	Fredreick	Frederick Muni	6/2613	GPS RWY ORIG...
04/01/96	WI	Sparti	Fort McCoy	6/2629	NDB OR GPS RWY 29 AMDT 1...
04/26/96	OH	Port Clinton	Carl R. Keller Field	6/2539	GPS RWY 27 ORIG...

[FR Doc. 96–12640 Filed 5–17–96; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28566; Amdt. No. 1728]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

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

conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include ''or GPS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove ''or GPS'' from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is no a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on May 3, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

** * * Effective June 20, 1995*

Mountain Home, AR, Baxter County Regional, VOR/DME RNAV or GPS RWY 5, Amdt IA CANCELLED
Mountain Home, AR, Baxter County Regional, VOR/DME RNAV RWY 5, Amdt IA Paragould, AR, Kirk Field, VOR or GPS RWY 4, Amdt 3A CANCELLED
Paragould, AR, Kirk Field, VOR RWY 4, Amdt 3A
Vacaville, CA, Nut Tree, RNAV or GPS RWY 20, Amdt 1 CANCELLED
Vacaville, CA, Nut Tree, RNAV RWY 20, Amdt 1
Harrisburg, IL, Harrisburg-Raleigh, NDB or GPS RWY 24, Amdt. 9 CANCELLED
Harrisburg, IL, Harrisburg-Raleigh, NDB RWY 24, Amdt. 9
Winfield/Arkansas City, KS, Strother Field, NDB or GPS RWY 35, Amdt. 3A CANCELLED
Winfield/Arkansas City, KS, Strother Field, NDB, RWY 35, Amdt. 3A
Houma, LA, HounaTerrebonne, NDB or GPS RWY 18, Amdt. 4A CANCELLED
Houma, LA, HounaTerrebonne, NDB RWY 18, Amdt. 4A
Corinth, MS, Roscoe Turner, NDB or GPS RWY 17, Amdt. 8 CANCELLED
Corinth, MS, Roscoe Turner, NDB RWY 17, Amdt. 8
Portales, NM, Portales Muni, NDB or GPS RWY 1, Orig. CANCELLED
Portales, NM, Portales Muni, NDB RWY 1, Orig.
Alice, TX, Alice Intl, VOR or GPS RWY 31, Amdt. 11 CANCELLED
Alice, TX, Alice Intl, VOR RWY 31, Amdt. 11
Alpine, TX, Alpine-Casparis Municipal, NDB or GPS RWY 19, Amdt. 5 CANCELLED
Alpine, TX, Alpine-Casparis Municipal, NDB RWY 19, Amdt. 5
Ballinger, TX, Bruce Field, NDB or GPS RWY 35, Amdt. 1 CANCELLED
Ballinger, TX, Bruce Field, NDB RWY 35, Amdt. 1
Houston, TX, Houston Gulf, VOR or GPS RWY 31, Amdt 1A CANCELLED
Houston, TX, Houston Gulf, VOR RWY 31, Amdt 1A
Monahans, TX, Roy Hurd Memorial, VOR/DME or GPS RWY 12, Amdt. 1 CANCELLED
Monahans, TX, Roy Hurd Memorial, VOR/DME RWY 12, Amdt. 1
Palestine, TX, Palestine Muni, NDB or GPS RWY 35, Amdt. 7 CANCELLED
Palestine, TX, Palestine Muni, NDB RWY 35, Amdt. 7
Fond Du Lac, WI, Fond Du Lac County, VOR/DME or GPS RWY 36, Amdt. 6 CANCELLED
Fond Du Lac, WI, Fond Du Lac County, VOR/DME RWY 36, Amdt. 6
Sparta, WI, Sparta/Fort Mc Coy, NDB or GPS RWY 29, Amdt. 1 CANCELLED
Sparta, WI, Sparta/Fort Mc Coy, NDB RWY 29, Amdt. 1
Summersville, WV, Summersville, NDB or GPS RWY 4, Amdt. 2 CANCELLED
Summersville, WV, Summersville, NDB RWY 4, Amdt. 2

[FR Doc. 96–12639 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 310 and 341

[Docket No. 94N–0247]

RIN 0910–AA01

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Bronchodilator Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the final monograph for over-the-counter (OTC) bronchodilator drug products by removing pressurized metered-dose aerosol container dosage forms for the ingredients epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride. This action is being taken because the OTC marketing of such drug products will require an approved application containing certain information not required by the monograph. The agency is also amending the regulation that lists nonmonograph active ingredients by adding any ingredient(s) in a pressurized metered-dose aerosol container for OTC bronchodilator drug products. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: June 19, 1996.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–105), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2304.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of October 2, 1986 (51 FR 35326), FDA issued a final monograph establishing conditions

under which OTC bronchodilator drug products are generally recognized as safe and effective and not misbranded. Section 341.76(d)(2)(i) (21 CFR 341.76(d)(2)(i)) provides for products containing epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride for use in a pressurized metered-dose aerosol container (hereinafter referred to as an inhaler or MDI). The agency stated in the final monograph (51 FR 35326 at 35333 to 35334) that data and information available at that time concerning the technology to produce reliable MDI dosage forms allowed the agency to generally recognize OTC MDI drug products as safe and effective. Further, the agency had anticipated that MDI drug products would continue to contain a chlorofluorocarbon (CFC) propellant and that marketing would continue under approved applications, as stated in § 2.125(d) (21 CFR 2.125(d)), containing information on manufacturing controls for the MDI.

In the Federal Register of March 9, 1995 (60 FR 13014), FDA issued a notice of proposed rulemaking to amend the final monograph for OTC bronchodilator drug products to remove pressurized MDI aerosol container dosage forms for the ingredients epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride. The agency also proposed to amend the regulation that lists nonmonograph active ingredients to add any ingredient(s) in a pressurized MDI aerosol container for OTC bronchodilator drug products.

In the proposal, the agency discussed several developments that changed its view about the inclusion of pressurized MDI dosage forms in the final monograph for OTC bronchodilator drug products. The agency determined that an assessment of the safety and effectiveness of each MDI aerosol drug product must be made based on a reconsideration of the nature of MDI aerosol drug products, potential future reformulations to include new propellants, and the recommendations of various international workshops and FDA advisory committee discussions. The agency proposed that all MDI aerosol dosage forms must have premarket approval to ensure their safety and effectiveness.

Interested persons were invited to file by May 23, 1995, written comments or objections on the proposed regulation. Interested persons were invited to file comments on the agency's economic impact determination by May 23, 1995.

In response to the proposal, one drug manufacturer and an association of pharmaceutical scientists submitted comments. Copies of the comments are on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Final agency action on OTC MDI aerosol drug products containing epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride occurs with the publication of this final rule amending the final monograph for OTC bronchodilator drug products.

As discussed in the proposal (60 FR 13014), the agency advised that the conditions under which the drug products that are subject to this amendment to the final monograph will no longer be generally recognized as safe and effective and are misbranded (nonmonograph conditions) will be effective 30 days after the date of publication in the Federal Register. Therefore, on or after June 19, 1996, no OTC drug product that is subject to the monograph and that contains a nonmonograph condition, i.e., a condition that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved application or abbreviated application (hereinafter called application). Manufacturers are encouraged to comply voluntarily with the final rule at the earliest possible date.

All ''OTC Volumes'' cited throughout this document refer to the submissions made by interested persons pursuant to the call-for-data notice published in the Federal Register of August 9, 1972 (37 FR 16029), or to additional information that has come to the agency's attention since publication of the advance notice of proposed rulemaking. The volumes are on public display in the Dockets Management Branch.

II. The Agency's Conclusions on the Comments

One comment, from a pharmaceutical scientists' association, agreed with the agency's proposal to amend the final monograph for OTC bronchodilator drug products to remove MDI aerosol dosage forms for the ingredients epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride. The comment also agreed that such products should have premarket approval to ensure their safety and effectiveness. The comment explained that changes in an MDI aerosol could have significant effects on the distribution characteristics of the drug in the airways, produce a pharmacological interaction, and/or enhance toxicity of the drug product. With the phaseout of CFC-containing propellants in MDI aerosol drug products, the comment mentioned that the safety and effectiveness of the replacement propellants in these products will need to be established.

The comment stated that appropriately focused and well-designed clinical studies will be necessary to establish the clinical safety and effectiveness of new non-CFC-containing MDI aerosol formulations. New chemistry, manufacturing, and controls evaluations will be needed to document that the new formulation is compatible with the bronchodilator active ingredient and that drug delivery from the new system is comparable to the old system. The comment added that much of the testing needed to confirm the integrity and proper functioning of MDI aerosol drug products containing non-CFC propellants can be determined by in vitro testing. Such testing could determine particle size, total canister contents, and consistency and reproducibility of dose delivery through the life of the dosage form, as well as assess drug related impurities and leakage rate.

The comment expressed some concern about epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride used in a hand-held rubber bulb nebulizer. The comment stated that the agency's concerns about MDI aerosol dosage forms, particularly changes in the distribution characteristics of the drug in the airways, are equally applicable to hand-held rubber bulb nebulizers and spraying devices currently available. The comment also questioned the emphasis placed on many of the comments and conclusions drawn by the authors of articles cited within the proposed amendment because many of those references did not provide details of the composition of MDI aerosol drug products discussed. The comment did not specify which references failed to provide sufficient details.

Another comment, from a drug manufacturer, disagreed with the agency's proposal. The comment claimed that the proposal does not provide a reasonable basis to support the revocation of the ''generally recognized as safe and effective'' status of these OTC MDI aerosol drug products. The comment contended that the proposal raises questions about the safety and effectiveness of these drug products in the absence of any data showing that epinephrine-containing MDI aerosol drug products are not safe and effective when used according to

the labeling. The comment stated that the safety information discussed in the proposal relates to MDI aerosol products containing albuterol, and it does not raise any questions with respect to the safety of epinephrine-containing MDI aerosol drug products. The comment argued that because all CFC-containing MDI aerosol drug products must now be the subject of an approved new drug application (NDA), there is no public health issue concerning these drug products and, therefore, no need for this proposed monograph amendment.

The comment added that in the final monograph for OTC bronchodilator drug products (51 FR 35326 at 35333), the agency recognized that manufacturer compliance with FDA's current good manufacturing practice (CGMP) regulations would adequately address the control of the quality of drug product containers, components, and the drug product itself, and that specific requirements for MDI aerosol drug delivery systems in the monograph were unnecessary. The comment indicated that while CGMP compliance is important to assure the proper use of MDI aerosol delivery systems, the proposed amendment provides no evidence that CGMP compliance is a concern for currently-marketed epinephrine MDI aerosols.

The comment agreed with the agency that non-CFC propellants could render an MDI aerosol product a ''new drug'' under § 310.3(h)(1) (21 CFR 310.3(h)(1)). In that case, additional data would be required to support safety and effectiveness. However, the comment argued that new propellant formulations can be reviewed under an NDA without revoking the OTC monograph status of currently marketed CFC-containing MDI aerosol formulations.

The comment mentioned that the proposal to remove OTC MDI aerosol drug products from the final monograph for OTC bronchodilator drug products is not based on the deliberations of any advisory committee and is in conflict with the determination of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products that epinephrine-containing OTC MDI aerosol drug products are ''generally recognized as safe and effective.'' The comment stated that the agency should withdraw the proposal until such time as an advisory committee has reviewed the data and voted on a recommendation.

The comment also expressed concern that the agency's action could unnecessarily raise the data burden of NDA's for epinephrine-containing, CFC-propelled MDI's by imposing, without justification, new safety and effectiveness data requirements that are satisfied by the current monograph status. The comment noted that in § 330.11 (21 CFR 330.11), if an OTC drug product meets all the conditions of an applicable monograph, only a review of information pertaining to deviations from those conditions is necessary. The comment contended that § 330.11 encourages innovation and improvement in the pharmaceutical industry without unnecessary regulatory delays and unjustified data burdens. The comment added that, if new NDA's need to be submitted, the additional data required could have the effect of forcing from the market a product that has been the subject of an approved NDA and has had a safe marketing history for many years. Therefore, for these reasons, the comment requested that the agency withdraw the proposed amendment and take no further steps to complete this rulemaking.

The agency has considered the information presented by the comments and determined that marketing of pressurized MDI aerosol bronchodilator drug products containing CFC propellants requires an approved NDA containing information beyond that required by the final monograph for OTC bronchodilator drug products. Since publication of that final monograph in 1986, the agency has reconsidered the nature of MDI aerosol drug products, potential future reformulations to include new propellants, and the recommendations of various international organizations and agency advisory committees concerning the regulatory and data requirements needed to assure the clinical community and patients of the safety and effectiveness of MDI aerosol drug products.

In the proposed monograph amendment (60 FR 13014 to 13020), the agency discussed several specific developments that have changed its views about MDI aerosol dosage forms. These included: (1) Recent publications reporting chemistry, manufacturing, and controls problems resulting from changes to the container and closure system of redesigned MDI aerosol dosage forms; (2) the need for safety and effectiveness data for the new drug products as a result of those chemistry, manufacturing, and controls changes; (3) international workshops and FDA advisory committee discussions focusing on regulatory requirements for modifications to an approved innovator MDI and bioequivalence of generic MDI aerosol drug products; (4) legislation that requires a phaseout of ozone-depleting substances, including CFC propellants in MDI aerosol drug products; and (5) the need for safety data on the alternative propellants that will replace CFC's in MDI aerosol dosage forms, as well as evidence that the new MDI's deliver the drug effectively.

The agency's decision to remove epinephrine ingredients in pressurized MDI aerosol dosage forms from the final monograph for OTC bronchodilator drug products is not based on a specific safety or effectiveness concern that has been identified for any of the currently marketed OTC MDI aerosol drug products. All such products are currently the subject of an approved NDA based on agency regulations in § 2.125(d). The removal of these OTC drug products from the monograph is being done to ensure continued safety and effectiveness of these products and to provide a regulatory basis for adequate regulation of the manufacture of all future OTC MDI aerosol drug products, including those with the new propellants. This action is based on the agency's increased awareness that minor modifications in the manufacturing procedures of these products and the proposed phaseout of CFC propellants have the potential for substantial impact on the safety and effectiveness of these OTC drug products and are not adequately addressed by CGMP guidelines.

In response to the comment regarding the ''generally recognized as safe and effective'' status of currently marketed OTC MDI aerosol drug products containing epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride, the agency maintains that its preclearance of these products under NDA's alleviates concerns about the safety and effectiveness of these drug products. However, the agency now considers preclearance of the manufacturing processes of these products an important part of assuring their continued safe and effective use.

The agency points out that the safety information discussed in the proposal relates not only to MDI aerosol drug products containing albuterol, but to all such products in pressurized MDI dosage form. Recent data presented to the agency indicate that variability in the performance of an MDI aerosol may result from the physical characteristics of the drug substance, formulation differences, valve and actuator design, and the adequacy of control parameters, specifications, and test methods for each component and the final drug product. Design modification of any component of the drug product may result in significant alterations of the dose delivered to the lung. In addition,

changes in the source or the composition of the drug product may introduce unknown contamination or impurities (extractables) when the propellant comes in contact with the plastic or rubber components of the canister (Ref. 1).

Because all currently marketed OTC CFC-containing MDI aerosols containing epinephrine are the subject of approved applications, the agency does not agree with one comment that this monograph amendment will require additional data or new applications to support the safety and effectiveness of these bronchodilator drug products. Based on agency preclearance under existing applications, the safety and effectiveness of currently marketed OTC MDI drug products are not in question. However, the agency does consider it necessary that OTC marketing of new or reformulated MDI aerosol drug products or products manufactured by a different manufacturer or in a different facility require preclearance via an approved application containing information not required by the monograph to assure the continued safe and effective use of these drug products.

An NDA deviation (§ 330.11) applies to products whose ingredient(s) is included in an OTC drug monograph. OTC MDI aerosol drug products already require an NDA for marketing because of the CFC propellants (§ 2.125(d)). A change in manufacturing procedures may only require a supplement to an NDA. If a change in manufacturing facilities occurs or a product is manufactured by a different company, the affected manufacturer should consult with the agency to ascertain what will be required in the supplemental application.

In the proposed amendment (60 FR 13014 at 13018), the agency cited several international workshops and agency advisory committee discussions that identified the regulatory requirements necessary to determine the safety and effectiveness of reformulated bronchodilator drug products. The Commission of the European Communities, the Drug Information Association, and the agency's Generic Drugs Advisory Committee with representatives from the Pulmonary-Allergy Drugs Advisory Committee (Refs. 2, 3, and 4, respectively) agreed that any change in excipients (including propellants) might result in changes in drug deposition patterns within the lung and might affect absorption and systemic safety. Further, these organizations and committees stated that premarket approval is essential to ensure the identity, strength, quality, and purity of pressurized OTC and prescription bronchodilator drug products.

In response to some of the comment's concerns regarding the use of ephinephrine, epinephrine bitartrate, and racepinephrine hydrochloride in hand-held rubber bulb nebulizers, the agency agrees that some of these concerns about MDI aerosol dosage forms, particularly changes in the distribution characteristics of the drug in the airways, are equally applicable to hand-held rubber bulb nebulizers and spraying devices. The agency intends to reexamine the use of these OTC bronchodilator drugs in hand-held rubber bulb nebulizers in a future issue of the Federal Register.

The agency does not agree with one comment that this amendment should be withdrawn until an advisory committee has provided its recommendation. As stated earlier, the agency is not questioning the safety and effectiveness of currently marketed OTC MDI aerosol drug products. However, the agency considers it necessary to review and evaluate the manufacturing controls for these drug products to assure their continued safe and effective use. This monograph amendment deals with process issues (the procedure by which the product gets on the market or how manufacturing changes occur), and in this particular case the agency does not consider it necessary to bring this amendment to an advisory committee for deliberation. However, in some cases, it may be appropriate to bring procedural issues to an advisory committee.

In the proposed monograph amendment (60 FR 13014 at 13020), the agency indicated that there is a statutory phaseout of CFC propellants used in these MDI aerosol products, although an exemption for MDI's for the treatment of asthma and chronic obstructive pulmonary disease exists through 1997. Based on the intended phaseout of CFC-containing propellants in MDI aerosol dosage forms, the agency is aware that the pharmaceutical and other industries are investigating alternative propellants to replace CFC's in MDI's. Given the complexity of MDI aerosol formulations and the interdependence of each of the MDI components, the agency is concerned that the use of new excipients, including non-CFC-containing propellants, could change the distribution characteristics of the MDI bronchodilator drug in the airways, produce a pharmacological interaction, or enhance toxicity of the active drug substance. Such changes in MDI aerosol formulations might alter pulmonary absorption, potentially resulting in changes in the safety and/or therapeutic effectiveness of the bronchodilator drug product. Thus, the agency intends to require manufacturers who reformulate currently approved MDI aerosol drug products with new propellants to submit additional data or a new NDA to demonstrate that inhalation and ingestion of new formulations will not result in local tissue irritation effects or other undesirable consequences, such as loss of effectiveness or local retention, resulting from inappropriate drug deposition characteristics. The additional data must include an assessment of the absorption, distribution, and retention characteristics of new propellant systems in man following inhalation. Drug deposition profiles including the quantity of drug reaching the respiratory airways and its depth of penetration must also be characterized.

Based on the above discussion, the agency considers it essential that any reformulated MDI aerosol (including use of a new propellant or component design alterations) have premarket approval under an approved NDA to ensure the safety and effectiveness of the bronchodilator drug product. Therefore, the agency is removing the ingredients epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride in pressurized MDI aerosol dosage forms from the final monograph for OTC bronchodilator drug products because such products will continue to require an approved NDA containing certain information not required by the monograph. However, the monograph status of these ingredients when used in a hand-held rubber bulb nebulizer is not changed. Such products will remain in the final monograph at this time.

III. References

The following references are on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

(1) Adams, W. P. et al., ''Regulatory Aspects of Modifications to Innovator Bronchodilator Metered Dose Inhalers and Development of Generic Substitutes,'' Journal of Aerosol Medicine, 7:119–134, 1994.

(2) ''Report of the Commission of the European Communities' Committee for Proprietary Medicinal Products, Matters Relating to the Replacement of CFCs in Medicinal Products,'' December 15, 1993, in OTC Vol. 04BFMA3.

(3) Drug Information Association, MDI's in the Milennium: Workshop on Regulatory Issues of Efficacy, Safety, and Quality with Metered Dose Inhalers (MDI's) Drug Dosage Forms, October 18 and 19, 1993, in OTC Vol. 04BFMA3.

(4) Transcripts of the FDA Generic Drugs Advisory Committee Meeting with

Pulmonary-Allergy Drugs Advisory Committee Representation, September 14 and 15, 1993, identified as TS, Docket No. 94N–0247, Dockets Management Branch.

IV. The Agency's Final Conclusions

In this amendment, the agency is removing the ingredients epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride in pressurized MDI aerosol dosage forms from the final monograph for OTC bronchodilator drug products. Accordingly, the agency is amending § 341.76(d)(2) to remove § 341.76(d)(2)(i)(a) and (d)(2)(i)(b). The agency is also amending § 310.545(a)(6)(iv) for bronchodilator drug products by adding new paragraph (a)(6)(iv)(C) and listing thereunder ''any ingredient(s) in a pressurized metered-dose aerosol container.'' In addition, the agency is removing § 341.76(e) from the final monograph because that information now appears in § 330.1(i) (21 CFR 330.1(i)) as part of the general labeling policy for OTC drug products.

The agency points out that incorrect dates were inadvertently inserted in § 310.545(a)(6)(iv)(C) and (d)(26) of the proposed amendment (60 FR 13014 at 13020). Consequently, the agency is revising the dates in these sections to indicate that the conditions of this final rule will be effective 30 days after the date of publication in the Federal Register. Further, proposed § 310.545(d)(26) is renumbered in this final rule as § 310.545(d)(25).

V. Analysis of Impacts

The agency received one comment in response to the agency's request for comments on any substantial or significant economic impact that this rulemaking would have on OTC bronchodilator MDI aerosol drug products that contain epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride (60 FR 13014 at 13020). The comment indicated that this rulemaking would have a significant impact on the OTC bronchodilator industry and itself if additional data or new NDA's were requested for existing NDA-approved MDI aerosol drug products. As discussed above, this monograph amendment should have minimal impact on any existing MDI aerosol drug product marketed under an approved NDA. Any changes in manufacturing procedures will require a standard supplemental application that would have been required before the amendment was finalized.

FDA has examined the impacts of this final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. This monograph amendment does not change the status of any currently marketed MDI aerosol drug products. All such products are currently the subject of an approved application. As is currently the case for marketed MDI aerosol products, in the interest of public health and safety, an approved application will be required for any product that is reformulated to contain a non-CFC propellant. In addition, there are a limited number of MDI aerosol bronchodilator drug product manufacturers. Accordingly, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

VI. Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) 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 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 341

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 310 and 341 are amended as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 379e); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

2. Section 310.545 is amended by adding new paragraphs (a)(6)(iv)(C) and (d)(25) and by revising paragraph (d) introductory text to read as follows:

§ 310.545 Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses.

(a) * * *

(6) * * *

(iv) Bronchodilator drug products.

* * *

(C) Approved as of June 19, 1996. Any ingredient(s) in a pressurized metered-dose inhaler container.

* * * * *

(d) Any OTC drug product that is not in compliance with this section is subject to regulatory action if initially introduced or initially delivered for introduction into interstate commerce after the dates specified in paragraphs (d)(1) through (d)(25) of this section.

* * * * *

(25) June 19, 1996, for products subject to paragraph (a)(6)(iv)(C) of this section.

PART 341—COLD, COUGH, ALLERGY, BRONCHODILATOR, AND ANTIASTHMATIC DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

3. The authority citation for 21 CFR part 341 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371).

§ 341.76 [Amended]

4. Section 341.76 is amended by removing paragraphs (d)(2)(i) and (e), redesignating paragraph (d)(2)(ii) as paragraph (d)(2), and revising the heading of newly redesignated paragraph (d)(2) to read as follows:

§ 341.76 Labeling of bronchodilator drug products.

* * * * *

(d) * * *

(2) For products containing epinephrine, epinephrine bitartrate, and racepinephrine hydrochloride identified

in § 341.16(d), (e), and (g) for use in a hand-held rubber bulb nebulizer.

* * *

Dated: April 11, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12499 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

30 CFR Part 250

RIN 1010–AB96

Flaring or Venting Gas and Burning Liquid Hydrocarbons

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This rule amends regulations governing restrictions on flaring or venting gas to include restrictions on burning liquid hydrocarbons. MMS made this amendment to clarify that burning liquid hydrocarbons is allowable only under certain circumstances as approved by the Regional Supervisor.

EFFECTIVE DATE: This final rule is effective on June 19, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon Buffington, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: On February 17, 1995, MMS published a rule in the Federal Register (60 FR 9312) that proposed to amend the requirements at 30 CFR 250.175, flaring and venting of gas, to include burning liquid hydrocarbons. This rule is necessary because requests to burn liquid hydrocarbons are increasing, and we determined that we needed to provide regulatory guidance on burning.

Response to Comments

During the 60-day comment period, MMS received eight comments, predominately from the oil and gas industry. MMS appreciates the suggestions and comments that we received. We reviewed all of the comments, and in some instances, we revised the final language based on these comments. MMS grouped the comments by the following major issues:

1. In § 250.175(c), MMS proposed that the Regional Supervisor allow a lessee to burn a ''minimal'' amount of liquid hydrocarbons with prior approval. Several comments suggested that MMS determine the absolute value of ''minimal.'' One comment suggested that we create a table of allowable burn amounts by using distance from shore as the determining factor. In general, the comments said that the term ''minimal'' is not specific enough.

Response

MMS agrees that, if possible, using an absolute value for the term ''minimal'' would be desirable. However, we feel that it is impractical to determine an solute value because it depends on many economic, technical, safety, and environmental factors. Therefore, an amount that may be prudent to burn in one area may not be acceptable to burn in another correlative area. Conserving natural resources is a major consideration in burning liquid hydrocarbons. However, our determination of the allowable ''minimal'' amount that you can burn will also depend on technical, safety, and environmental factors.

2. Several comments suggested that storing and transporting or re-injecting liquid hydrocarbons poses a greater risk than burning them.

Response

MMS agrees that in some cases the alternatives to burning liquid hydrocarbons may be risky to the environment or personnel. That is the reason MMS provided the option of showing the Regional Supervisor that the alternatives are infeasible or pose significant risk. MMS will evaluate the information that you supply concerning the risks of the alternatives case by case. Please be assured that the Regional Supervisor will evaluate your requests to burn hydrocarbons fairly and promptly by using the information that you supply in your requests.

3. Section 250.175(c)—One comment suggested that MMS rewrite the first sentence of paragraph (c) because the phrase ''lessees must not burn liquid hydrocarbons'' may portray a negative bias against burning liquid hydrocarbons.

Response

MMS did not intend to portray a negative bias against burning liquid hydrocarbons. Our intent was only to set boundaries on burning liquid hydrocarbons. However, to avoid any confusion, MMS will restate the first sentence of paragraph (c) to say that ''Lessees may burn produced liquid hydrocarbons only if the Regional Supervisor approves.''

4. Section 250.175(a)(3)—Several comments opposed MMS's changing the limit on flaring, without prior approval, during well evaluations and cleaning, to 48 cumulative hours (from 48 continuous hours). The individuals felt that 48 cumulative hours are not always sufficient (especially in deep water). Similarly, one comment recommended that MMS state that the Regional Supervisor has the authority to increase the flaring limit.

Response

MMS feels that, for environmental and conservation reasons, it needs to change the term ''continuous'' to ''cumulative'' for flaring during well evaluations and cleaning operations (without prior approval). Otherwise, the term ''continuous'' would permit multiple flarings of up to 48 hours each simply by having a shut-in period between flarings.

MMS realizes that 48 hours of flaring will not always meet well testing needs. For these occasions, the Regional Supervisor has the authority to increase the flaring limit. MMS will continue to evaluate requests for more than 48 cumulative hours of flaring during well evaluations or cleaning. However, without prior approval, MMS will only allow 48 cumulative hours per testing operation on a single completion. This limit of 48 hours should be adequate to accommodate most operations.

MMS amended the final rule to clarify that the Regional Supervisor has the authority to specify a shorter or longer flaring limit. In addition, the MMS Regions are working on guidelines for extended testing and flaring for deep water.

5. Section 250.175(a)(2)—One comment recommended that MMS delete or define ''temporary'' which modified ''situations'' because it is too vague.

Response

MMS agrees that the term ''temporary'' can be vague, and we deleted it from the final rule.

6. Section 250.175(c)—One comment recommended that MMS define ''significant risk'' because it is vague.

Response

MMS has changed the phrase to ''significant risk that may harm.''

7. Several comments suggested that MMS mandate the type of burner that it will permit a lessee to use.

Response

MMS recognizes that many burners exist with widely varying specifications. However, since technology constantly changes, MMS feels that it is impractical and too restrictive to mandate an allowable type of burner. However, the

Regional Supervisor will take into account the type of burner industry proposes to use when evaluating requests to burn liquids.

8. Several comments said that lessees can't predict test volumes or other data that they will need for requests to flare or vent gas and burn liquids.

Response

We realize that lessees can't precisely predict reservoir data. We only ask that, as with all other pre-approval requirements, lessees plan and, to the best of their ability, estimate well test results and removal alternatives. The Regional Supervisor will work with lessees to fairly evaluate requests.

Authors. Sharon Buffington and Jo Ann Lauterbach, Engineering and Technology Division, MMS, prepared this document.

Executive Order (E.O.) 12866

This rule is not a significant rule under E.O. 12866.

Regulatory Flexibility Act

The Department of the Interior (DOI) determined that this rule will not have a significant effect on a substantial number of small entities. In general, we do not consider the entities that engage in offshore activities small due to the technical and financial resources and experience necessary to safely conduct such activities.

In addition, the DOI determined that this rule is not a major rule because it will not result in an annual effect on the economy of $100 million or more. Also, this rule will not have significant adverse effects on competition, employment, investment, productivity, or innovation. The largest cost to industry is for the cases when the lessee must transport the liquid hydrocarbons instead of burning them. Based on the number of well tests, the number of times transportation would occur, the annual gross cost to industry to transport these liquid hydrocarbons is $348,000.

Paperwork Reduction Act

The proposed information collection requirement contained in § 250.175 were approved by the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The OMB control number is 1010–0041. 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 MMS estimates the public reporting burden for this information will average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the date needed, and completing and reviewing the information collection.

Takings Implication Assessment

The DOI that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment does not need to be prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights.

Unfunded Mandate Reform Act of 1995

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

E.O. 12988

The DOI certified to OMB that this rule meets the applicable civil justice reform standards provided in Section 3(b)(2) of E.O. 12988.

National Environmental Policy Act

The DOI determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 250

Continental Shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: March 13, 1996.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth above, MMS is amending 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1334.

2. Section 250.175 is revised to read as follows:

§ 250.175 Flaring or venting gas and burning liquid hydrocarbons.

(a) Lessees may flare or vent oil-well gas or gas-well gas without receiving prior approval from the Regional Supervisor only in the following situations:

(1) When gas vapors are flared or vented in small volumes from storage vessels or other low-pressure production vessels and cannot be economically recovered.

(2) During an equipment failure or to relieve system pressures. The lessee must comply with the following conditions:

(i) Lessees must not flare or vent oil-well gas for more than 48 continuous hours unless the Regional Supervisor approves. The Regional Supervisor may specify a limit of less than 48 hours to prevent air quality degradation.

(ii) Lessees must not flare or vent gas from a facility for more than 144 cumulative hours during any calendar month unless the Regional Supervisor approves.

(iii) Lessees must not flare or vent gas-well gas beyond the time required to eliminate an emergency unless the Regional Supervisor approves.

(3) During the unloading or cleaning of a well, drill-stem testing, production testing, or other well-evaluation testing. Flaring or venting must not exceed 48 cumulative hours per testing operation on a single completion. The Regional Supervisor may allow less time to prevent air quality degradation or more time if lessees need additional time to evaluate reservoir parameters.

(b) Lessees may flare or vent oil-well gas for up to 1 year when the Regional Supervisor approves the request for one of the following reasons:

(1) The lessee initiated an action which, when completed, will eliminate flaring and venting; or

(2) The lessee submitted an evaluation supported by engineering, geologic, and economic data indicating that either:

(i) The oil and gas produced from the well(s) will not economically support the facilities necessary to save and/or sell the gas; or

(ii) There is not enough gas to market.

(c) Lessees may burn produced liquid hydrocarbons only if the Regional Supervisor approves. To burn produced liquid hydrocarbons, the lessee must demonstrate that the amounts to burn would be minimal, or that the alternatives are infeasible or pose a significant risk that may harm offshore personnel or the environment. Alternatives to burning liquid hydrocarbons include transporting the liquids or storing and re-injecting them into a producible zone.

(d) Lessees must prepare records detailing gas flaring or venting and liquid hydrocarbon burning for each facility. The records must include, at a minimum:

(1) Daily volumes of gas flared or vented and liquid hydrocarbons burned;

(2) Number of hours of flaring, venting, or burning on a daily basis;

(3) Reasons for flaring, venting, or burning; and

(4) A list of the wells contributing to flaring, venting, or burning, along with the gas-oil ratio data.

(e) Lessees must keep these records for at least 2 years. Lessees must allow Minerals Management Service representatives to inspect the records at the lessees' field office that is nearest the Outer Continental Shelf facility, or at another location agreed to by the Regional Supervisor. If the Regional Supervisor requests to see the records, lessees must provide a copy.

[FR Doc. 96–12544 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110 and 117

[CGD 05–96–021]

Special Local Regulations for Marine Events; Norfolk Harborfest 1996; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This document implements 33 CFR 100.501 for Norfolk Harborfest 1996, an annual event to be held in the Waterside area of the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are needed to control vessel traffic within the immediate vicinity of Waterside due to the confined nature of the waterway and the expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of participants and spectators.

EFFECTIVE DATES: The regulations in 33 CFR 100.501, 110.72aa and 117.1007(b) are effective for the following periods: 11 a.m. to 11 p.m., June 7, 1996; 8:30 a.m. to 11 p.m., June 8, 1996; and 9:30 a.m. to 7 p.m., June 9, 1996.

FOR FURTHER INFORMATION CONTACT: LTJG R. Christensen, marine events coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703–2199, (804) 483–8521.

SUPPLEMENTARY INFORMATION:

Discussion of Rule

Norfolk Harborfest, Inc. will sponsor the Norfolk Harborfest 1996 on June 7, 8, and 9, 1996, in the Waterside area of the Elizabeth River. The event will consist of aerobatic demonstrations, an air/sea rescue demonstration, fireworks, lighted boat parade, and numerous other water events, to include a parade of sailboats and several boat and raft races. A large number of spectator vessels are expected. Therefore, to ensure safety of both participants and spectators, 33 CFR 100.501 will be in effect for the event. Under provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it is registered as a participant with the event sponsor or it receives permission from the Coast Guard patrol commander. These restrictions will be in effect for a limited period and should not result in significant disruption of maritime traffic. The Coast Guard patrol commander will announce the specific periods during which the restrictions will be enforced.

Additionally, 33 CFR 110.72aa and 33 CFR 117.1007(b) will be in effect while 33 CFR 100.501 is in effect. Section 110.72aa establishes special anchorages which may be used by spectator craft. Section 117.1007(b) provides that the draw of the Berkley Bridge shall remain closed from one hour prior to the scheduled event until one hour after the scheduled event unless the Coast Guard patrol commander allows it to be opened for passage of commercial traffic.

Dated: May 1, 1996.

W.J. Ecker,

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

[FR Doc. 96–12645 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL–5504–4]

RIN 2060–AG40 and AG39

Outer Continental Shelf Air Regulations Offset Remand

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The EPA is revising the outer continental shelf (OCS) regulations in response to a decision by the U.S. Court of Appeals for the District of Columbia Circuit. The OCS regulations establish air pollution control requirements for certain sources located on the OCS.

On September 4, 1992, EPA promulgated the OCS regulations, which, in part, set up special offset requirements for OCS sources located within 25 miles of the States' seaward boundaries (the 25-mile limit). The Santa Barbara County Air Pollution Control District filed a petition for review of the regulations on several issues, including the special offset provisions. Upon review, the court found that the special offset provisions departed from the Clean Air Act directive, vacated the regulation in part, and remanded it to EPA for further consideration.

By this action, EPA is revising the OCS regulations to delete the special offset provisions and to require that for sources located within the 25-mile limit, offset requirements apply as they are required in the corresponding onshore area (COA). The EPA is promulgating these revisions as an interim final regulation and is requesting comments on the revisions. The revisions will be in effect during the interim period while EPA receives, reviews and responds to any comments.

DATES: These rules shall be effective as of May 20, 1996. Written comments on this action must be received by EPA at the address below on or before June 19, 1996.

ADDRESSES: The public docket for this action is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center (6101), Attention Docket A–95–06, South Conference Center, Room 4, 401 M Street, SW, Washington, DC 20460. A reasonable fee for copying may be charged.

FOR FURTHER INFORMATION CONTACT: Mr. David Stonefield, U.S. EPA, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5350.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

The Clean Air Act Amendments of 1990 (Act) (Pub. L. 101–549, 104 Stat. 2399 (1990)) added section 328 to the Act and transferred authority to regulate sources on part of the OCS from the Department of the Interior (DOI) to EPA. The DOI retained the authority to regulate OCS sources in the Gulf of Mexico west of 87.5 degrees longitude. As to the remaining portions of the OCS—the Atlantic, Pacific, and Arctic coasts and the Gulf of Mexico east of 87.5 degrees—section 328 requires EPA

to establish requirements for the control of air pollution from OCS sources, to attain and maintain Federal and State ambient air quality standards, and to comply with the provisions of part C of title I of the Act. For sources within 25 miles of the States' seaward boundaries, those requirements must be ''the same as would be applicable if the source were located in the [COA]. * * *'' For sources beyond the 25-mile limit, the Administrator has discretion in determining the requirements. The EPA proposed (56 FR 63774, December 5, 1991) and promulgated (57 FR 40792, September 4, 1992) regulations to implement the requirements of section 328. Among other things, EPA said that it would require OCS sources to meet the requirements of the operating permits regulations (40 CFR part 71) and the enhanced monitoring regulations when promulgated.

B. Offset Provisions

Generally, in nonattainment areas, a new source or existing source undergoing modification which results in increased emissions must secure emission reductions of an equal or greater amount from existing sources in that area to ''offset'' its new emissions. In promulgating the OCS regulations, EPA required that OCS sources obtain offsets based on the requirements imposed in the COA and in accordance with special offset requirements for OCS sources that EPA established in 40 CFR 55.5(d). The EPA set up three zones based upon where the offsets were obtained and applied the offset program differently in each. Offsets obtained seaward of the proposed source, zone 1, are subject to the requirements of the COA including any distance penalty or discount. Offsets obtained between the proposed source and the State's seaward boundary, zone 2, are subject to the offset ratio of the COA but not any distance discounting or penalties. Offsets obtained on the landward side of the State's seaward boundary, zone 3, are subject to the requirements of the COA including any distance penalty or discount, but the proposed source is assumed to be located at the State's seaward boundary (40 CFR 55.5(d) and 57 FR 40796).

C. Judicial Review

In November 1992, the Santa Barbara County Air Pollution Control District (APCD) filed a petition for review of the OCS rule in the Court of Appeals for the District of Columbia Circuit, claiming, among other things, that section 328 of the Act requires that the offset provision applicable to OCS sources must be *the same* as those that apply within the COA (*Santa Barbara County Air Pollution Control District* v. *EPA*, 31 F.3d 1179 (D.C. Cir. 1994)). The Santa Barbara County APCD claimed EPA overstepped the statutory boundaries by limiting the application of the COA offset provision with Federal requirements. On August 12, 1994, the Court of Appeals vacated the offset portion of the OCS regulations as it applied to zones 2 and 3, finding that EPA should promulgate the same offset requirements for OCS sources as would be applicable if the OCS sources were located in the COA. The court remanded the provision to EPA for further consideration.

Another issue raised by the Santa Barbara County APCD petition involved EPA's prohibition on the delegation of the authority to implement and enforce the OCS regulations with respect to sources located beyond the 25-mile limit. Pursuant to a request for a voluntary remand, the court remanded this issue to EPA for reconsideration on February 10, 1994. Elsewhere in today's Federal Register, EPA is proposing revisions to the OCS regulations to delete that prohibition.

II. Revisions to the Regulations

By this action, EPA is addressing the court's August 12, 1994 decision by revising the offset provision that applies to OCS sources. The EPA is revising section 55.5(d) of the OCS regulations to provide:

> Offset requirements. Offsets shall be obtained based on the applicable requirements of the COA, as set forth in §§ 55.13 and 55.14 of this part.

The EPA will delete the final clause of current § 55.5(d) and the text of subparagraphs (1)–(7), which placed limitations on the application of the offset requirements of the COA.

In accordance with the provisions of the Administrative Procedure Act (APA), EPA is invoking the good cause exception in taking this final action without prior notice and an opportunity for comment (5 U.S.C. 553(b)(B); *Shell Oil Co.* v. *EPA*, 950 F.2d 741, 752 (DC Cir. 1991); *Mid-Tex Elec. Co-op., Inc.* v. *FERC*, 822 F.2d 1123, 1131–34 (DC Cir. 1987)). Because the court has vacated the existing regulations as they apply to zones 2 and 3, there is a gap in continuity of the regulation. The EPA believes good cause exists to make this action final prior to providing an opportunity for notice and comment because such a procedure is unnecessary in light of the court's holding. The court decision clearly indicates that EPA was not entitled to interpret section 328 so as to allow a different application of offsets from what the COA's regulations provide. The court found that there is a clear statutory mandate which EPA should have followed. Since there is no judgment involved in the application of this provision, notice-and-comment rulemaking is unnecessary. Furthermore, because of the gap in continuity of the regulations, it is not practicable to cause notice and an opportunity for public hearing prior to filling the gap, and it is not in the public interest to do so since the gap could cause confusion and delay with respect to permitting.

Finally, for the same reasons articulated above, EPA is invoking the good cause exception to make this action effective immediately upon publication (APA, 5 U.S.C. 553(d)(3)).

Although EPA is invoking the good cause exception to make this action final without prior notice and opportunity for comment, EPA is providing the public with the opportunity to comment on this interim final action. Therefore, the final action is ''interim'' because EPA will reevaluate its decision in light of any comments received during the comment period and take a subsequent final action.

Appendix A to 40 CFR 55 identifies the State and local requirements incorporated into EPA's OCS regulations. Section 55.12 requires EPA to update appendix A to maintain consistency with onshore regulations. During the next consistency review for each area, EPA will incorporate any additional offset requirements necessary to comply with the requirements of these revisions.

IV. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, the Agency must determine whether the regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines significant regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety of State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It is estimated that the upper bound for the economic impact of these revisions to the OCS rules is between $520,000 and $1,120,000 per year. However, pursuant to the terms of Executive Order 12866, OMB has determined that the revisions to the OCS rules are ''significant'' because the OCS sources would be regulated by two Federal agencies, EPA and DOI. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations are documented in the public record.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Act of 1995 requires that EPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Section 203 requires EPA to establish a plan for obtaining input from, 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, EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule, unless EPA explains why a particular alternative is not selected or the selection of a particular alternative is inconsistent with law.

Because this interim final rule does not impose any new mandates on State, local, or tribal governments, and the rule is estimated to result in the expenditures by State, local, and tribal governments or the private sector of less than $100 million in any 1 year, EPA 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, EPA is not required to develop a plan with regard to small governments. However, EPA will work with State and local air pollution control agencies that have received delegation of authority to implement and enforce the OCS regulations.

C. Paperwork Reduction Act

These rule revisions do not contain any information collection requirements subject to review by the OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to identify potentially adverse impacts of Federal rules upon small entities. Small entities include small businesses, organizations, and governmental jurisdictions. In instances where significant economic impacts are possible on a substantial number of these entities, agencies are required to perform a regulatory flexibility analysis. Furthermore, *EPA Guidelines for Implementing the Regulatory Flexibility Act,* issued on April 9, 1992, require the Agency to determine whether regulations will have any economic impacts on small entities. As explained in the September 4, 1992 final rule (57 FR 40792), the OCS regulations do not apply to any small entities. Therefore, these revisions to the OCS regulations neither impose any requirements on small entities, nor require or exclude small entities from meeting the requirements of the OCS regulations. As a result, EPA has determined that these revisions will not have a significant impact on a substantial number of small entities.

Therefore, as required under section 605 of the RFA, 5 U.S.C. 605, I certify that these revisions do not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Continental shelf, Intergovernmental relations, Nitrogen oxides, Ozone, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 13, 1996.

Carol M. Browner.

Administrator.

For reasons set out in the preamble, 40 CFR part 55 is revised and amended as set forth below.

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.4

2. Section 55.5 is amended by revising paragraph (d) to read as follows:

§ 55.5 Corresponding onshore area designation.

* * * * *

(d) *Offset requirements.* Offsets shall be obtained based on the applicable requirements of the COA, as set forth in §§ 55.13 and 55.14 of this part.

* * * * *

[FR Doc. 96–12626 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 167

[OECA; FRL–5507–1]

Pesticide Reports for Pesticide-Producing Establishments (EPA Form 3540–16); 1995 Annual Solicitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Time extension for submission of reports.

SUMMARY: The EPA announced in the Federal Register (61 Vol. 8221, March 4, 1996), that because of delays in completing and distributing reporting packages, that it would extend the due date for submission of annual pesticide production reports (EPA Form 3540–16) for calendar year 1995 until May 1, 1996. In another Federal Register document (61 Vol. 14497, April 2, 1996), EPA corrected the original document of March 4, 1996, by stating ''Annual pesticide production reports for calendar year 1995 will not be due until two (2) months after the reporting packages are mailed out.''

This notice announces that the 1995 Pesticide Reports for Pesticide-Producing Establishments forms (EPA Form 3540–16) will be mailed out by May 24, 1996, and are due to be submitted back to the Agency by July 24, 1996. If you have not received your reporting packages within two weeks from the date of this document, please contact your local EPA Regional office.

DATES: Annual pesticide production reports for calendar year 1995 will be due July 24, 1996.

FOR FURTHER INFORMATION CONTACT: Carol L. Buckingham, (202) 564–5008, fax (202) 564–0085, Environmental Protection Agency, Mail Code 2225A, 401 M Street, SW., Washington, D.C. 20460.

Dated: May 13, 1996.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance.

[FR Doc. 96–12484 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 6E4647/R2220; FRL–5357–8]

RIN 2070–AB78

Propylene Oxide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a time-limited tolerance for residues of the fumigant propylene oxide in or on the raw agricultural commodities almonds, Brazil nuts, filberts, pecans, pistachio nuts, and walnuts. As a practical matter, this regulation reduces the maximum permissible residue level for propylene oxide in or on these nuts from 300 ppm to 150 ppm. The regulation to establish a maximum permissible level for residues of the fumigant was requested in a petition submitted by Aberco, Inc., 9430 Lanham Severn Road, Seabrook, MD 20706.

EFFECTIVE DATE: This regulation becomes effective May 20, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 6E4647/R2220], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted 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 copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 6E4647/R2220]. No Confidential Business Information (CBI) should be submitted through e-mail. Information not marked confidential may be disclosed publicly by EPA without prior notice. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Walter C. Francis, Acting Chief, Antimicrobial Program Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 250, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–3661; e-mail: francis.walter @epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

REGULATED ENTITIES

Category	Examples of Regulated Entities
Industry	Nut processors who fumigate with propylene oxide Food processors who use fumigated nuts in food

This table is not exhaustive, but is a guide to the entities EPA believes are regulated by this action.

EPA issued a notice published in the Federal Register of February 1, 1996 (61 FR 3697), which announced that Aberco, Inc., 9430 Lanham-Severn Road, Seabrook, MD 20706 had submitted a pesticide petition (PP 6E4647) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for residues of the fumigant propylene oxide, in or on the raw agricultural commodity nutmeats (except peanuts) when such foods are to be further processed into a final food form, at 300 parts per million (ppm).

All of the comments received in response to this notice of filing supported the issuance of the proposed tolerance.

On April 3, 1996 Aberco, Inc. amended the petition by requesting that the proposed maximum permissible level for residues of propylene oxide be reduced to 150 ppm. Because this is a reduction of a previously proposed tolerance level, an additional period of public comment is not necessary.

The scientific data evaluated for propylene oxide were obtained from the EPA Integrated Risk Information System (IRIS) (1990) and Meylan et al. (EPA, 1986).

Propylene oxide is classified as a B2 carcinogen with an oral slope factor of 1.53E-1 based on benign and malignant tumors in female rats when exposed by gavage.

Because nuts treated with propylene oxide are not sold directly to consumers but are intended to be added to foods that may be further processed (e.g. candy, cereal, baked goods, ice cream), EPA conducted its risk assessment based on information related to anticipated residues at the point of sale to consumers. Under normal conditions of transport and distribution, the average time between release of the treated nuts into commerce and the shipping, processing, and retailing of the final food form containing the nuts is approximately 18 days. Taking into account the percent of the nut commodities treated: almonds (3 percent); Brazil nuts (8 percent); filberts (1 percent); pecans(3 percent); pistachio nuts (1 percent); and walnuts (7 percent), and using a standard off gassing kinetic equation based on a 150 ppm level at the time of shipment from the fumigation site and a transport time of 18 days, the anticipated residues for propylene oxide at the point of consumer purchase are 3.3 ppm.

Based on IRIS and a 1985 report prepared by the World Health Organization (Environmental Health Criteria 56), the cancer endpoint is the most restrictive and conservative measurement of risk. The cancer unit potency or Q^* of 0.153 mg/kg/day^{-1} is over 1,000 times more restrictive that the estimate of an RfD using the No Observed Effect Level (NOEL) of 9 mg/kg/day obtained from a chronic rat study. The theoretical maximum residue contribution (TMRC) for all proposed tolerances (almonds, Brazil nuts, filberts, pecans, pistachio nuts, and walnuts) is 0.002 mg/kg/day for the overall U.S. population. The anticipated residue contribution (ARC) to the U.S. population is 0.000002 mg/kg/day, resulting in a lifetime cancer risk from treated nuts of 3×10^{-7}. This value assumes anticipated residues of 3.3 ppm at the point of consumer purchase. During the 2 year timeframe covered by this time-limited tolerance, the cancer risk would be 8.6×10^{-9}.

The Agency believes that the current cancer risk assessment demonstrates negligible risk.

The pesticide is useful for the purposes for which the tolerance is sought. The nature of the residue is adequately understood and an analytical method for propylene oxide (gas

chromatography) previously developed for tolerance petitions 5H5087 and 6H5119 is available in JAOAC, Vol 54, p. 560, 1971.

Additional residue data on propylene oxide and propylene chlorohydrin (2-PCH) are required for a permanent tolerance. These data are required to precisely determine the off-gassing kinetics and to allow the Agency to accurately verify the time interval from fumigation to the point of consumer purchase. At the present time, however, the Agency believes there are adequate data to support a time-limited tolerance while these studies are being developed. Additional toxicological data may be required based on a review of the required residue data. Further, EPA has concerns about the adequacy of the current analytical method. Therefore, a revised analytical method must be developed to address the 2-PCH known to form during fumigation of foods with propylene oxide. Revised enforcement or confirmatory methods for propylene chlorohydrin, as well as for propylene oxide *per se* must also be developed. Any additional tolerance proposals for propylene oxide will be considered on a case-by case basis.

There are presently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below. Since the Agency has no evidence that other varieties of nuts are treated with propylene oxide, tolerances are being established only for specific nuts.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under the docket number [PP 6E4647/R2220] (including any comments and data submitted electronically). 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.

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 any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making 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.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this rule is not ''significant'' and is not subject to OMB review.

This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

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).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 9, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.491 is added to read as follows:

§ 180.491 Propylene Oxide; tolerance for residues.

A time-limited tolerance to expire on May 20, 1998 is established for residues of the fumigant propylene oxide, in or on the following raw agricultural commodities.

Commodity	Parts per million
Almonds	150
Brazil Nuts	150
Filberts	150
Pecans	150
Pistachio Nuts	150
Walnuts	150

[FR Doc. 96–12500 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 185

[OPP–300335B; FRL–5372–2]

Pesticides; Partial Stay of Effective Date for Order Revoking Certain Food Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial stay of Effective Date.

SUMMARY: EPA is staying the effective date of a final rule revoking the food additive regulations (FARs) for certain uses of propargite, mancozeb, ethylene oxide and propylene oxide. The final

rule, subject to objections, was published in the Federal Register on March 22, 1996. EPA received petitions to stay the May 21, 1996 effective date for the final rule as it applied to the four pesticides noted above. EPA is staying the effective date until it can review the petitions and determine whether to grant the petitions for stays and if so, for what length of time.

DATES: This partial stay is effective May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Niloufar Nazmi, Special Review Branch (7508W), Special Review and Reregistration Division, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 3rd floor, Westfield Building, 2800 Crystal Drive, Arlington, VA, Telephone: (703) 308–8028, e-mail: nazmi.niloufar@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

In the Federal Register of March 22 1996 (61 FR 11993), EPA issued an order by final rule revoking the FARs for certain uses of seven pesticides. EPA revoked the above FARs based on the determination that these FARs are inconsistent with the Delaney clause, in section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA). In the final rule, EPA set an effective date of May 21, 1996 for the revocations.

Any person adversely affected by the March 22, 1996 Order was allowed 30 days to: (1) File written objections to the order, (2) file a written request for an evidentiary hearing on the objections, and (3) file a petition for a stay of the effective date.

EPA received requests from four Petitioners to stay the effective date of revocation for the following: propargite on tea and figs from the Uniroyal Chemical Company; mancozeb on oat bran from the Mancozeb Task Force; ethylene oxide on ground spices from the American Spice Trade Association; and propylene oxide on nutmeats, ground spices, cocoa and gums from Aberco Inc. The Petitioners contend to have satisfied the four criteria outlined in the final rule regarding the stay of an administrative action (21 CFR 10.35). All four Petitioners assert that: (1) They will suffer irreparable injury; (2) their case is not frivolous and is being pursued in good faith; (3) they have demonstrated sound public policy grounds supporting the stay; and (4) the delay resulting from the stay is not outweighed by public health or other public interests.

Full copies of the stay requests may be viewed in the OPP Docket under the document control number. The OPP docket is located in the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

By this document, EPA is staying the effective date of the March 22, 1996 final rule until such time as EPA issues its responses to the stay petitions.

List of Subjects in 40 CFR Part 185

Environmental protection, Food additives, Pesticides and pest.

Dated: May 16, 1996.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 185 is amended as follows:

1. The authority citation continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.2850 [Amended]

1. The amendment removing § 185.2850, published at 61 FR 12009, March 22, 1996 is stayed.

§ 185.5000 [Amended]

2. On page 12009, in the issue for March 22, 1996, the removal from the table in § 185.5000 of ''figs, dried,'' and ''tea, dried,'' is stayed. The removal of the entry for raisins is not affected by this stay.

3. On page 12009, in the issue for March 22, 1996, the removal of § 185.5150 is stayed with respect to the removal of the introductory text, paragraphs (a), (b), (c), (d) and (e), and in the table, with respect to the entries for ''cocoa,'' ''gums,'' ''processed nutmeats (except peanuts),'' and ''spices, processed.'' The removal of the entries for ''glace fruit,'' ''prunes, dried,'' and ''starch'' is not affected by this stay. For clarity and ease of use by the reader the text that remains pursuant to the stay is set forth below.

§ 185.5150 Propylene oxide.

The food additive propylene oxide may be safely used in or on foods in accordance with the following prescribed conditions:

(a) It is intended as a fumigant in or on bulk quantities of cocoa, gums, processed spices, and processed nutmeats (except peanuts) when such bulk foods are to be further processed into a final food form.

(b) It is applied in fumigation chambers not more than one time at a temperature not in excess of 125° F. The maximum period of fumigation shall not exceed 4 hours for cocoa, processed nutmeats (except peanuts), and processed spices. For edible gums, the maximum duration shall be 24 hours.

(c) When used as described in paragraphs (a) and (b) of this section, residues shall not exceed the following limitations:

Food	Limitations[1]
Cocoa	300
Gums	300
Processed nutmeats (except peanuts)	300
Spices, processed	300

[1] Expressed as parts per million of propylene oxide.

(d) When used as a mixture with carbon dioxide (92 parts of carbon dioxide to 8 parts of propylene oxide on a weight/weight basis), all commodities listed in paragraph (c) of this section may be processed not more than one time for a period not to exceed 48 hours and at a temperature not to exceed 125° F.

(e) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label an labeling registered by the U. S. Environmental Protection Agency.

9. On page 12009, in the issue for March 22, 1996, the removal of § 185.6300 with respect to the introductory text and bran of oats is stayed. For clarity and ease of use by the reader the text that remains pursuant to the stay is set forth below.

§ 185.6300 Zinc ion and maneb coordination product.

Tolerances are established for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the following processed foods, when present therein as a result of the application of this fungicide to growing crops:

20 parts per million in the bran of oats.

[FR Doc. 96–12736 Filed 5–16–96; 2:14 pm]

BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

RIN 1018–AD71

Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) revises the regulations governing the conduct of the annual Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest. The amendments include the following changes: correct the common and Latin name of American Green-winged Teal; deadline August 30 for submitting entry; entrant must be 18 years of age by July 1 to participate in contest; entry fee increased to $100.00; other living creatures, hunting scenes may be part of the design; Interior liability limited to amount of entry fee; third round of voting, judges indicate numerical score from 3 to 5 for each entry; and for tie vote use same method as round three.

EFFECTIVE DATE: The rule is effective July 1, 1996, the beginning of the 1996–97 contest.

ADDRESSES: Manager of Licensing, Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street, NW, Suite 2058, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mrs. Lita F. Edwards, (202) 208–4354.

SUPPLEMENTARY INFORMATION: The Service published the proposed rule to amend these regulations on March 14, 1996 (61 FR 10557).

The Federal Duck Stamp Contest is the only Federal agency-run art contest and has been in existence since 1949 with the 1950 stamp the first to be selected in open competition. The Federal Duck Stamp's main use is a revenue stamp needed by waterfowl hunters. This year's Contest and species information follows:

1. Contest schedule:

1996–97 Federal Duck Stamp Contest—October 15–17, 1996

Public viewing—Tuesday, October 15 from 10:00 a.m. to 2:00 p.m.

Judging—Wednesday, October 16 at 10:30 a.m. through Thursday, October 17 at 9:00 a.m.

2. The Contest will be held at the Department of the Interior building, Auditorium (C Street entrance), 1849 C Street, NW, Washington, DC.

3. The *five* eligible species for the Contest: (1) Black Duck; (2) Canada Goose; (3) Greater Scaup; (4) American Green-winged Teal; and (5) Northern Pintail.

As part of an effort to keep pace with the cost of administering and making minor improvements to the Contest, the Service makes the following changes to this year's contest:

1. The Service corrects the common and Latin name of American Green-winged Teal.

2. Persons wishing to enter this year's Contest may submit entries anytime after July 1, but *all* entries must be postmarked no later than midnight Friday, August 30, 1996.

3. The Service increases the fee for art contest entrants to $100.00. Contest expenses have escalated each year and this increase will defray Service expenses in administering the Contest.

4. The Service requires that all entrants must be 18 years of age as of July 1 to participate in the Contest, as 18 is considered the general age of majority by most jurisdictions.

5. The Service clarifies that other living creatures, scenes, designs may be part of the design as long as living migratory birds are the dominant feature.

6. Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. The Department of the Interior is not responsible for loss or damage unless it is caused by its negligence, or willful misconduct and the amount will not exceed the amount of the entry fee.

7. The Service modifies contest procedures for the third round of judging to allow more consistent scores.

8. In case of a tie vote, judges will use the same process in voting as in the third round to ensure consistency in scoring.

This regulation was not subject to Office of Management and Budget review under Executive Order 12866. These final regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements. The Department of the Interior has determined that this regulation will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the changes/revisions to the Contest will affect individuals not businesses or other small entities as defined in the Act. The Service received 1,038 entries for the past 2 years. The fee increase to $100.00 per entrant from $50.00 per entrant represents a $50.00 total increase per entrant. The 2 year average of entries received is 519. If those figures remain constant, then approximately $25,000.00 is the estimated annual increase to the public to participate in the program.

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities.

Analysis of Public Comment

The Service received no comments from the public on the changes to the regulations.

List of Subjects in 50 CFR Part 91

Hunting, Wildlife.

Accordingly, Title 50, Part 91 of the Code of Federal Regulations is amended as follows:

PART 91—[AMENDED]

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

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701

2. Section 91.4 is amended by revising paragraph (e)(4) to read as follows:

§ 91.4 Eligible species.

* * * * *

(e) * * *

(4) American Green-winged Teal (Anas crecca carolinensis)

* * * * *

3. Section 91.11 is amended by revising paragraph (b) to read as follows:

§ 91.11 Contest deadlines.

* * * * *

(b) Entries must be postmarked no later than midnight of August 30.

4. Section 91.12 is revised to read as follows:

§ 91.12 Contest eligibility.

United States citizens, nationals, or resident aliens are eligible to participate in the contest. Any person who has won the contest during the preceding three years will be ineligible to submit an entry in the current year's contest. All entrants must be 18 years of age as of July 1 to participate in the Federal Duck Stamp Contest. Contest judges and their relatives are ineligible to submit an entry. All entrants must submit a non-refundable fee of $100.00 by a cashiers check, certified check, or money order made payable to: U.S. Fish and Wildlife Service. (Personal checks will not be accepted.) All entrants must submit signed Reproduction Rights and Display and Participation Agreements.

5. Section 91.14 is revised to read as follows:

§ 91.14 Restrictions on subject matter of entry.

A live portrayal of any bird(s) of the five or fewer identified eligible species must be the dominant feature of the design. The design may depict more than one of the eligible species. Designs may include, but are not limited to, hunting dogs, hunting scenes, use of waterfowl decoys, National Wildlife Refuges as the background of habitat scenes, and other designs that depict the sporting, conservation, stamp collecting and other uses of the stamp. The overall mandate will be to select the best design that will make an interesting, useful and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original creation and may not be copied or duplicated from previously published art, including photographs. An entry submitted in a prior contest that was not selected for the Federal or a state stamp design may be submitted in the current contest if it meets the above criteria.

6. Section 91.17 is revised to read as follows:

§ 91.17 Property insurance for entries.

Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. The Department of the Interior will not insure the entries it receives nor is it responsible for loss or damage unless it is caused by its negligence or willful misconduct. In any event, the liability of the Department of the Interior will not exceed the amount of the entry fee as specified in § 91.12.

7. Section 91.24 is amended by revising paragraphs (h) and (i) to read as follows:

§ 91.24 Contest procedures.

* * * * *

(h) In the third round of judging, the judges will vote on the remaining entries using the same method as in round two, except they would indicate a numerical score from 3 to 5 for each entry. The Contest Coordinator will tabulate the final votes and present them to the Director, U.S. Fish and Wildlife Service, who will announce the winning entry as well as the entries that placed second and third.

(i) In case of a tie vote for first, second, or third place in the third round, the judges will vote again on the entries that are tied. The judges will vote using the same method as in round three.

* * * * *

Dated: April 25, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–12569 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 61, No. 98
Monday, May 20, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ANM–011]

Proposed Amendment of Class E Airspace; Baker City, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would amend the Baker City, Oregon, Class E airspace to provide additional controlled airspace for Instrument Flight Rules (IFR) operations at the Baker City Municipal Airport. The area would be depicted on aeronautical charts for pilot reference. During an airspace review, it was noted that the airport name and the referenced navigational aid were incorrectly stated in the airspace designation for the existing Class E airspace. This proposed rule would correct that error.

DATES: Comments must be received on or before July 1, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ANM–530, Federal Aviation Administration, Docket No. 96–ANM–011, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

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

FOR FURTHER INFORMATION CONTACT: James C. Frala, ANM–532.4, Federal Aviation Administration, Docket No. 96–ANM–011, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ANM–011.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Baker City, Oregon, to provide additional controlled airspace for IFR operations at the Baker City Municipal Airport. The area would be depicted on aeronautical charts for pilot reference. During an airspace review, it was noted that the airport name and the referenced navigational aid were incorrectly stated in the airspace designation for the existing Class E airspace. This proposed rule would correct that error. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace

Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

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

* * * * *

ANM OR E5 Baker City, OR

Baker City Municipal Airport, OR
(lat. 44°50′17″ N, long. 117°48′35″ W)
Baker City VOR/DME
(lat. 44°50′26″ N, long. 117°48′28″ W)

That airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 5.3 miles southwest of the Baker City VOR/DME 138° and 317° radials extending from 12.2 miles southeast to 14 miles northwest of the VOR/DME, and within 8.7 miles west and 4.3 miles east of the Baker City VOR/DME 345° radial extending from the VOR/DME to the south edge of V–298, and that airspace east of Baker City VOR/DME bounded on the north by the south edge of V–121, on the southeast by the northwest edge of V–269, and on the southwest by the northeast edge of V–4–444; excluding the Boise, ID, Enroute Domestic Airspace Area.

* * * * *

Issued in Seattle, Washington, on May 3, 1996.

Richard E. Prang,

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

[FR Doc. 96–12638 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–13–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Rules Governing Misconduct by Attorneys or Party Representatives Before the Agency

AGENCY: National Labor Relations Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Labor Relations Board (NLRB) is proposing to revise its rules governing misconduct by attorneys and party representatives before the Agency. The proposed changes consolidate the current misconduct rules applicable to unfair labor practice and representation proceedings into a single rule, clarify and revise the current rules to cover such misconduct at any and all stages of any Agency proceeding, whether or not it occurs during a hearing, and set forth the procedures for processing allegations of misconduct. In addition, the proposed changes revise Section 102.21 of the Board's rules governing the filing of answers to unfair labor practice complaints to make that section's disciplinary provisions applicable to non-attorney party representatives as well as attorneys.

DATES: All comments must be received on or before June 19, 1996.

ADDRESSES: All written comments should be sent to Office of the Executive Secretary, National Labor Relations Board, 1099 14th Street, NW, Room 11600, Washington, DC 20570. Telephone: (202) 273–1940. The comments should be filed in eight copies, double spaced, on 8½ by 11 inch paper and shall be printed or otherwise legibly duplicated.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, Telephone: (202) 273–1940.

SUPPLEMENTARY INFORMATION: The NLRB's rules governing misconduct by attorneys and party representatives before the Agency are currently set forth in two separate sections of the Board's rules and regulations: Section 102.44 (unfair labor practice proceedings) and 102.66(d) (representation proceedings). These sections, which are virtually identical, currently provide that misconduct at a hearing shall be grounds for summary exclusion from the hearing, and that ''such misconduct of an aggravated character'' may also be grounds for suspension or disbarment by the Board from further practice before it after due notice and hearing.

Applying these rules, the Board in several cases has suspended or disbarred attorneys or non-attorney party representatives from further practice before the Agency for engaging in misconduct during the course of unfair labor practice or representation hearings. See, e.g., *Joel Kieler*, 316 NLRB 763 (1995); *Sargent Karch*, 314 NLRB 482 (1994); *In re An Attorney*, 307 NLRB 913 (1992); *Kings Harbor Health Care*, 239 NLRB 679 (1978); *Roy T. Rhodes*, 152 NLRB 912 (1965); *Herbert J. Nichol*, 111 NLRB 447 (1955); and *Robert S. Cahoon*, 106 NLRB 831 (1953).

As currently written, however, the Board's rules have several deficiencies. First, they do not specifically cover misconduct that does not occur during the course of a hearing. As a result, the Board has been unable to take effective and appropriate disciplinary action against attorneys or party representatives who are alleged to have engaged in misconduct in the pre-hearing, investigative and/or compliance stages of its proceedings. Thus, for example, the Board recently held that it was without authority under its current rules to institute disciplinary proceedings against an attorney who allegedly suborned perjury during the pre-complaint investigation of an unfair labor practice charge. See *H.P. Townsend Mfg. Co.*, 317 NLRB 1169 (1995). The Board in that case instead transferred the record to the State Bar Association with a request that it investigate whether disciplinary action was warranted.

Second, the Board has found that the language in the current rules, ''misconduct of an aggravated character,'' has sometimes caused confusion about what types of conduct would be subject to suspension or disbarment. See, e.g., *Sargent Karch*, *supra*, 314 NLRB at 486. The courts often consider both ''aggravating'' and ''mitigating'' factors in determining the appropriate sanction for attorney misconduct under the ABA Model Rules of Professional Conduct and the various state rules of professional conduct. See ABA/BNA Lawyers Manual on Professional Conduct 101:3101–3102 (1995). However, the phrase ''aggravated'' misconduct is not often used as in the Board's rules. This has raised questions about whether the Board's rules are intended to cover the same type of conduct covered by those rules.

Third, the Board's rules fail to set forth the procedures to be followed in processing allegations of misconduct. Thus, the Board's current rules fail to advise parties how or where to file allegations of misconduct or how such allegations will be processed or what their rights are.

The proposed changes are intended to address each of these problems. First, the Board is proposing to revise the rules to cover misconduct at any and all stages of any Agency proceeding, whether or not it occurs during a hearing. Unlike under the current rules, under the new rule misconduct by attorneys or party representatives will be subject to disciplinary sanction even if the misconduct occurs during the pre-hearing, investigative or compliance stage of the proceeding.[1]

Second, the Board is proposing to delete the phrase ''aggravated'' misconduct from the rules, and to substitute the phrase ''misconduct including unprofessional or improper behavior''. By substituting this language it is not the Board's intent to make any change in the kind of conduct currently covered by the Board's misconduct rules. Rather, the Board is simply attempting to make the current rule more understandable by using language that is more familiar to attorneys and party representatives who practice before the Board. The Board will

[1] Misconduct by Agency employees, at any stage of an Agency proceeding, will be dealt with under internal disciplinary procedures.

continue to consider both aggravating and mitigating factors in determining the appropriate disciplinary sanction.

Third, the Board proposes to set forth the procedures for the processing of misconduct allegations. Under the proposal, all such allegations would be investigated by the Associate General Counsel, Division of Operations-Management or his/her designee (the Investigating Officer). Following an investigation, the Investigating Officer would make a recommendation to the General Counsel, who would make the determination whether to institute disciplinary proceedings against the attorney or party representative (the respondent). The General Counsel's determination not to institute such proceedings would be final and non-reviewable. The procedures also set forth the rights of the respondent to respond and to request a hearing, and the procedures for conducting the hearing, where a hearing is found warranted. Except as otherwise provided, the procedures are similar to those applied in unfair labor practice proceedings.

The procedures also address the role of the person bringing the allegations of misconduct or petitioning for disciplinary proceedings against the respondent. The procedures provide that any such person shall be permitted to partipate in the disciplinary hearing to a limited extent by examining and cross-examining witnesses called by the General Counsel and the respondent, but shall not be a party to the proceeding or afforded the rights of a party to call witnesses or introduce evidence, to file exceptions to the administrative law judge's decision, or to appeal the Board's decision. The Board believes that this provision strikes a proper balance by providing such interested persons the opportunity to participate to some extent in the proceeding while ensuring that the responsibility for prosecuting the disciplinary complaint will at all times remain with the General Counsel and that the disciplinary proceeding will not be transformed into an adversary proceeding between the complaining person and the respondent.[2]

[2] Courts have long held that attorney disciplinary proceedings are in the nature of an internal investigation concerning the protection and integrity of the adjudicatory process rather than adversarial disputes involving the conflicting rights or obligations of private parties. Accordingly, they have refused to grant party status or a right to appeal to the complaining person or individual in such proceedings, even if that person or individual was a party or party representative in the case where the alleged misconduct occurred and/or was permitted to participate in the disciplinary hearing. See *Ramos Colon* v. *U.S. Attorney for the District of Puerto Rico*, 576 F.2d 1 (1st Cir. 1978); *Application of Phillips*, 510 F.2d 126 (2d Cir. 1975); *In re Echeles*, 430 F.2d 347 (7th Cir. 1970); and *Mattice* v. *Meyer*, 353 F.2d 316 (8th Cir. 1965). See also *Matter of Doe*, 801 F. Supp. 478 (D. N.M. 1992). The Board believes that this policy is a sound one and is properly applied in Agency disciplinary proceedings as well.

Finally, the Board is also proposing to revise Section 102.21 of its rules and regulations governing the filing of answers to unfair labor practice complaints. The current rule provides that the answer of a party represented by counsel shall be signed by at least one attorney of record; that the attorney's signature constitutes a certificate by the attorney that he/she has read the answer, there is good ground to support it to the best of his/her knowledge, information and belief, and it is not interposed for delay; and that the attorney may be subjected to appropriate disciplinary action for willful violations of the rule or if scandalous or indecent matter is inserted.

It is not required under the Board's rules, however, that a party representative be an attorney. Further, it is not infrequent that a party will be represented by a non-attorney and that the non-attorney party representative will sign the answer on behalf of the party. Accordingly, the Board believes that Section 102.21 should be revised to make the foregoing provisions of that section applicable to non-attorney party representatives as well as attorneys.

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

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

For the reasons set forth above, the NLRB proposes to amend 29 CFR Part 102 as follows:

PART 102—RULES AND REGULATIONS

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

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

2. Section 102.21 is revised to read as follows:

§ 102.21 Where to file; service upon the parties; form.

An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of an attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

§ 102.44 [Removed]

3. Section 102.44 is removed.

§ 102.66 [Amended]

3a. Paragraph (d) of § 102.66 is removed, and paragraphs (e), (f), and (g) are redesignated paragraphs (d), (e), and (f), respectively.

4. The following new Subpart U—Misconduct By Attorneys or Party Representatives, consisting of new § 102.156, is added to read as follows:

Subpart U—Misconduct by Attorneys or Party Representatives

§ 102.156 Exclusion from hearings; Refusal of witness to answer questions; Misconduct including unprofessional or improper behavior by attorneys and party representatives before the Agency; Procedures for processing misconduct allegations.

(a) Misconduct including unprofessional or improper behavior at any hearing before an administrative law judge, hearing officer, or the Board shall be ground for summary exclusion from the hearing.

(b) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the administrative law judge or hearing officer, be ground for striking all testimony previously given by such witness on related matters.

(c) Notwithstanding any action taken under paragraph (a) of this section, misconduct including unprofessional or improper behavior by an attorney or party representative before the Agency, including but not limited to such misconduct at any hearing, shall be ground for appropriate discipline including suspension and/or disbarment from practice before the Agency and/or other sanctions.

(d) Allegations of misconduct pursuant to paragraph (c) of this section, except for those involving the conduct of Agency employees, shall be handled in accordance with the following procedures:

(1) Allegations that an attorney or party representative has engaged in misconduct may be brought to the attention of the Investigating Officer by any person. The Investigating Officer, for purposes of this paragraph, shall be the Associate General Counsel, Division of Operations-Management, or his/her designee.

(2) The Investigating Officer or his/her designee shall conduct such investigation as he/she deems appropriate. Following an investigation, the Investigating Officer shall make a recommendation to the General Counsel, who shall make the determination whether to institute disciplinary proceedings against the attorney or party representative. If the General Counsel determines not to institute disciplinary proceedings, all interested persons shall be notified of the determination, which shall be final.

(3) If the General Counsel decides to institute disciplinary proceedings against the attorney or party representative, the General Counsel or his/her designee shall serve the Respondent with a complaint which shall include: a statement of the acts which are claimed to constitute misconduct including the approximate date and place of such acts together with a statement of the discipline recommended; notification of the right to a hearing before an administrative law judge with respect to any material issues of fact or mitigation; and an explanation of the method by which a hearing may be requested. Sections 102.24 through 102.51, rules applicable to unfair labor practice proceedings, shall be applicable to the extent that they are not contrary to the provisions of this section.

(4) Within 14 days of service of the disciplinary complaint, the respondent shall respond by admitting or denying the allegations, and may request a hearing. If no response is filed or no material issue of fact or relevant to mitigation warranting a hearing is raised, the matter may be submitted directly to the Board. If no response is filed, then the allegations shall be deemed admitted.

(5) The hearing shall be conducted at a reasonable time, date, and place. In setting the hearing date, the administrative law judge shall give due regard to the respondent's need for time to prepare an adequate defense and the need of the Agency and the respondent for an expeditious resolution of the allegations.

(6) The hearing shall be public unless otherwise ordered by the Board or the administrative law judge.

(7) Any person bringing allegations of misconduct or filing a petition for disciplinary proceedings against an attorney or party representative shall be given notice of the scheduled hearing and shall be afforded the opportunity to examine or cross-examine witnesses called by the General Counsel and respondent at such hearing. Any such questioning must be limited to the issues raised in the General Counsel's complaint. Any such person shall not be a party to the disciplinary proceeding, however, and shall not be afforded the rights of a party to call witnesses and introduce evidence at the hearing, to file exceptions to the administrative law judge's decision, or to appeal the Board's decision.

(8) The respondent will, upon request, be provided with an opportunity to read the transcript or listen to a recording of the hearing.

(9) The General Counsel must establish the alleged misconduct by a preponderance of the evidence.

(10) At any stage of the proceeding prior to hearing, the respondent may submit a settlement proposal to the General Counsel, who may approve the settlement or elect to continue with the proceedings. Any formal settlement reached between the General Counsel and the respondent, providing for entry of a Board order, shall be subject to final approval by the Board. In the event any settlement, formal or informal, is reached after opening of the hearing, such settlement must be submitted to the administrative law judge for approval. In the event the administrative law judge rejects the settlement, either the General Counsel or the respondent may appeal such ruling to the Board as provided in § 102.26.

(11) If it is found that the respondent has engaged in misconduct in violation of paragraph (c) of this section, the Board may issue a final order imposing such disciplinary sanctions as it deems appropriate, including suspension and/or disbarment from practice before the Agency, and/or other sanctions.

(12) Any person found to have engaged in misconduct warranting disciplinary sanctions under this section may seek judicial review of the administrative determination.

Dated: Washington, D.C., May 14, 1996.

By direction of the Board.

John J. Toner,

Executive Secretary.

[FR Doc. 96–12464 Filed 5–17–96; 8:45 am]

BILLING CODE 7545–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Review of Existing Regulations

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Review of regulations; request for comment.

SUMMARY: MMS performs annual periodic reviews of its significant regulations and asks the public to participate in these reviews. The purpose of the reviews is to identify and eliminate regulations that are obsolete, ineffective or burdensome. In addition, the reviews are meant to identify essential regulations that should be revised because they are either unclear, inefficient or interfere with normal market conditions.

The purpose of this document is to: Provide the public an opportunity to comment on MMS regulations that should be eliminated or revised; and provide a status update of the actions MMS has taken on comments previously received from the public in response to documents published March 1, 1994 and March 28, 1995.

DATES: Written comments must be received by July 19, 1996.

ADDRESSES: Mail written comments to Department of the Interior; Minerals Management Service, Mail Stop 4013; 1849 C Street NW., Washington, DC 20240; Attention: Bettine Montgomery, MMS Regulatory Coordinator, Policy and Management Improvement.

FOR FURTHER INFORMATION CONTACT: Bettine Montgomery, Policy and

Management Improvement, telephone (202) 208–3976; Fax (202) 208–3118.

SUPPLEMENTARY INFORMATION: MMS began a review of its regulations in early 1994 pursuant to the directives contained in the President's Executive Order 12866. The Executive Order calls for periodic regulatory reviews to ensure that all significant regulations are efficient and effective, impose the least possible burden upon the public, and are tailored no broader than necessary to meet the agency's objectives and Presidential priorities.

MMS invited the public to participate in the regulatory review. The invitation was sent out via different media, namely a Federal Register document dated March 1, 1994 (59 FR 9718), MMS and independent publications, and public speeches by MMS officials during that time.

MMS received approximately 40 public comments which were almost equally divided between its Royalty Management and Offshore Minerals Management Programs. MMS acknowledged the comments in a July 15, 1994 document (59 FR 36108) and set forth its planned actions to address the comments, along with an estimated timetable for the actions.

In the March 28, 1995, document (60 FR 15888), MMS: (a) asked for further public comments on its regulations, and (b) provided a status update of actions it had taken on the 40 public comments received the prior year. MMS received 10 responses from the March 28 document. We believe MMS has been very responsive to most of the comments received, to date.

This document updates the MMS planned actions and related timetables on the major comments received to date. It also solicits additional comments from the public concerning regulations that should be either eliminated or revised. Since some of the public responses received in response to prior documents contained comments on very specific and detailed parts of the regulations, this document does not address every one received. For information on any comment submitted which is not addressed in this document, please contact Mrs. Montgomery at the number and location stated in the forward sections of this document.

These annual reviews of regulations have resulted in the elimination of approximately 18 pages of regulations from the Code of Federal Regulations and the improvement, by rewriting, of over 200 pages. We are fully committed to improving our regulations and working more closely with our customers and constituents. This is part of our effort to improve government by making it more efficient and responsive.

MMS regulations are found at Title 30 in the Code of Federal Regulations. Parts 201 through 243 contain regulations applicable to MMS' Royalty Management Program (note: part 213 applies to Offshore royalty rate reductions); Parts 250 through 282 are applicable to MMS' Offshore Minerals Management; and Part 290 is applicable to Administrative Appeals.

Status Report

The following is a status report by program area on the comments MMS has received, to date, on its regulations.

A. Offshore Minerals Management (OMM) Program

OMM is currently reviewing the following eight sections of OMM regulations.

1. Regulations applicable to production in deepwater (30 CFR Part 250, Subpart H, Production).

Comments Received—(a) ''Revise current regulations to provide for approval of extended flaring periods under certain situations (e.g., deepwater prospects, well tests, etc.) and clarify criteria for flaring or venting small amounts of gas'',

(b) ''Revise requirements associated with subsea installations * * *'', etc.

Action Taken or Planned—An MMS workgroup finalized its report on deepwater regulatory issues. The major recommendation from the report was that MMS should evaluate and regulate deepwater production activities through a ''total systems'' approach. Under this recommendation, MMS would require a lessee to submit a Deepwater Operations Plan for each deepwater or subsea development project. Individual projects could then be evaluated within the context of the master plan. The Associate Director for Offshore Minerals Management approved the report in May 1995, and we are finalizing guidelines and procedures for the preparation and approval of the Deepwater Operations Plan.

Timetable—We are preparing a Letter to Lessees explaining the Deepwater Operations Plan and will issue it in June 1996.

2. Regulations applicable to blowout preventer (BOP) testing and maintenance requirements (30 CFR 250.56 and 57).

Comments Received—''Revise BOP testing regulations to allow for less frequent and shorter tests. Allow 14 day BOP test interval vs. current 7 day * * *.''

Action Taken or Planned—MMS recently announced (March 1996) the selection of an engineering consulting firm to assess the performance of blowout preventer equipment and the frequency it should be tested. Selection of the firm was a joint effort of MMS and industry. MMS will use this cooperative study in determining if increased blowout preventer testing intervals will afford an equal or better degree of protection, safety, or performance. This study requires the systematic review and analysis of blowout preventer test results from wells drilled on the OCS.

Timetable—The contractor will provide us with a report on the study in November 1966. MMS will use the study's results to revise our regulations as appropriate.

3. Regulations governing safety and pollution prevention equipment (SPPE) (30 CFR Subpart H).

Comments Received—(a) ''Reduce associated administrative burden on lessees and operators by eliminating unnecessary record keeping requirements (i.e., inventory lists, paperwork notifications, etc.).'' (b) ''Revise regulations governing Safety Valves to increase time between test and allowable leakage rates.''

Action Taken or Planned—(a) MMS is drafting a proposed rule to revise the regulations governing SPPE. This proposed rule will address the concerns raised regarding recordkeeping. (b) MMS is reviewing Subpart H, Production Safety Systems, and plans to rewrite the subpart in plain English and update requirements where warranted. We expect to work with industry in areas where we need further data. The cooperative effort with the blowout preventer study can serve as a model.

Timetable.—(a) MMS should publish this proposed rule in the Federal Register by September 1996. (b) MMS will begin rewriting subpart H by this summer. We will work with industry to initiate needed safety value studies early in 1997, following the joint blowout preventer study.

4. Regulations governing conservation of resources and diligence (30 CFR 250. Subpart A, General and Subpart K, Oil and Gas Production Rates).

Comment Received—(a) ''Revised Suspension of Production approval/ lease holding criteria * * *'', (b) ''Revise Determination of Well Producibility to make wireline testing and/or mud logging analysis optional * * *'', (c) ''revise current regulations to provide for approval of extending flaring periods * * *'', (d) ''Relax restrictions on commingling reservoirs in a common wellbore * * *'', (e) ''Allow flexibility in the methods of

testing subsea wells. * * *'', (f) ''MMS [should] determine and specify allowable volumes of liquid hydrocarbons that lessees could burn without requesting approval.''

Action Taken or Planned—For (a) above, MMS published a proposed rule on April 25, 1996, to extend the period for holding a lease beyond its primary term from 90 to 180 days. For (b) above, MMS is currently rewriting Subpart A in plain English. This effort will also include any changes needed to the regulations. We will obtain more ideas from industry concerning what changes are needed. For (c) above, MMS will not relax current regulations at this time. We are reviewing the results of air quality studies and will not make any changes to the regulations until this review is complete. For (d) above, MMS issued a Letter to Lessees that allowed for greater flexibility in dealing with commingling issues. For (e) above, MMS will not change the regulations. Current regulations allow operators to request that different testing methods be allowed when conventional testing is impractical. For (f) above, MMS, is addressing the burning of liquid hydrocarbons in a rule that we published as proposed on February 17, 1995. MMS agrees with the benefits of using a specific value for the term ''minimal.'' However, in approving a request to burn liquid hydocarbons, we need to deal with many economic, technical, safety, and environmental factors. Conservation is a key factor in determining how much liquid hydrocarbons a lessee can burn. Making volume determinations on a case by case basis allows us to properly consider technical, safety, and environmental factors.

Timetable.—A final rule addressing (f) above, (burning small quantities of liquid hydrocarbons) is scheduled for publication in May 1996. Proposed rules covering the other matters mentioned above will be published during 1996 and early 1997.

5. Regulations regarding construction and removal of platforms and structures (30 CFR 250. Subpart I, Platforms and Structures).

Comments Received—(a) ''Modify platform design wave return period calculation by placing a cap of 100 years on the field life calculation * * *'', (b) ''Adopt API RP2A (20th edition) Section 14, Surveys, in its entirety * * *'', (c) ''Revise site clearance requirements * * *'', (d) ''Revise requirements for placing protective domes over well studs * * *'', etc.

Action Taken or Planned—For (a) above, MMS is reviewing this request and considering some options. For (b) above, MMS will not modify the regulations. Current rules allow operators to petition for longer inspection intervals. On April 15–17, 1996, MMS held a workshop in New Orleans and discussed lease abandonment and platform removal issues with interested parties from other government agencies and private industry. We will continue to work with these parties to identify needed research and potential changes to the regulations.

Timetable—In the coming months, MMS will identify specific action items and timetables for both further regulatory changes and research.

6. Regulations applicable to directional surveys, (30 CFR 250.51).

Comments Received—''Revise directional survey requirements to allow composite measurement-while-drilling directional survey to be acceptable * * *.''

Action Taken or Planned—MMS is planning to rewrite the regulations governing Oil and Gas Drilling Operations, found in Subpart D, in plain English. We plan to update the regulations to keep pace with current technology as part of the plain English initiative.

Timetable—MMS plans to begin drafting a proposed rule shortly, Publication in the Federal Register would be sometime in 1997.

7. Regulations applicable to daily pollution inspection requirements (30 CFR 250.41).

Comments Received—''Revise current requirements for daily pollution inspection of unmanned production facilities * * *.''

Action Taken or Planned—On February 15, 1996, MMS issued a Notice to Lessees regarding the pollution inspection frequency for unmanned facilities. The current regulations allow operators to request a waiver from the daily inspection of unmanned facilities. The Notice to Lessees reviewed the criteria MMS uses in determining whether or not to grant the waiver.

Timetable—MMS has no plans to change the regulations in this area.

8. Regulations applicable to production safety system training (30 CFR 250.214).

Comments Received—(a) ''Revise training regulations to reduce the associated burden on operators by modifying requirements (e.g., frequency, refresher requirements, structure, etc.) and allow expanded training delivery modes.'' (b) ''* * * training regulations (well-control) are not clearly stated and often not relevant * * *.''

Action Taken or Planned—MMS rewrote the entire section (subpart O) of training regulations in a plain English format and published a proposed rule in the Federal Register on November 2, 1995 (60 FR 55683), MMS received comments and is preparing the final rule.

Timetable—MMS should publish the final rule by the end of 1996.

9. Regulations applicable to Pipelines and Pipeline Rights-of-Way (Subpart J).

Comments Received—Revise regulations to avoid duplication of requirements between DOI and the Department of Transportation (DOT).

Action Taken or Planned—MMS continues to work with DOT and with other interested parties to develop a new memorandum of understanding (MOU) between DOI and DOT. After we have a new MOU, MMS will revise regulations to clarify rules and remove redundant requirements, and promote compatible regulations.

Timetable—We expect that DOI and DOT will approve a new MOU by fall of 1996.

B. Royalty Management Program (RMP)

RMP is reviewing regulations in the following subject areas.

1. Statute of Limitations and Record Retention

Comments Received—''Statute of limitations is unclear.''

—''Establish a reciprocal 5-year statute of limitations from the date an obligation becomes due.''

—''Absence of a record retention program creates some confusion. Regulations should require record retention to coincide with the 5-year statute of limitations.''

Action Taken or Planned—The extent of the time periods covered by audits of royalty payments has been a matter of considerable controversy between MMS and the minerals industry for several years. MMS's goal, more recently, as reflected in the Contemporaneous Audit Initiative, has been to conduct all audits on a contemporaneous basis consistent with the most effective and efficient use of audit resources, to provide industry with earlier closure, to streamline the royalty collection process, and to be more responsive to the public we serve.

Timetable—Accordingly, MMS issued a policy memorandum on July 14, 1995, that affirms MMS's policy to complete reviews and audits of royalty payments made on Federal and Indian leased land, including issuance of enforcement documents for underpayments (orders to pay or to recompute and pay). Within the 30 U.S.C. 1713 principal documents retention period, that is within six years of the royalty payment due date. Some exceptions to this requirement may occur in RMP compliance activities.

2. Interests on Overpayments

Comment received—''Interest accrual should be equitable between the Agency and industry.''

Action Taken or Planned—MMS does not have statutory authority to remit interest to companies for overpayments. We are pursuing strategies to improve electronic royalty reporting and paying options to our customers. This along with the option for companies to post surety in lieu of paying disputed amounts should decrease lost interest on overpayments to MMS.

Timetable—Ongoing.

3. Gas Valuation

Comments received—''Define gross proceeds more equitably and clearly in this ever changing gas marketing environment.''

—''It is important that the Federal Gas Valuation Rule final rule not discriminate against producers which are affiliated with marketing companies and are party to non-arms-length contracts.''

—''Extend the elimination of processing and transportation allowance forms to oil.''

—''* * * commends the MMS on their use of negotiated rulemaking process to address the valuation of gas. Rule should result in administrative cost savings for all parties.''

—''If the Takes vs. Entitlements policy stays in effect, MMS should strictly enforce reporting on actual quantities taken for all industry participants.''

Action Taken or Planned—Revisions of the Valuation Regulations Governing Allowances were published in the Federal Register as a final rule on February 12, 1996. This rule eliminated most allowance forms filing requirements for oil, gas, and coal produced from Federal leases.

The Federal Gas Valuation proposed rule was published in the Federal Register on November 6, 1995, and the comment period closed on February 5, 1996. The proposed rule represented the consensus of the Federal Gas Valuation Negotiated Rulemaking Committee with representation from MMS, industry and the states.

MMS is preparing a Federal Register document to announce the reconvening of the committee in June 1966 and another Federal Register document to reopen the public comment period. The proposed rule would provide alternatives to using gross proceeds as a basis for gas valuation, such as published natural gas index prices.

The Indian Gas Valuation Negotiated Rulemaking Committee is developing a proposed rule governing the valuation for royalty purposes of natural gas produced from Indian leases. The proposed rule would add a methodology to calculate the major portion value and an alternative methodology for dual accounting as required by Indian lease terms. The proposed rulemaking would simplify and add certainty to the valuation of production from Indian leases.

MMS is developing a proposed rule clarifying what deductions may be taken from gross proceeds for the costs of transportation under Federal Energy Regulatory Commission (FERC) Order No. 636.

Timetable—MMS will reconvene the Federal Gas Valuation Negotiated Rulemaking Committee in June 1996, and has reopened the comment period to discuss options for proceeding further with a rulemaking. MMS anticipates publishing a proposed rulemaking for Indian gas valuation in July 1996. MMS also expects to publish a proposed rule on FERC Order No. 636 early this summer.

4. Reporting Procedures and Threshold

Comments Received—''Eliminate or streamline MMS Form 2014 reporting.''

—''Report prior period adjustments on a 'net' basis.''

—''Change estimated payment from lease level to payor level.''

—''Assess interest at the payor level—for the Indian leases on the basis of each Indian Tribe.''

—''Eliminate Payor Information (PIF) Filings. This is an unnecessary and costly reporting requirement.''

—''MMS should modify the regulations and system tolerances/thresholds so that only those exceptions that are cost beneficial for MMS to pursue are generated.''

—''Set thresholds or tolerances for regulations to save costs to both MMS and industry. (Example: Invoices are sent for less than $1.00.)''

—''MMS should not implement regulations until its systems are programmed to handle the new regulations.''

Action Taken or Planned—MMS has revised its billing thresholds and assessments policy to reduce administrative costs, and we continue to review these issues through the Royalty Policy Committee which was formed in September 1995. The Committee's membership includes representatives from states, tribes, allottee associations, industry trade groups and other agencies. At their initial meeting, a Royalty Reporting and Production Accounting Subcommittee was established.

The Subcommittee had its first meeting in November 1995 and agreed to review all royalty and production reporting forms and policies. To assure all areas were addressed, four workgroups were formed to review the Payor Information Form, royalty reporting, oil and gas production reporting, and solids production reporting.

The preliminary recommendations from the workgroups cover streamlining of all reporting forms; reducing or eliminating redundant data collection; changing estimates; and reviewing thresholds for allowance and interest billings.

Timetable—The Subcommittee recommendations are to be finalized and forwarded to the full committee for their review and approval in June 1996. The recommendations will then be reviewed for possible implementation by MMS. In particular, recommendations that can be implemented in the short term without significant cost will be pursued by MMS.

5. Refunds Due to Industry Which Are Controlled by Section 10 of the Outer Continental Shelf Lands Act

Comments Received—''Section 10 refund requirements should be eliminated. The refund process used for onshore properties should be established for offshore properties.''

—''Eliminate documentation requirements for refund requests over $250 M, and/or increase this threshold to $500 M; raise the refund request limit to $5 M. Exempt pure accounting adjustments for items such as production date adjustments and incorrect AID numbers; exempt unit revisions because these revisions are often made more than two years after the date of production; establish a time limit on MMS for review of a refund request to expedite the process; and overpayments on OCS properties should be allowed to be offset against any OCS underpayment.''

Action Taken or Planned—A legislative change would be required to eliminate the Section 10 refund requirements of 43 U.S.C. 1339.

Section 10(b) of 43 U.S.C. 1339(b) requires MMS to report refunds or credits to both Houses of Congress and can increase the time to process refunds and recoupments. The final rule published on July 28, 1994 (59 FR 38359), Titled ''Offsets Recoupments and Refunds of Excess Payments of Royalties, Rentals; Bonuses, or other amounts under Federal Offshore

Minerals Leases'' established procedures for obtaining refunds and credits of excess payments and clarified what payments are not subject to Section 10's requirements. Unit agreement revisions are covered in this rule under ''Transactions not subject to section 10''.

This rule also provides for a de minimis exception to the MMS approval process. On February 23, 1996 (61 FR 7016), MMS published a document raising the de minimis reporting requirements from $250 to $2,500. By raising the de minimis level, companies may now recover overpayments below the de minimis amount from future royalty payments. This change will reduce administrative costs for MMS and companies.

6. The Appeals Process

Comments Received—''Current appeals process is too long.''

Action Taken or Planned—MMS has made several administrative processing changes to streamline the appeal process. One change was transferring decisionmaking on routine appeals from the Appeals Division to the Royalty Management Program. This has reduced the Appeals Division's workload by 20 percent and freed up staff to work on more complex cases.

Other efforts included the initiation of several pilot programs to look at additional streamlining possibilities. One pilot program was aimed at decreasing the time and expense incurred by MMS in its preparation of an appellant's administrative record. A second pilot program involved reformatting the decisionmaking process to speed the issuance of shorter, more timely decisions. The third pilot program will test the use of alternative dispute resolution mechanisms to resolve many of the administrative appeals.

Spinoff projects from these pilot efforts are still ongoing and will result in further changes to the appeals process in the future. We are engaged in a concentrated effort, during the spring and summer of 1996, to resolve all of the older, active appeals on the docket. Also, the Royalty Policy Committee has established an Appeals/Settlement/ADR subcommittee which should provide MMS with additional advice on ways to improve the process of resolving disputes involving royalty collections.

Timetable—The first two pilots were put in place the latter half of 1994, and the third pilot began the end of February 1995.

Further administrative streamlining changes and possibly regulatory changes by MMS are anticipated for calendar year 1996.

7. Other MMS Regulatory Actions

—MMS is evaluating comments received on the proposed rule to establish liability for royalty due on Federal and Indian leases, and to establish responsibility to pay and report royalty and other payments.

—MMS published an advance notice of proposed rulemaking on valuation of oil from Federal and Indian leases and is evaluating the comments received from industry, States, and Indian tribes on this notice.

Dated: May 13, 1996.

Cynthia Quarterman,

Director, Minerals Management Service.

[FR Doc. 96–12545 Filed 5–17–96; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary for Financial Markets

Fiscal Service

31 CFR Part 356

Amendments to the Uniform Offering Circular for the Sale and Issue of Marketable Book-Entry Treasury Bills, Notes and Bonds

AGENCY: Office of the Assistant Secretary for Financial Markets, Treasury.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Secretary of the Treasury (Secretary) is authorized under Chapter 31 of Title 31, United States Code, to issue United States obligations and to offer them for sale under such terms and conditions as the Secretary may prescribe. The Department of the Treasury (Department or Treasury) is issuing this Advance Notice of Proposed Rulemaking to solicit comments on the design details, terms and conditions, and other features of a new type of marketable book-entry security the Treasury intends to issue, inflation-protection notes or bonds, with a return linked to the inflation rate in prices or wages. The Treasury is specifically interested in comments concerning choice of index, structure of the security, auction technique, offering sizes, and maturities. The Treasury also invites comments on other specific issues raised, as well as on any other issues relevant to the new type of security.

DATES: Comments must be received on or before June 19, 1996.

ADDRESSES: Comments should be sent to: the Government Securities Regulations Staff, Bureau of the Public Debt, 999 E Street NW., Room 515, Washington, DC 20239. Comments received will be available for public inspection and copying at the Treasury Department Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Norman Carleton, Director, Office of Federal Finance Policy Analysis, Office of the Assistant Secretary for Financial Markets, at 202–622–2680. In addition, the Treasury plans to hold a series of investor meetings in New York, Washington, DC, Chicago, Boston, San Francisco, and possibly other cities in late May and in June 1996 to discuss the new securities, answer questions, and solicit comments. To request information about attending any of these meetings, contact the Office of Financing, Bureau of the Public Debt, at 202–219–3350.

SUPPLEMENTARY INFORMATION: The Treasury Department intends to issue a new type of marketable book-entry security with a nominal return linked to the inflation rate in prices or wages, as officially published by the United States Government. The Treasury is considering various indices for this purpose, including the Consumer Price Index for All Urban Consumers (CPI-U) published by the Bureau of Labor Statistics (BLS) of the Department of Labor, the core CPI (CPI-U, excluding food and energy, as published by the BLS), the Gross Domestic Product (GDP) deflator published by the Bureau of Economic Analysis (BEA) of the Department of Commerce, and the Employment Cost Index—Private Industry (ECI) also published by BLS. Through this notice, the Treasury is soliciting comments on the design details of the planned inflation-protection securities and on which index (those mentioned above or another index) would be most likely to result in the broadest market for the new securities. At the end of this notice is a hypothetical term sheet with proposed formulas applicable to one of the structures being considered for the new security.

This advance notice of proposed rulemaking is not an offering of securities, and any of the currently contemplated features of inflation-protection securities that are described in this notice may change. The terms and conditions of particular securities that may be offered will be set forth in

the Uniform Offering Circular (31 CFR Part 356) and the applicable offering announcement.

The Department intends to issue inflation-protection notes or bonds in order to save on interest costs and to broaden the types of debt instruments available to investors in U.S. financial markets. Because the Treasury, rather than the investor, would bear the inflation risk on an inflation-protection security, the Department expects that the prices at which it would sell this new type of security would capture some or all of the inflation risk premium charged by investors on conventional Treasury securities. In other words, investors should be willing to pay extra for a security on which the issuer, rather than the investor, bears the risk of higher than expected inflation. Consequently, the expected interest costs to the Treasury of inflation-protection securities should be lower than those on conventional Treasury securities.

In addition, inflation-protection securities may prove to be attractive investments to investors who do not now invest in Treasury securities to any significant extent. For example, certain pension funds that currently invest in bonds other than Treasury securities because of the higher yields on private fixed-income securities may find Treasury inflation-protection notes or bonds useful to include in their portfolios. The new securities would offer explicit inflation protection to investors, which has heretofore been unavailable in a Treasury debt instrument. This inflation protection could prove attractive for investments for retirement. Also, because the path of changes in market prices of inflation-protection securities would be markedly different from that of the market price of conventional fixed-income instruments or equity investments, inflation-protection securities could be useful for achieving some portfolio diversification. This broadening of the market for Treasury securities should also result in lower overall interest costs for the Treasury over time.

Indexation Methodology. A design of the inflation-protection securities that is currently being considered is modeled, with some modifications, on the Real Return Bonds currently issued by the Government of Canada. The Department is soliciting comments about this choice of model and the specific details described below and in the hypothetical term sheet, as well as the formulas in the appendix.

For this particular structure, the principal amount of the inflation-protection security is adjusted for inflation, so that the adjusted value remains the same in constant dollars. This is achieved by multiplying the principal value of the security at issuance by an index ratio. The index ratio is the reference index number applicable for the valuation day divided by the reference index number applicable for the issue date.

Because the reporting of a monthly price or wage series index number for a particular month by necessity takes place after the month has ended and because the market needs to determine accrued interest on a daily basis, there has to be a lag in the indexation of the security. For this structure, if it is based on a monthly index that is reported in the following month, the indexation of the principal on the first day of any month is based on the index number for the third preceding month. For example, the index number applicable to the first day of December is the one reported for September. For other days of the month, a linear interpolation is made between the index number for the third preceding month and the one for the second preceding month (in this example, October). Using the third preceding month as the reference month is the minimum lag that enables interpolation between the index number for that month and the following month.

Under this structure, interest is payable semiannually. Interest payments are a fixed percentage of the value of the inflation-adjusted principal, in current dollars, for the date on which it is paid.

Alternative Structures. The Treasury has given the most study to the Canadian model for inflation-protection securities, which in turn is a modification of the United Kingdom's index-linked gilts. However, alternative structures are possible, and the Treasury is asking for comment on whether alternative structures might be more desirable for U.S. financial markets.

One alternative structure is a zero-coupon inflation-indexed security. This type of security could prove to be quite volatile in price, but, if held to maturity, this structure would provide the greatest certainty about its return, since there would be no reinvestment risk associated with coupon payments.

In addition to general comments concerning the market for a zero-coupon inflation-protection security, the Treasury is soliciting comments about the use for this structure of an index, such as the GDP deflator, that is subject to retroactive revisions. Since the Treasury would only make one payment on a zero-coupon inflation-protection security, revisions would be less of a problem from the cash flow perspective than with a security that pays interest every six months. However, the use of an index that is revised retroactively may cause some impediments to trading the security and would complicate the applicable tax rules.

Another quite different structure is an inflation-protection security that pays out principal and interest at periodic intervals. Ignoring the lags, under this structure, each payment is equal in real terms, but the proportion of each payment representing principal and interest changes. In other words, this structure is similar to the cash flows of a home mortgage, and, more specifically, a price level adjusted mortgage. This structure may be appealing to investors desiring a flow of periodic payments that stay constant in real terms. It is also possible that this structure may be more appealing than a Canadian-type security to taxable investors concerned about receiving sufficient cash payments from the security to satisfy the tax on the income from the security.

Price or Wage Indices. The Treasury is requesting comments on which price or wage index is likely to result in the broadest market for inflation-protection securities. Specifically, the Department is considering (1) the CPI–U, (2) the core CPI, (3) the GDP deflator, and (4) the ECI. The Treasury also requests comments on whether another index would serve the desired purpose better.

The CPI–U is the best known measure of inflation, and, as such, is a logical candidate for indexing the securities. However, the CPI–U may not be the best index for certain investors. For example, pension funds' liabilities are more sensitive to change in wages than to changes in consumer prices.

The core CPI is a less volatile index than the CPI–U, and this may be appealing to investors. However, while energy and food prices eventually influence other prices, the core CPI could be criticized for not completely reflecting any trend that may develop in prices in the energy and food sectors.

The GDP deflator is a broad measure of price trends in the economy. As noted above, its use may be better suited to a zero-coupon inflation-protection security than to a note or bond paying semiannual coupons, because the GDP deflator, unlike the other indices under consideration, is subject to periodic revision.

Periodic revisions of an index pose three potential problems. The first is the need for finality in determining payment amounts. Second, the change in an index for a given period could be based on an index number for a previous period that has since been

revised. An indexation methodology designed to correct for revisions in previous values of the index would create additional complexity. Finally, even for a zero-coupon security, revisions may cause complications in the applicable tax rules throughout the life of the security. Revisions may be less of a problem for a security that makes only one payment at maturity than for one that pays interest every six months.

The ECI may appeal to pension funds, whose liabilities are more linked to wage, rather than price, inflation. In this regard, commenters are also asked to address whether the total compensation or the wages and salaries series of the ECI would be the most useful. Since the ECI is a quarterly index, the precise indexation methodology and the formulas in the appendix, which assume a monthly index, would need to be modified.

The Treasury is also requesting comments on whether a seasonally adjusted or non-seasonally adjusted series would be preferable. Seasonal adjustment smoothes out fluctuations, but seasonal factors are subject to revisions for a considerable period of time.

Calculation of the Price or Wage Series. From time to time, government statistical agencies, such as the BLS and the BEA, revise their methodology for calculating indices in order to improve their accuracy. Such revisions on a forward-going basis may affect the inflation rate as measured by the index and, therefore, the return to investors.

For a Canadian-type or level real payment inflation-protection security, revisions of a price or wage index number that has previously been reported, however, would not be used for calculations of principal value or interest payments. This is in order for there to be finality in determining payment amounts.

When a price or wage index is rebased to a different year, the Treasury would use the price or wage index series with the same base year(s) as when the security was first issued, as long as that series continues to be published. The reason for this is to maintain precision in the indexation of the security that may otherwise be lost due to rounding, a problem that becomes more acute if the price or wage index has increased significantly from the original base year(s) to the new one. The Department is specifically soliciting comments on this point.

In the case of an index series reported on a monthly basis in the following month, the Department is considering the following procedure for the Canadian-type security if the index is reported late. If the index number for a particular month is not reported by the last day of the following month, the Department would announce by the end of the next business day an index number based on the last twelve-month change in the index available. This number would be used for all subsequent calculations and would not be replaced by the actual price or wage index number when it is reported. Since the Treasury may use a price or wage series that is not seasonally adjusted, the Treasury welcomes comments on this procedure. The Department believes that this calculation would rarely, if ever, be necessary.

If the price or wage index for an inflation-protection security is discontinued while that security is outstanding, the Treasury would consult with the agency responsible for the index, and, based on such discussions, the Treasury would select an appropriate substitute index and methodology for linking the two series. Determinations of the Secretary in this regard would be final.

Finally, if the Federal Government commences publication of a new version of the index that is more appropriate for indexation than the one originally chosen, the Treasury expects it would then use the new version for indexing new inflation-protection securities. Concerning the introduction of a new version, the Treasury is requesting commenters to address whether the Treasury should also index outstanding inflation-protection securities to the new version starting from its introduction or whether outstanding securities should remain indexed to the original series as long as that series continues to be published.

Auction Technique. The Department is considering offering inflation-protection securities through a single-price auction. The exact type of auction has yet to be determined, and the Department is particularly interested in input from potential auction participants, as well as others, on this subject.

For a Canadian-type inflation-protection security, options include two types of single-price auctions where the Treasury asks for bids in terms of real yield to three decimal places. In the first case, the highest accepted yield would become the coupon, and the inflation-protection note or bond would be issued at par. In the second case, the Treasury would set a coupon after the auction in an increment of 0.125%, and the price of the security would be determined by the formulas in the appendix.

Also, the Treasury could announce a coupon on the security and accept bids in terms of price. However, this option runs counter to the Department's auction practice for its conventional Treasury securities, and, at least initially, it may be difficult to judge what would be the appropriate coupon.

Noncompetitive bids up to $5 million per bidder would be permitted for inflation-protection securities. In order to ensure that enough competitive bids are accepted to price the security fairly, the Treasury is considering whether all or part of the noncompetitive bids should be filled by issuing more securities than the originally announced public offering amount. The Department is requesting comments on this issue.

Given the pricing uncertainty inherent in any new type of security, the Treasury is requesting comments on whether the Treasury should announce prior to a single-price auction of an inflation-protection security that it retains, and may exercise, the option to award an amount greater or less than the announced public offering amount. The reason for awarding less stems from the use of the single-price auction technique and the unique nature of this new instrument. If there were an extremely long tail between the yield necessary to sell, for example, 95 percent of the announced size and the remaining 5 percent, awarding less would avoid issuing the security with an unreasonably high real yield. (In any case, the Secretary reserves the right, in any auction, to award an amount of securities greater or less than the offering amount. See 31 CFR 356.33)

The Department also welcomes comments on whether a single-price or a multiple-price auction would be more appropriate for inflation-protection securities.

The Treasury is also requesting commenters to address whether any of the auction rules for conventional Treasury securities are inappropriate for an offering of inflation-protection securities and specifically whether there should be a limit to the amount recognized at a single yield from a bidder or the amount awarded to a single bidder in an auction of inflation-protection securities.

Frequency. The Treasury contemplates issuance of inflation-protection securities on a regular quarterly cycle.

Reopenings. The Treasury could reopen an issue of an inflation-protection note or bond, though the flexibility to do this under changing market conditions is conditioned by tax issues involving the original issue discount rules that have yet to be

decided. A reopening would also be accomplished by an auction. The Department welcomes comments on whether bids on an issue that is being reopened should be in terms of real yield or price.

For a Canadian-type security, amounts bid at an auction for a reopened inflation-protection security would be in terms of original par amount, not the inflation-adjusted par amount. The Treasury would announce prior to the auction the index ratio necessary to convert the original par amount to the inflation-adjusted par value for the settlement date. This means that if the index ratio for the settlement date is 1.03, a $1,000 bid amount would translate into $1,030 inflation-adjusted par value. The Treasury is requesting comments on this procedure.

Also, the Treasury is requesting comments on whether reopenings of an issue would be important for market liquidity, or whether they would act as a constraint on prices, given the possibility of additional supply of the security in the next quarter.

Maturities. The Department's current thinking is that 10-year inflation-protection notes or 30-year inflation-protection bonds would be the most appropriate maturity sectors for this instrument. The Treasury is soliciting comments on which maturity sectors would be most in demand for inflation-protection notes or bonds.

Amounts. The Department is requesting comments on the appropriate size of the initial auctions of inflation-protection notes or bonds. The Treasury intends to increase the size of the auctions from the initial levels over time.

Book-Entry Form and Systems. The inflation-protection securities would be offered only in book-entry form. They would be issued and maintained in the commercial book-entry system which is operated by the Federal Reserve Banks, acting as fiscal agents for the Treasury Department. The Treasury also would make inflation-protection securities available through TREASURY DIRECT, a system designed primarily to enable investors who do not intend to trade Treasury securities to hold their book-entry securities directly on the records of the Treasury.

Eligible amounts for holding and transferring would be in multiples of $1000 of original par value for a Canadian-type inflation-protection security. The Treasury is soliciting comments on any operational issues arising from the fact that the amount of an inflation-protection security held and transferred on the book-entry systems would be referred to in terms of the original par value, not the inflation-adjusted value.

Treasury Tax and Loan Accounts. The Treasury intends to make inflation-protection securities eligible as collateral for Treasury Tax and Loan Accounts. Valuation for collateral purposes would depend on the precise structure of the security.

Stripping. For a Canadian-type security, the Treasury would make inflation-protection securities eligible for stripping on the commercial book-entry system at some point after issuance of the new security had begun. This would not be operationally possible initially. Eligibility for stripping might extend only to inflation-protection securities issued after a future effective date.

Taxation. In general, a payment on an inflation-protection security or an increase in the principal amount of the security attributable to the inflation adjustment would be includible in taxable income for the year in which it occurs and would be treated as interest income. Interest payments on inflation-protection securities generally would have to be included in the owner's taxable income when received or as accrued, depending on the owner's method of accounting for tax purposes. For a zero-coupon inflation-protection security, the difference between the issue price and the original par amount would be interest that the holder would include as taxable income on a constant yield basis. The precise tax treatment in the event the principal decreases because of a decline in the price or wage index has yet to be determined. Other tax issues, including the reporting of income on the securities by brokers and other intermediaries (*i.e.*, custodians), also remain to be determined. Relevant tax issues would be announced before the first issue.

Minimum Guarantee. If the sum of all the interest payments and the inflation-adjusted principal value at maturity of the inflation-protection note or bond is less than the par value of the note or bond at issuance, the Treasury would make an additional payment at maturity for the difference.

After receipt and consideration of responses to this advance notice of proposed rulemaking, the Department intends to issue a final rule amending 31 CFR Part 356, ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds'' (Uniform Offering Circular). Because the rule would relate to public contracts and procedures for United States securities, the notice, public comment, and delayed effective date provisions of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

Hypothetical Term Sheet

Note: This hypothetical term sheet assumes that an inflation-protection note or bond would be linked to a price or wage index reported monthly and that the index number for each month is reported the following month.

Issuer: United States Treasury.

Issue: Inflation-protection note or bond.

Payment Dates: Inflation-adjusted principal on the security will be paid on the maturity date as specified in the offering announcement. Interest on the security is payable on a semiannual basis on the interest payment dates specified in the offering announcement through the date the principal becomes payable. In the event any principal or interest payment date is a Saturday, Sunday or other day on which the Federal Reserve Banks are not open for business, the amount is payable (without additional interest) on the next business day.

Maturities: Ten or thirty years.

Indexing Methodology: To calculate the value of the principal for a particular valuation date, the value of the principal at issuance is multiplied by the index ratio applicable to that valuation date. Semiannual coupon interest is determined by multiplying the value of the principal at issuance by the index ratio for the coupon payment date by one-half the stated rate of interest.

Index Ratio: The index ratio for any date is the ratio of the reference index number (reference INUM) applicable to such date to the reference INUM applicable to the original issue date.

Reference Inum: The reference INUM for the first day of any calendar month is the INUM for the third preceding calendar month. (For example, the reference INUM for December 1 is the INUM reported for September of the same year, which is released in October.) The reference INUM for any other day of the month is calculated by a linear interpolation between the reference INUM applicable to the first day of the month and the reference INUM applicable to the first day of the following month.

Any revisions that the agency responsible for the index makes to any INUM that has been previously released shall not be used in calculations of the value of Treasury inflation-protection securities.

In the case that the INUM for a particular month is not reported by the last day of the following month, the Treasury will announce an index

number based on the last year-over-year inflation rate as measured by the chosen index. Any calculations of the Treasury's payment obligations on the inflation-protection security that need that month's INUM number will be based on the index number that the Treasury has announced.

If the applicable price or wage series is discontinued during the period the inflation-protection security is outstanding, the Treasury will, in consultation with the agency responsible for the series, determine an appropriate substitute index and methodology for linking the discontinued series with the new price or wage index series. Determinations of the Secretary in this regard will be final.

Strips: Eligible for the STRIPS program at a future date.

Taxation: Appreciation of the principal will be taxed as interest income in the period the appreciation occurs. Interest payments will be includible as interest income when received or as they accrue, depending on the taxpayer's method of accounting. Other tax details remain to be determined.

Auction Technique: Single-price auction. Options:

(1) Bidders bid for coupon, with bids expressed to three decimal places. The highest accepted yield becomes the coupon. Security is issued at par.

(2) Bidders bid real yield, with bids expressed to three decimal places. Coupon is set near the highest accepted real yield in increments of ⅛ of 1 percent. Price is determined by formula in the appendix using the highest accepted yield.

(3) Before the auction Treasury announces a coupon, securities are issued at lowest accepted price.

Minimum Guarantee: If the sum of all the interest payments and the inflation-adjusted principal is less than the par value of the security at time of issuance, the Treasury will pay an additional sum at maturity equal to the difference.

Minimums and Multiples to Bid, Hold, and Transfer: The minimum to bid, hold, and transfer is $1000 original principal value. Larger amounts must be in multiples of $1000.

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Appendix - Formulas

I. Reference INUM:

$$\text{Ref INUM}_{\text{Date}} = \text{Ref INUM}_{M} + \frac{t-1}{D}[\text{Ref INUM}_{M+1} - \text{Ref INUM}_{M}]$$

II. Index Ratio:

$$\text{Index Ratio}_{\text{Date}} = \frac{\text{Ref INUM}_{\text{Date}}}{\text{Ref INUM}_{\text{Base}}}$$

III. Real Price:

A. No initial partial semiannual coupon period:

$$RP = (C/2)a_{\overline{n}|} + 100v^{n}$$

B. With initial partial semiannual coupon period:

$$RP = \frac{C/2 + (C/2)a_{\overline{n}|} + 100v^{n}}{1 + (r/s)(i/2)} - [(s-r)/s](C/2)$$

IV. Settlement amount, including accrued interest, for $100 Original Principal:

$$SA = A + [\text{Index Ratio}_{\text{Date}} \times RP]$$

V. Accrued Interest:

$$A = [(s-r)/s] \times (C/2) \times \text{Index Ratio}_{\text{Date}}$$

VI. INUM not reported timely for month M:

$$\text{Ref INUM}_{M} = \text{INUM}_{M-1} \times \left[\frac{\text{INUM}_{M-1}}{\text{INUM}_{M-13}}\right]^{\frac{1}{12}}$$

Generalizing for last reported INUM issued N months prior to month M:

$$\text{Ref INUM}_{M} = \text{INUM}_{M-N} \times \left[\frac{\text{INUM}_{M-N}}{\text{INUM}_{M-N-12}}\right]^{\frac{N}{12}}$$

Definitions

RP = real price

SA = settlement amount, including accrued interest, in current dollars per $100 original principal

A = nominal accrued interest per $100 original principal

r = days from settlement date to next coupon date

s = days in current semiannual coupon period

i = real interest rate, compounded semiannually

C = real annual coupon, payable semiannually, in terms of real dollars paid on $100 initial, or real, principal of the security

n = number of full semiannual periods from settlement date to maturity date

v^n = $1/(1 + i/2)^n$

$a_{\overline{n}|}$ = $(1 - v^n)/(i/2) = v + v^2 + v^3 + \ldots v^n$

Date = valuation date

D = the number of days in the month in which Date falls

t = the calendar day corresponding to Date

INUM = index number

Ref $INUM_M$ = reference INUM for the first day of the calendar month in which Date falls

Ref $INUM_{M+1}$ = reference INUM for the first day of the calendar month immediately following Date

Example[1]

The Treasury issues a 30-year inflation-protection bond on July 15, 1996. The bonds have a par value of $100 and are issued at a discount to yield 3.1% (real). The bonds bear a 3% real coupon, payable on January 15 and July 15 of each year. The base price or wage index applicable to this bond is 120.[2] The settlement amount (SA) is calculated using real price formula III.A (for no partial initial semiannual coupon period) in the appendix:

$$n = 60$$

$$v^n = 1/(1 + i/2)^n = 1/(1 + .031/2)^{60}$$

$$= 0.39737847$$

$$a_{\overline{n}|} = (1 - v^n)/(i/2)$$

$$= (1 - 0.39737847)/(.031/2)$$

$$= 38.87880825$$

III.A $$SA = RP = (C/2)a_{\overline{n}|} + 100v^n$$

$$= (3/2) \times 38.87880825 + 100 \times 0.39737847$$

$$= 98.05605959$$

April 15, 1997 is the settlement date for a reopening of this bond. The reference wage or price index number for this date is 132 and the additional supply is issued at a real yield of 3.4%. The settlement amount is calculated by

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[1] The example shows the intermediate results rounded to eight decimal places, although the calculations were performed without intermediate rounding. In determining prices and accrued interest in actual auctions of Treasury securities, the Department rounds the final results. The price is rounded to three decimal places and the accrued interest amount to six decimal places, based on a par value of 100.

[2] If this were a real example, this number would have been derived using formula I. The index number for January 15 would have been an interpolation between the index number reported for October and the one reported for November.

first using formula V to calculate the nominal accrued interest since the last coupon payment, per $100 original principal.

$$\text{Index Ratio}_{Date} = \frac{\text{Ref INUM}_{Date}}{\text{Ref INUM}_{Base}} = \frac{132}{120} = 1.1$$

$n = 58$

$s = 181$

$r = 91$

V. $A = [(s-r)/s] \times (C/2) \times \text{Index Ratio}_{Date}$

$= [(181-91)/181] \times (3/2) \times 1.1$

$= 0.82044199$

The real price is calculated using formula III.B (for an initial partial semiannual coupon period):

$v^n = 1/(1 + .034/2)^{58} = 0.37617050$

$a_{n\rceil} = (1 - 0.37617050)/(.034/2)$

$= 36.69585314$

$$\text{III.B } RP = \frac{C/2 + (C/2)a_{n\rceil} + 100v^n}{1 + (r/s)(i/2)} - [(s - r)/s](C/2)$$

$$RP = \frac{(3/2)+[(3/2) \times 36.69585314]+(100 \times 0.37617050)}{1 + (91/181) \times (.034/2)} - [(181-91)/181] \times (3/2)$$

$= 92.61700426$

The settlement amount is calculated using formula IV:

IV. $SA = A + [\text{Index Ratio}_{Date} \times RP]$

$= 0.82044199 + (1.1 \times 92.61700426)$

$= 102.69914667$

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PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

Authority: 5 U.S.C. 301; 31 U.S.C. 3102, et seq.; 12 U.S.C. 391.

Date: May 15, 1996.

Darcy Bradbury,

Assistant Secretary (Financial Markets).

[FR Doc. 96–12630 Filed 5–16–96; 11:00 am]

BILLING CODE 4810–39–W

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL–5507–7]

RIN 2060–AG40 and AG39

Outer Continental Shelf Air Regulations Delegation Remand

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing revision to the outer continental shelf (OCS) regulations in response to a voluntary remand from the U.S. Court of Appeals for the District of Columbia Circuit. These regulations establish air pollution control requirements for certain sources located on the OCS.

In response to the requirements of section 328 of the Clean Air Act (Act), on September 4, 1992, EPA promulgated the OCS regulations setting up two regimes for controlling air pollution from OCS sources for the purposes of attaining and maintaining Federal air quality standards and to comply with certain Act requirements for preconstruction review of new and modified major sources. Sources located within 25 miles of the States' seaward boundaries (the 25-mile limit) must comply with regulations which are, in most respects, the same as the regulations for similar sources located on shore. Sources beyond the 25-mile limit are required to comply with Federal new source performance standards (NSPS), requirements for the prevention of significant deterioration (PSD), and national emission standards for hazardous air pollutants (NESHAP) related to attainment and maintenance of ambient air quality standards or the requirements of part C of title I of the Act. The Federal operating permits program and enhanced compliance monitoring regulatory requirements will also be incorporated into part 55 when they are promulgated. In promulgating the OCS regulations, EPA provided for delegation to State and local agencies the authority to implement and enforce the regulations for sources within the 25-mile limit. However, EPA did not provide for delegation of the authority to implement and enforce the regulations for sources located beyond the 25-mile limit. The Santa Barbara County Air Pollution Control District (APCD) filed a petition for review of the regulations on several issues, including the issue of delegation beyond the 25-mile limit. Upon EPA's request for a voluntary remand, the court remanded the delegation issue to EPA for reconsideration.

By this action, EPA is revising the OCS regulations to provide for delegation to State and local agencies the authority to implement and enforce the OCS regulations beyond the 25-mile limit. Delegation of the program to any specific State or local agency will be under separate action.

DATES: Written comments on the proposed action must be received by EPA at the address below on or before June 19, 1996.

ADDRESSES: Comments should be submitted to the public docket for this action is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center (6102), Attention Docket A–95–07, South Conference Center, Room 4, 401 M Street, SW, Washington, DC 20460. A reasonable fee for copying may be charged.

FOR FURTHER INFORMATION CONTACT: Mr. David Stonefield, U.S. EPA, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5350.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

The Clean Air Act Amendments of 1990 (Pub. L. 101–549, 104 Stat. 2399 (1990)) added section 328 to the Act and transferred authority to regulate sources on part of the OCS from the Department of the Interior (DOI) to EPA. The DOI retained the authority to regulate OCS sources in the Gulf of Mexico west of 87.5 degrees longitude. As to the remaining portions of the OCS—the Atlantic, Pacific, and Arctic coasts and the Gulf of Mexico east of 87.5 degrees—section 328 requires EPA to establish requirements for the control of air pollution from OCS sources to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C (for the prevention of significant deterioration) of title I of the Act. For sources within 25 miles of the States' seaward boundaries, those requirements must be the same as would be applicable if the source were located in the corresponding onshore area (COA). For sources beyond the 25-mile limit, the Administrator had discretion in determining the requirements. The EPA proposed (56 FR 63774, December 5, 1991) and promulgated (57 FR 40792, September 4, 1992) regulations to implement the requirements of section 328. The regulations require, among other things, that sources located beyond 25 miles of States' seaward boundaries meet applicable Federal pollution control requirements which include PSD, NSPS and NESHAP regulations to the extent that they are rationally related to protection of air quality standards or part C of title I of the Act (40 CFR 55.13). In addition, EPA stated in the preamble to the final rule that it would incorporate into the OCS rules the requirements of the Federal operating permits regulations (40 CFR part 71) and the enhanced monitoring regulations, when promulgated (57 FR 40803).

B. Delegation Authority

Section 328(a)(3) of the Act permits States adjacent to an OCS source to adopt and submit to EPA regulations for implementing and enforcing the requirements of that section. It requires that:

> [I]f the Administrator [of EPA] finds that the State regulations are adequate, the Administrator shall delegate to that State any authority the Administrator has under this Act to implement and enforce such requirements.

Therefore, in the OCS regulations, EPA included § 55.11 which authorizes the delegation of the implementation and enforcement authority to State and local agencies for OCS sources that are located within the 25-mile limit. However, in the preamble to the proposed and final rules, EPA stated that it would retain the authority to implement and enforce the OCS regulations for sources located beyond the 25-mile limit for two reasons. First, since the sources located beyond the 25-mile limit are subject only to Federal requirements, the State would have to adopt two OCS programs, one for sources within the 25-mile limit and one for sources beyond the limit. Second, it may be difficult to determine the appropriate agency to receive delegation for sources located beyond the 25-mile limit (56 FR 63784 and 57 FR 40801–802). Therefore, in the final

rule, EPA did not provide for the delegation of the implementation and enforcement authority for sources beyond the 25-mile limit.

C. Judicial Review

On November 2, 1992, the Santa Barbara County APCD filed a petition for review of the OCS regulations with the U.S. Court of Appeals for the District of Columbia Circuit (*Santa Barbara County Air Pollution Control District* v. *EPA*, 31 F. 3rd 1179 (D.C. Cir., 1994)). One of the issues that the Santa Barbara County APCD raised was EPA's failure to provide for delegation of the authority to implement and enforce the OCS regulations for sources located beyond 25 miles from a State's seaward boundary.[1] In reviewing the issue, EPA determined that section 328 of the Act requires it to delegate any authority the EPA has under the Act to implement and enforce the requirements of section 328(a) if it determines that the State government has adequate regulations. Therefore, EPA requested the court to remand this issue to it for reconsideration.

II. Revisions to the Regulations

The OCS regulations contain three references to the delegation authority beyond the 25-mile limit. The EPA is proposing in each case to revise the language of the OCS regulations to make clear that EPA may delegate the authority to implement and enforce the OCS regulations for the OCS sources beyond the 25-mile limit. Specific regulatory changes are proposed for §§ 55.3(c), 55.6(d), and 55.11(a). In addition, to allow for the delegation of authority for sources beyond the 25-mile limit, revisions in the wording of other sections are necessary to clarify the regulations. The specific regulatory changes proposed include revisions to § 55.2 (definition of nearest onshore area) and the addition of § 55.11(j).

Section 55.3 establishes the applicability of the regulations for OCS sources. Section 55.3(c) relates to sources located beyond the 25-mile limit and excludes those sources from the requirements of § 55.11, which specifically deals with the delegation of the authority for implementation and enforcement within the 25-mile limit. The EPA proposes to delete the reference in § 55.3(c) that provides that the delegation requirements of § 55.11 do not apply for sources located beyond the 25-mile limit.

Section 55.6 establishes permit requirements for OCS sources. Section 55.6(d) relates to sources located beyond the 25=mile limit, and paragraph (2) states that the Administrator will retain the authority to implement and enforce the OCS regulations for those sources. The proposed revisions would delete the existing paragraph (2) and replace it with a new paragraph (2) which defines the permit requirements for sources if the program is delegated. The new provisions prohibit the issuance of permits to operators that have not demonstrated compliance with all applicable requirements of the OCS regulations. This new paragraph is identical to the paragraph in § 55.6(c) for sources located within the 25-mile limit.

Section 55.11 currently establishes the requirements for the delegation of the implementation and enforcement of the OCS regulations within the 25-mile limit. The EPA proposes to revise § 55.11(a) to clarify that the State can request delegation for sources beyond the 25-mile limit, as well as for sources located within the 25-mile limit.

The existing definition of ''nearest onshore area'' (NOA) only applies to sources within 25 miles of States' seaward boundaries. Under the existing regulatory scheme for OCS sources in which EPA retained all authority for sources beyond the 25-mile limit, the definition was only needed for sources located within 25 miles of States' seaward boundaries. However, in delegating the authority to implement and enforce the regulations for sources beyond the 25-mile limit, it will be necessary to determine the NOA for the source. Therefore, EPA is proposing to expand the NOA definition by deleting the limitation to sources within 25 miles of the States' seaward boundaries.

A new subsection ''(j)'' is proposed for § 55.11 to define the exercise of authority over OCS sources. The delegated agency in the COA for sources located within the 25-mile limit and the delegated agency in the NOA for sources located beyond the 25-mile limit will exercise all delegated authority. If there is no delegated agency in the COA or NOA, EPA will issue permits and implement and enforce the OCS regulations. This language mirrors that of § 55.5(c)(4), which discusses the exercise of authority for sources within the 25-mile limit.

Section 328(a)(4)(B) of the Act and § 55.5 of the OCS regulations establish a procedure for areas other than the NOA to be designated as the COA for sources within the 25-mile limit. Pursuant to § 55.5, for an area other than the NOA to be designated as the COA, it must demonstrate, among other things, that it has more stringent air pollution control regulations than the NOA. Since sources located beyond the 25-mile limit are subject only to Federal regulations, as identified in § 55.13, any delegated State or local agency would be enforcing the same regulations. Therefore, for sources beyond the 25-mile limit, EPA will delegate the authority to implement and enforce the OCS regulations only to the State or local agency that is responsible for the NOA, assuming that the requirements for delegation are met (§ 55.5(b)).

The EPA is also rescinding that preamble language which specifically states that delegation beyond the 25-mile limit is unacceptable (57 FR 40794, 40797, 40801, and 40802).

III. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, the Agency must determine whether the regulatory action is significant and therefore subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines significant regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has determined that the revisions to the OCS rules are ''significant'' because the OCS sources would be regulated by two Federal agencies, EPA and DOI. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations are documented in the public record.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Act of 1995 requires that EPA prepare a budgetary impact statement

[1] Another issue raised by the Santa Barbara County APCD petition involved EPA special offset provisions for OCS sources. On August 12, 1994, the court vacated that portion of the OCS regulations and remanded it to EPA for further consideration. Elsewhere in today's Federal Register, EPA is promulgating an interim final regulation revising the OCS regulation in accordance with the court's instructions.

before promulgating a rule that includes a Federal mandate that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Section 203 requires EPA to establish a plan for obtaining input from, 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, EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule, unless EPA explains why a particular alternative is not selected or the selection of a particular alternative is inconsistent with law.

Because this proposed rule does not impose any new mandates on State, local, or tribal governments, and the rule is estimated to result in the expenditures by State, local, and tribal governments or the private sector of less that $100 million in any 1 year, EPA 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, EPA is not required to develop a plan with regard to small governments. However, EPA will work with eligible State and local air pollution control agencies to assist them in requesting delegation of authority to implement and enforce the OCS regulations.

C. Paperwork Reduction Act

These rule revisions do not contain any information collection requirements subject to review by the OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to identify potentially adverse impacts of Federal rules upon small entities. Small entities include small businesses, organizations, and governmental jurisdictions. In instances where significant economic impacts are possible on a substantial number of these entities, agencies are required to perform a regulatory flexibility analysis. Furthermore, *EPA Guidelines for Implementing the Regulatory Flexibility Act,* issued on April 9, 1992, require the Agency to determine whether regulations will have any economic impacts on small entities. These revisions to the OCS regulations do not, in themselves, impose any requirements on small entities, nor require or exclude small entities from meeting the requirements of the OCS regulations. As a result, EPA has determined that these revisions will not have a significant impact on a substantial number of small entities.

Therefore, as required under § 605 of the RFA, 5 U.S.C. 605, I certify that these revisions do not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Continental shelf, Intergovernmental relations, Nitrogen oxides, Ozone, permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 13, 1996.

Carol M. Browner,

Administrator.

For reasons set out in the preamble, 40 CFR part 55 is proposed to be amended as set forth below.

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Public Law 101–549.

§ 55.2 [Amended]

2. In § 55.2 the introductory text of the definition of ''Nearest Onshore Area'' is proposed to be amended by adding a comma after ''OCS source'' and removing the words ''located within 25 miles of the States' seaward boundary,'' which follows.

3. Section 55.3 is proposed to be amended by revising paragraph (c) to read as follows:

§ 55.3 Applicability.

* * * * *

(c) The OCS sources located beyond 25 miles of States' seaward boundaries shall be subject to all the requirements of this part, except the requirements of §§ 55.4, 55.5, 55.12 and 55.14 of this part.

* * * * *

4. Section 55.6 is proposed to be amended by revising paragraph (d)(2) to read as follows:

§ 55.6 Permit requirements.

* * * * *

(d) * * *

(1) * * *

(2) The Administrator or delegated agency shall not issue a permit to operate to any existing OCS source that has not demonstrated compliance with all the applicable requirements of this part.

* * * * *

5. Section 55.11 is proposed to be amended by revising paragraph (a) and by adding paragraph (j) to read as follows:

§ 55.11 Delegation.

(a) The governor or the governor's designee of any State adjacent to an OCS source subject to the requirements of this part may submit a request, pursuant to section 328(a)(3) of the Act, to the Administrator for the authority to implement and enforce the requirements of this OCS program (i) within 25 miles of the State's seaward boundary and/or beyond 25 miles of the State's seaward boundary. Authority to implement and enforce §§ 55.5, 55.11, and 55.12 of this part will not be delegated.

* * * * *

(j) *Delegated Authority.*

The delegated agency in the COA for sources located within 25 miles of the State's seaward boundary or the delegated agency in the NOA for sources located beyond 25 miles of the State's seaward boundary will exercise all delegated authority. If there is no delegated agency in the COA for sources located within 25 miles of the State's seaward boundary, or in the NOA for sources located beyond 25 miles of the State's seaward boundary, the EPA will issue the permit and implement and enforce the requirements of this part. For sources located within 25 miles of the State's seaward boundary, the Administrator may retain the authority for implementing and enforcing the requirements of this part if the NOA and COA are in different States.

[FR Doc. 96–12627 Filed 5–17–96; 8:45 am]

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40 CFR Part 261

[SW–FRL–5507–8]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to grant a

petition to Giant Refining Company (Giant) to exclude (or ''delist''), on a one-time basis, certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32 (hereinafter all sectional references are to 40 CFR unless otherwise indicated). This action responds to a delisting petition originally submitted by the Bloomfield Refining Company, Inc. (Bloomfield), in Bloomfield, New Mexico. Bloomfield was purchased by Giant on October 4, 1995. Giant has advised the Agency that it wishes to proceed with the petition for delisting submitted by Bloomfield. This petition was submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of 40 CFR parts 260 through 266, 268 and 273, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator specific'' basis from the hazardous waste lists. This proposed decision is based on an evaluation of waste-specific information provided by the petitioner. If this proposed decision is finalized, the petitioned waste will be conditionally excluded from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

The EPA is also proposing the use of a fate and transport model (the EPA Composite Model for Landfills (EPACML)) to evaluate the potential impact of the petitioned waste on human health and the environment, based on the waste-specific information provided by the petitioner. This model has been used in evaluating the petition to predict the concentration of hazardous constituents that may be released from the petitioned waste, once it is disposed.

DATES: The EPA is requesting public comments on this proposed decision and on the applicability of the fate and transport model used to evaluate the petition. Comments will be accepted until July 5, 1996. Comments postmarked after the close of the comment period will be stamped ''late.''

Any person may request a hearing on this proposed decision by filing a request with Jane N. Saginaw, Regional Administrator, whose address appears below, by June 4, 1996. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments. Two copies should be sent to William Gallagher, Delisting Program, Multimedia Planning and Permitting Division (6PD–O), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202. A third copy should be sent to the New Mexico Environment Department, Hazardous and Radioactive Materials Bureau, 1190 St. Francis Drive, Sante Fe, New Mexico 87502. Identify your comments at the top with this regulatory docket number: ''F–96–NMDEL–GIANT.''

Requests for a hearing should be addressed to the Regional Administrator, Region 6, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202.

The RCRA regulatory docket for this proposed rule is located at the Region 6, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202 and is available for viewing in the EPA library on the 12th floor from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665–6444 for appointments. The docket may also be viewed at the New Mexico Environment Department, 1190 St. Francis Drive, Sante Fe, New Mexico 87502. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at $0.15 per page for additional copies.

FOR FURTHER INFORMATION, CONTACT: For technical information concerning this notice, contact Michelle Peace, Delisting Program (6PD–O), Region 6, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–7430.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, the EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in § 261.31 and § 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in Subpart C of Part 261 (i.e., ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in § 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, § 260.20 and § 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See § 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider any factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (i.e., ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See § 260.22(a), 42 U.S.C. § 6921(f), and the background documents for the listed wastes. Although wastes which are ''delisted'' (i.e., excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their waste remains non-hazardous based on the hazardous waste characteristics.

In addition, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing listed hazardous wastes are also considered hazardous wastes. See §§ 261.3 (a)(2)(iv) and (c)(2)(i), referred to as the ''mixture'' and ''derived-from'' rules, respectively. Such wastes are also eligible for exclusion and remain hazardous wastes until excluded. On December 6, 1991, the U.S. Court of Appeals for the District of Columbia vacated the ''mixture/derived from'' rules and remanded them to the Agency on procedural grounds. *See* Shell Oil Co. v. EPA, 950 F.2d 741 (D.C. Cir. 1991). On March 3, 1992, EPA reinstated the mixture and derived-from rules, and solicited comments on other ways to regulate waste mixtures and residues (57 Federal Register (FR) 7628). On December 21, 1995, the EPA proposed rules related to waste mixtures and residues at 60 FR 66344 and invited public comment.

B. Approach Used To Evaluate This Petition

Giant's petition requests a delisting for a listed hazardous waste. In making the initial delisting determination, the EPA evaluated the petitioned waste against the listing criteria and factors

cited in § 261.11 (a)(2) and (a)(3). Based on this review, the EPA agreed with the petitioner that the waste is non-hazardous with respect to the original listing criteria. (If the EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, the EPA would have proposed to deny the petition.) The EPA then evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The EPA considered whether the waste is acutely toxic, and considered the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability.

For this delisting determination, the EPA used such information to identify plausible exposure routes (i.e., ground water, surface water, air) for hazardous constituents present in the petitioned waste. The EPA determined that disposal in a Subtitle D landfill is the most reasonable, worst-case disposal scenario for Giant's petitioned waste, and that the major exposure route of concern would be ingestion of contaminated ground water. Therefore, the EPA is proposing to use a particular fate and transport model to predict the maximum allowable concentrations of hazardous constituents that may be released from the petitioned waste after disposal and to determine the potential impact of the disposal of Giant's petitioned waste on human health and the environment. Specifically, the EPA used the maximum estimated waste volume and the maximum reported extract concentrations as inputs to estimate the constituent concentrations in the ground water at a hypothetical receptor well downgradient from the disposal site. The calculated receptor well concentrations (referred to as compliance-point concentrations) were then compared directly to the current health-based levels at an assumed risk value of 10^{-6} used in delisting decision-making for the hazardous constituents of concern.

The EPA believes that this fate and transport model represents a reasonable worst-case scenario for disposal of the petitioned waste in a landfill, and that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA Subtitle C. The use of a reasonable worst-case scenario results in conservative values for the compliance-point concentrations and ensures that the waste, once removed from hazardous waste regulation, will not pose a threat to human health or the environment. Because a delisted waste is no longer subject to hazardous waste control, the EPA is generally unable to predict and does not presently control how a waste will be managed after delisting. Therefore, the EPA does not currently consider extensive site-specific factors when applying the fate and transport model.

The EPA also considers the applicability of groundwater monitoring data during the evaluation of delisting petitions. The EPA normally requests groundwater monitoring data for wastes managed on-site to determine whether hazardous constituents have migrated to the underlying groundwater. Groundwater monitoring data provides significant additional information important to fully characterize the potential impact (if any) of the disposal of a petitioned waste on human health and the environment. In this case, the EPA determined that the groundwater monitoring data was not applicable to the evaluation of the petitioned waste. Although Giant's petitioned waste is managed in an on-site waste pile, the EPA Region 6 has not required Giant to install groundwater monitoring wells specifically to monitor the waste pile. Giant does have a monitoring system in place at its facility, including wells in the vicinity of the waste pile. However, the location of these wells were not selected with the specific intent of monitoring the waste pile. For these reasons, the EPA does not believe that data collected from Giant's groundwater monitoring system will provide a clear measure of whether the waste pile has adversely impacted groundwater quality at the Giant site. However, the potential impact of these wastes on the groundwater will be predicted through the application of the EPACML, fate and transport model.

Finally, the Hazardous and Solid Waste Amendments of 1984 specifically require the EPA to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all timely public comments (including those at public hearings, if any) on today's proposal are addressed.

II. Disposition of Delisting Petition

Giant Refining Company, Bloomfield, New Mexico

A. Petition for Exclusion

Giant, located in Bloomfield, New Mexico, is involved in the processing and refining of petroleum. Giant petitioned the EPA for an exclusion of a discrete volume of contaminated soil presently stored in an on-site waste pile, generated from the cleaning of two wastewater treatment impoundments (referred to as the South and North Oily Water Ponds) in 1982. The soil is classified as EPA Hazardous Waste No. K051—''API separator sludge from the petroleum refining industry.'' The listed constituents of concern for EPA Hazardous Waste No. K051 are hexavalent chromium and lead (see Part 261, Appendix VII).

Giant petitioned the EPA to exclude this discrete volume of excavated soil because it does not believe that the waste meets the criteria for which it was listed. Giant also believes that the waste does not contain any other constituents that would render it hazardous. Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See Section 222 of HSWA, 42 U.S.C. § 6921(f), and 40 CFR § 260.22(d) (2)–(4). Today's proposal to grant this petition for delisting is the result of the EPA's evaluation of Giant's petition.

B. Background

On April 15, 1991, Bloomfield, now Giant, petitioned the EPA to exclude, from the lists of hazardous wastes contained in 40 CFR § 261.31 and § 261.32, a discrete volume of contaminated soil excavated from its wastewater treatment impoundments. Giant subsequently provided additional information to complete its petition. Specifically, in its petition, Giant requested that the EPA grant an one-time exclusion for 2,000 cubic yards of excavated soil presently stored in an on-site waste pile.

In support of its petition, Giant submitted: (1) descriptions of its wastewater treatment processes and the excavation activities associated with the petitioned waste; (2) results from total constituent analyses for the eight Toxicity Characteristic (TC) metals listed in § 261.24 (i.e., the TC metals) antimony, beryllium, cyanide, nickel, vanadium, and zinc from representative samples of the stockpiled waste; (3) results from the Toxicity Characteristic Leaching Procedure (TCLP, SW–846

Method 1311) for the eight TC metals, antimony, beryllium, cyanide, nickel, vanadium, and zinc from representative samples of the stockpiled waste; (4) results from the Oily Waste Extraction Procedure (OWEP, SW–846 Method 1330) for the eight TC metals, antimony, beryllium, nickel, vanadium, and zinc from representative samples of the stockpiled waste; (5) results from the Extraction Procedure Toxicity Test (EP, SW–846 Method 1310) for the eight metals listed in § 261.24 from representative samples of the stockpiled waste; (6) results from total oil and grease analyses from representative samples of the stockpiled waste; (7) test results and information regarding the hazardous characteristics of ignitability, corrosivity, and reactivity; and (8) results from total constituent and TCLP analyses for certain volatile and semi-volatile organic compounds from representative samples of the stockpiled waste.

Giant is an active petroleum refinery. In October 1984, Bloomfield purchased the refinery located in Bloomfield, New Mexico, from Plateau, Inc., a subsidiary of Suburban Propane Gas Corporation. On October 4, 1995, Giant purchased the refinery from Bloomfield. Giant has assumed ownership and operation of the Bloomfield site and wishes to proceed with the petition for delisting originally submitted by Bloomfield. Current refinery operations, including wastewater treatment, are different than the operations on-line during the time period the waste considered in this petition was generated. During the period of interest, Plateau operated the refinery primarily as a producer of gasoline and diesel fuel. The facility processed roughly 10,000 barrels per day of low sulfur crude oil. The refinery was altered substantially during the period of time in which the waste was generated. In 1976, the refinery consisted of a crude unit with a capacity of 8,000 barrels per day, a reformer with a capacity of roughly 2,800 barrels per day, and required tankage and utilities. By November 1982, the refinery had installed a 6,000 barrel per day fluidized catalytic cracking unit, expanded the crude unit to 16,500 barrels per day, installed a wastewater treatment system, and had added to tankage and utilities. The refinery experienced no periods of inactivity during this time.

Prior to November 1982, Plateau operated two wastewater treatment surface impoundments; the bottoms of the two impoundments had been treated with bentonite to retard migration of contaminants. These two impoundments were used to contain water outflow from an API separator. The API separator was used to remove oil and oily sludges from refinery wastewater and consisted of two reinforced concrete bays. The API separator system received wastewaters from many sources during the time period of waste generation, including boiler blowdown; cooling tower blowdown; desalination water; process area runoff; small amounts of solvent cleaners and sealants; and lubricants used in site vehicles, pump reservoirs, metal machining tools, instrument air supplies, and during the overhaul and rebuilding of various pieces of process equipment. Oily wastewater entered the API separator and was contained for a period of approximately 27 hours (flow to the API separator averaged roughly 35 gallons per minute during the period of interest). Oil within the wastewater was allowed to rise and form a separate floating phase. This phase was recovered through a weir at the downstream end of each bay. Wastewater from each bay flowed under the weir, discharging into the first of two impoundments. Wastewater from the first impoundment was subsequently directed through an outflow pipe to the second impoundment. In addition, any oily sludge with a density heavier than the wastewater sank to the bottom of the concrete bays. These sludges were removed and disposed of at a hazardous waste facility approximately every two years.

During the period around October and November 1982, Plateau cleaned the impoundments to install a 100 milliliter synthetic high density polyethylene (HDPE) liner. Approximately 90,000 gallons of sludge were removed by vacuum truck and disposed of in an offsite hazardous waste disposal facility. This sludge was mainly the result of the accumulation of windblown dirt and debris. Visibly contaminated soil from the impoundments was removed and disposed of in an unlined on-site landfill in October 1984. This landfill was a dedicated area of the Giant site, and did not hold any other waste material. Plateau assumed this material was not hazardous based on characteristic testing. As part of subsequent closure activities, the contaminated soil was reexcavated in November 1989 and stockpiled at its present location, where it awaits final disposal. This volume of stockpiled soil is the subject of Giant's delisting petition.

The impoundments were originally installed about 1974 for fresh water use. Following the installation of the API separator in late 1976, wastewater from the API separator was routed to the impoundments for further wastewater treatment. Prior to the installation of the API separator, a tank was used to recover oil from wastewater. The API separator was installed because of substantial expansion planned and underway for the refinery. Therefore, the period of generation of waste sludges into the impoundments (and, therefore, the generation of the contaminated soil) was from late 1976 until the impoundments were cleaned in November 1982.

The stockpiled waste has a moisture content of roughly 25 percent. The waste does not contain any free liquids or liquid petroleum. The stockpiled waste consists only of the waste that was originally deposited in the landfill from the impoundments and a small amount of soils adjacent to the landfill that was removed during the November 1989 excavation activities.

To collect representative samples from a waste pile like Giant's, petitioners are normally requested to divide the unit into four quadrants (not exceeding 10,000 square feet per quadrant) and randomly collect five full-depth core samples from each quadrant. The five full-depth core samples are then composited (mixed) by quadrant to produce a total of four composite samples. See *Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods,* EPA, Office of Solid Waste and Emergency Response, Publication SW–846 (third edition), November 1986, and *Petitions to Delist Hazardous Wastes—A Guidance Manual,* (second edition), EPA, Office of Solid Waste, (EPA/530–R–93–007), March 1993.

The first sampling and analysis of the stockpiled waste took place in May 1990. Two samples of waste were gathered over the full depth of the waste pile, from the surface to the bottom of the waste pile. This was accomplished by cutting trenches into the waste pile using a backhoe and gathering composite samples, with a trowel, from ten locations within each trench spanning the entire depth of the trench. To form a composite from the west side of the waste pile, ten samples each from six trenches were mixed in a bucket (for a total of 60 samples). The same procedure was followed in forming a composite from the east side of the waste pile. These two composite samples were analyzed for the total concentrations (i.e., mass of a particular constituent per mass of waste) of the eight TCLP metals, nickel, antimony, beryllium, vanadium, selected volatile and semi-volatile organic constituents, and oil and grease content. These two samples were also analyzed to

determine whether the waste exhibited ignitable, corrosive, or reactive properties as defined, respectively, under § 261.21, § 261.22, and § 261.23, including analysis for total constituent concentrations of cyanide, sulfide, reactive cyanide, and reactive sulfide. These two samples were also analyzed for TCLP concentrations (i.e., mass of a particular constituent per unit volume of extract) of the eight TC metals, nickel, and selected volatile and semi-volatile organic constituents. Finally, these two samples were analyzed for EP toxicity concentrations of the eight metals listed in § 261.24.

To highlight any possible variance of the outer material due to weathering, a third composite sample was formed from samples taken from eight locations across the surface of the waste pile. The maximum depth sampled was twelve inches. This composite sample was subject to the same analyses as the other two composite samples. In August 1990, Giant collected three samples, one sample each from the west side, east side, and surface of the waste pile. These samples were analyzed for TCLP concentrations of selected semi-volatile constituents.

Giant claims that because the waste pile was subjected to several operations that would have mixed the waste to a significant extent, including dredging of the wastewater treatment impoundments; loading and transporting the waste; unloading and spreading the waste in the landfill; reexcavating, loading and transporting the waste; and spreading and contouring the waste, the analytical data obtained from the two composite samples are representative of any variation in the waste pile concentrations. Based on its review of information describing this sampling event, the EPA concluded that these samples were not sufficient to support a delisting determination in part, because only two of the samples represented the full depth of the waste pile. At the request of the EPA, Giant submitted an addendum to its delisting petition. This addendum, submitted on June 25, 1993, included results from the analysis of four additional samples of the petitioned waste. Four waste samples were collected from the waste pile at the Giant facility in April 1993. The waste pile was divided into four quadrants and four full-depth core samples were collected from each quadrant.

All four samples were analyzed for total constituent concentrations of the TC metals, antimony, beryllium, cyanide, nickel, sulfide, vanadium, zinc, reactive cyanide, and reactive sulfide. The four composite samples were also analyzed for oil and grease content and leachate concentrations (using the TCLP and OWEP) of the TC metals, antimony, beryllium, cyanide, nickel, vanadium, and zinc (using distilled water in the cyanide extraction). An aliquot of the full-depth core sample was removed and analyzed for total constituent and TCLP leachate concentrations of selected volatile organic constituents. In addition, the remainder of the sample was composited and analyzed for total constituent and TCLP leachate concentrations of selected semi-volatile organic constituents.

C. Agency Analysis

Giant used SW–846 Methods 7041 through 7740 to quantify the total constituent concentrations of antimony, arsenic, lead, mercury, and selenium; and SW–846 Method 6010 to quantify total constituent concentrations of barium, beryllium, cadmium, chromium, nickel, silver, vanadium, and zinc in the 1990 and 1993 samples. Giant used SW–846 Methods 9010 (modified) to quantify the total constituent concentrations of cyanide in the 1990 and 1993 samples. Giant used Methods 7.3.4.2 and 9030 modified to quantify the total constituent concentrations of sulfide, respectively, in the 1990 and 1993 samples.

Using modified SW 846 Method 9071, Giant determined that the petitioned waste had a maximum oil and grease content of 2.35 percent. Two composite samples of the waste had more than one percent oil and grease. The leachate analyses for one sample extract (as discussed below) was modified in accordance with the OWEP methodology. The leachate analysis for the other sample extract was not modified, as the laboratory had already conducted the TCLP without filtration difficulties. Wastes having more than one percent total oil and grease may either have significant concentrations of constituents of concern in the oil phase, which may not be assessed using the standard leachate procedures, or the concentration of oil and grease may be sufficient to coat the solid phase of the sample and interfere with the leaching of metals from the sample.

Giant used SW–846 Method 1311 (TCLP)/Method 6010 to quantify the leachable concentrations of the eight TC metals, antimony, beryllium, nickel, vanadium, and zinc in the 1990 and 1993 samples. SW–846 Method 7470 was used for mercury analyses of the extracts from the 1993 samples. Giant used SW–846 Method 1311 (TCLP; modified using distilled water)/Method 9010 to quantify leachable cyanide concentrations in the 1993 samples. Extractable metals for one of the 1993 composite samples (i.e., Sample D) was evaluated by the OWEP (SW–846 Method 1330).[1]

Giant used SW–846 Method 1310 (EP)/Method 6010 to quantify the leachable concentrations of arsenic, barium, cadmium, chromium, lead, selenium, and silver in the 1990 samples. SW–846 Method 7470 was used for mercury analyses of the extracts from the 1990 samples. The EP analyses were only conducted on the three 1990 composite samples.

Characteristic testing was conducted on the 1990 and 1993 samples of the stockpiled waste, including analysis for reactive cyanide and reactive sulfide (SW–846 Methods 7.3.3.2 and 7.3.4.2, respectively), ignitability (SW–846 Method 1010 (modified)), and corrosivity (SW–846 Method 9045).

Table 1 presents the maximum total constituent and leachate concentrations for the eight TC metals, antimony, beryllium, cyanide, nickel, vanadium, and zinc for the composite samples of the petitioned waste. Table 1 also presents maximum reactive cyanide and reactive sulfide concentrations.

The detection limits presented in Table 1 represent the lowest concentrations quantifiable by Giant when using the appropriate SW–846 or Agency-approved analytical methods to analyze its waste. (Detection limits may vary according to the waste and waste matrix being analyzed, i.e., the ''cleanliness'' waste matrices varies and ''dirty'' waste matrices may cause interferences, thus raising the detection limits).

Giant used SW–846 Methods 8240 and 8270 to quantify the total constituent concentrations of 41 volatile and 65 semi-volatile organic compounds, respectively, in the stockpiled waste samples. This suite of constituents included all of the nonpesticide organic constituents listed in § 261.24. Giant used SW–846 Methods 8240 and 8270 to quantify the leachable concentrations of 21 volatile and 76 semi-volatile organic compounds, respectively, in the stockpiled waste samples, following extraction by SW–846 Method 1311

[1] The Oily Waste Extraction Procedure (OWEP) is a leach test used to determine the mobile metal concentration in oily wastes. The OWEP simulates biodegradation that has occurred in the landfill. The oil in the wastes, which tends to bind complex metals such that they are not available for leaching, degrades in the landfill disposal environment, eventually resulting in the release of the metals into the underlying strata and ground water. Per the EPA instructions, Bloomfield modified the OWEP by substituting the Toxicity Characteristic Leaching Procedure (TCLP) for the Extraction Procedure (EP) in step 7.10 of the OWEP method.

(TCLP). This suite of constituents included all of the organic constituents listed in § 261.24. Table 2 presents the maximum total and leachate concentrations of all detected organic constituents in Giant's waste and waste extract samples. Lastly, on the basis of explanations and analytical data provided by Giant, none of the analyzed samples exhibited the characteristics of ignitability, corrosivity, or reactivity. See § 261.21, § 261.22 and § 261.23.

TABLE 1.—MAXIMUM TOTAL CONSTITUENT AND LEACHATE CONCENTRATIONS (ppm) [1] STOCKPILED SOIL

Inorganic constituents	Total constituent analyses	Leachate analyses	
		EP/TCLP	OWEP
Antimony	< 0.3	0.07	< 0.616
Arsenic	3.9	< 0.2	< 2.05
Barium	194	0.632	0.629
Beryllium	0.3	0.002	< 1.03
Cadmium	3.9	0.003	< 0.030
Chromium (total)	507	0.149	< 0.0999
Cyanide (total)	< 1	< 0.02	
Lead	26.2	< 0.08	0.916
Mercury	0.29	< 0.1	< 0.006
Nickel	14.7	0.007	0.954
Selenium	< 0.4	< 0.09	1.68
Silver	< 0.7	< 0.007	< 0.074
Vanadium	55	< 0.04	< 0.41
Zinc	302	1.67	0.978
Cyanide (reactive)	< 2		
Sulfide (reactive)	< 10		

< Denotes that the constituent was not detected at the detection limit specified in the table.
[1] These levels represent the highest concentration of each constituent found in any one sample. These levels do not necessarily represent the specific levels found in one sample.

TABLE 2.—MAXIMUM TOTAL CONSTITUENT AND LEACHATE CONCENTRATIONS (ppm) [1] STOCKPILED SOIL

Organic constituents	Total constituent analyses	TCLP leachate analyses
Acetone	0.032	< 0.1
Benzo(a)anthracene	1.2	< 0.005
Benzo(a)pyrene	2.1	< 0.005
Chrysene	3.9	< 0.005
Fluorene	1.5	< 0.005
2-Methylnaphthalene	5.9	0.006
Naphthalene	0.83	< 0.005
Phenanthrene	4.4	< 0.005
Pyrene	2.1	< 0.005

< Denotes that the constituent was not detected at the detection limit specified in the table.
[1] These levels represent the highest concentration of each constituent found in any one sample. These levels do not necessarily represent the specific levels found in one sample.

Giant submitted a signed certification stating that the waste pile contains 2,000 cubic yards of waste. The EPA reviews a petitioner's estimates and, on occasion, has requested a petitioner to re-evaluate estimated waste volume. The EPA accepted Giant's certified estimate of 2,000 cubic yards of stockpiled waste.

The EPA does not generally verify submitted test data before proposing delisting decisions. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The EPA, however, has maintained a spot-check sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before finalizing a delisting petition or after granting a final exclusion.

D. Agency Evaluation

The EPA considered the appropriateness of alternative waste management scenarios for Giant's stockpiled waste and decided, based on the information provided in the petition, that disposal in a municipal solid waste landfill is the most reasonable, worst-case scenario for this waste. Under a landfill disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated ground water. The EPA, therefore, evaluated Giant's petitioned waste using the modified EPACML which predicts the potential for groundwater contamination from wastes that are landfilled. See 56 *FR* 32993 (July 18, 1991), 56 *FR* 67197 (December 30, 1991), and the RCRA public docket for these notices for a detailed description of the EPACML model, the disposal assumptions, and the modifications made for delisting. This model, which includes both unsaturated and saturated zone transport modules, was used to predict reasonable worst-case contaminant levels in groundwater at a compliance point (i.e., a receptor well serving as a drinking-water supply). Specifically, the model estimated the dilution/attenuation factor (DAF) resulting from subsurface processes such as three-dimensional dispersion and dilution from groundwater recharge for a specific volume of waste. The EPA requests comments on the use of the

EPACML as applied to the evaluation of Giant's petitioned waste.

For the evaluation of Giant's petitioned waste, the EPA used the EPACML to evaluate the mobility of the hazardous inorganic constituents detected in the extract of samples of Giant's stockpiled waste. The EPA intends to evaluate petitions for wastes no longer being generated on a case-by-case basis. The DAFs are currently calculated assuming an ongoing process generates wastes for 20 years. Therefore, the DAF needs to be adjusted as appropriate for an one-time exclusion. The DAF for the waste volume of 2,000 cubic yards/year has been adjusted for the evaluation of this petition. The DAF for 2,000 cubic yards/year assuming 20 years of generation is 79, for this petition a DAF of 100 is being used. The EPA's evaluation, using a DAF of 100, maximum waste volume estimate of 2,000 cubic yards and the maximum reported TCLP or OWEP leachate concentrations (see Table 1), yielded compliance-point concentrations (see Table 3) that are below the current health-based levels at an assumed risk level of 10^{-6} used in delisting decision-making.

TABLE 3.—EPACML: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (ppm) STOCKPILED SOIL

Inorganic constituents	Compliance point concentrations [1] (mg/l)	Levels of regulatory concern [2] (mg/l)
Antimony	0.0007	0.006
Barium	0.0063	2.0
Beryllium	0.00002	0.004
Cadmium	0.00003	0.005
Chromium	0.0015	0.1
Lead	0.009	0.015
Nickel	0.010	0.1
Selenium	0.017	0.05
Zinc	0.017	10.0

[1] Using the maximum EP/TCLP leachate level and based on a DAF of 100 calculated using the EPACML for an one-time volume of 2,000 cubic yards.

[2] See *Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions*, December 1994 located in the RCRA public docket for today's notice.

The maximum reported or calculated leachate concentrations of antimony, barium, beryllium, cadmium, chromium, lead, nickel selenium, and zinc in the stockpiled waste yielded compliance point concentrations well below the health-based levels used in delisting decision-making. The EPA did not evaluate the mobility of the remaining inorganic constituents (i.e., arsenic, mercury, silver, vanadium, and cyanide) from Giant's waste because they were not detected in the leachate using the appropriate analytical test methods (see Table 1). The EPA believes that it is inappropriate to evaluate nondetectable concentrations of a constituent of concern in its modeling efforts if the nondetectable value was obtained using the appropriate analytical method. If a constituent cannot be detected (when using the appropriate analytical method with an adequate detection limit), the EPA assumes that the constituent is not present and therefore does not present a threat to human health or the environment.

The EPA also evaluated the potential hazard of 2-methylnaphthalene, the only organic constituent detected in the TCLP extract of samples of Giant's stockpiled waste. Although, the EPA does not have a health-based level of concern for comparison, the EPA believes that the reported leachate concentration of 0.006 ppm does not present a potential concern. In particular, were this leachate concentration evaluated using the EPACML, the calculated compliance-point concentration would be 0.00006 ppm, a value lower than other chemicals from the naphthalene family. The EPA does not believe that this concentration, at the receptor well, would present an adverse impact on human health or the environment.

As reported in Table 1, the maximum concentrations of reactive cyanide and sulfide in Giant's stockpiled waste are less than 2 and 10 ppm, respectively. These concentrations are below the EPA's interim standards of 250 and 500 ppm, respectively. See *Interim Agency Thresholds for Toxic Gas Generation,* July 12, 1985, internal Agency Memorandum in the RCRA public docket. Therefore, reactive cyanide and sulfide levels are not of concern.

The EPA concluded, after reviewing Giant's processes, that no other hazardous constituents of concern, other than those tested for, are likely to be present or formed as reaction products or by-products in Giant's waste. In addition, on the basis of explanations and analytical data provided by Giant, pursuant to § 260.22, the EPA concludes that the waste does not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See § 261.21, § 261.22, and § 261.23, respectively.

During the evaluation of Giant's petition, the EPA also considered the potential impact of the petitioned waste via non-ground water routes (i.e., air emission and surface runoff). With regard to airborne dispersion in particular, the EPA believes that exposure to airborne contaminants from Giant's petitioned waste is unlikely. The EPA evaluated the potential hazards resulting from the unlikely scenario of airborne exposure to hazardous constituents released from Giant's waste in an open landfill. The results of this worst-case analysis indicated that there is no substantial present or potential hazard to human health from airborne exposure to constituents from Giant's stockpiled waste. A description of the EPA's assessment of the potential impact of Giant's waste, with regard to airborne dispersion of waste contaminants, is presented in the RCRA public docket for today's proposed rule.

The EPA also considered the potential impact of the petitioned waste via a surface water route. The EPA believes that containment structures at municipal solid waste landfills can effectively control surface water run-off, as the recently promulgated Subtitle D regulations (see 56 FR 50978, October 9, 1991) prohibit pollutant discharges into surface waters. Furthermore, the concentrations of any hazardous constituents dissolved in the runoff will tend to be lower than the levels in the

TCLP/EP or OWEP leachate analyses reported in today's notice, due to the aggressive acid medium used for extraction in the TCLP/EP and OWEP tests. The EPA believes that, in general, leachate derived from the waste is unlikely to enter a surface water body directly without first travelling through the saturated subsurface zone where further dilution and attenuation of hazardous constituents will also occur. Leachable concentrations provide a direct measure of the solubility of a toxic constituent in water, and are indicative of the fraction of the constituent that may be mobilized in surface water, as well as ground water. The reported TCLP/EP and OWEP extraction data show that the metals in Giant's stockpiled waste are essentially immobile in aqueous solution. Therefore, constituents that might be released from Giant's waste to surface water would be likely to remain undissolved. Finally, any transported constituents would be further diluted in the receiving surface water body due to relatively large flows of the streams/ rivers of concern.

Based on the reasons discussed above, the EPA believes that contamination of surface water through run-off from the waste disposal area is very unlikely. Nevertheless, the EPA evaluated potential impacts on surface water if Giant's waste were released from a municipal solid waste landfill through run-off and erosion. *See,* the RCRA public docket for today's proposed rule. The estimated levels of the hazardous constituents of concern in surface water would be well below health-based levels for human health, as well as below the EPA Chronic Water Quality Criteria for aquatic organisms (USEPA, OWRS, 1987). The EPA, therefore, concluded that Giant's stockpiled waste is not a substantial present or potential hazard to human health and the environment via the surface water exposure pathway.

E. Conclusion

The EPA has reviewed the sampling procedures used by Giant and has determined that they satisfy the EPA criteria for collecting representative samples of the variations in constituent concentrations found throughout the waste pile. The data submitted in support of the petition show that constituents in Giant's waste are present below the health-based levels used in the delisting decision-making. In addition, the constituents are immobile and should not leach from the waste pile into potential receptors. The EPA believes that Giant has successfully demonstrated that the stockpiled waste is non-hazardous.

The EPA, therefore, proposes to grant a one-time exclusion to Giant Refining Company, Inc., located in Bloomfield, New Mexico, for the stockpiled waste described in its petition as EPA Hazardous Waste No. K051. The EPA's decision to exclude this waste is based on descriptions of the excavation activities associated with the petitioned waste, descriptions of Giant's wastewater treatment process, and characterization of the stockpiled waste. If the proposed rule is finalized, the petitioned waste will no longer be subject to regulation under Parts 262 through 268 and the permitting standards of Part 270.

If made final, the proposed exclusion will apply only to the 2,000 cubic yards of stockpiled waste generated during the excavation of Giant's two wastewater treatment impoundments (referred to as the South and North Oily Water Ponds). The facility would need to file a new petition for any new waste produced. The facility must treat any excavated soil in excess of the original 2,000 cubic yards as hazardous unless a new exclusion is granted.

Although management of the waste covered by this petition would be removed from Subtitle C jurisdiction upon final promulgation of an exclusion, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

IV. Effective Date

This rule, if made final, will become effective immediately upon final publication. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six-months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after publication and the fact that a six-month deadline is not necessary to achieve the purpose of Section 3010, the EPA believes that this exclusion should be effective immediately upon final publication. These reasons also provide a basis for making this rule effective immediately, upon final publication, under the Administrative Procedure Act, pursuant to 5 U.S.C.§ 553(d).

V. Regulatory Impact

Under Executive Order 12866, the EPA must conduct an ''assessment of the potential costs and benefits'' for all ''significant'' regulatory actions. This proposal to grant an exclusion is not significant, since its effect, if promulgated, would be to reduce the overall costs and economic impact of the EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from the EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. There is no additional impact due to today's rule. Therefore, this proposal would not be a significant regulation, and no cost/benefit assessment is required. The Office of Management and Budget (OMB) has also exempted this rule from the requirement for OMB review under Section (6) of Executive Order 12866.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. §§ 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the Administrator or delegated representative certifies that the rule will not have any impact on any small entities.

This rule, if promulgated, will not have any adverse economic impact on any small entities since its effect would be to reduce the overall costs of the EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VII. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this proposed rule have been approved by OMB under the provisions

of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. § 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

VIII. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, which was signed into law on March 22, 1995, the EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA, the EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before the EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon state, local or tribal governments or the private sector. The EPA finds that today's proposed delisting decision is deregulatory in nature and does not impose any enforceable duty upon state, local or tribal governments or the private sector. In addition, the proposed delisting does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. § 6921(f).

Dated: May 3, 1996.

Jane N. Saginaw,

Regional Administrator.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 2 of Appendix IX of Part 261 it is proposed to add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Wastes Excluded Under § 260.20 and 260.22.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
* * * *	* * *	
Giant Refining Company, Inc	Bloomfield, New Mexico	Waste generated during the excavation of soils from two wastewater treatment impoundments (referred to as the South and North Oily Water Ponds) used to contain water outflow from an API separator (EPA Hazardous Waste No. K051). This is a one-time exclusion for approximately 2,000 cubic yards of stockpiled waste. This exclusion was published on [insert publication date of the final rule]. Notification Requirements: Giant Refining Company must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.
* * * *	* * *	

[FR Doc. 96–12607 Filed 5–17–96; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[MM Docket No. 96–16, FCC 96–198]

Revision of Broadcast EEO Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period; dismissal of petition for reconsideration.

SUMMARY: In *Streamlining Broadcast EEO Rules and Policies*, FCC 96–198, released April 26, 1996 (*Streamlining*), the Commission dismisses a Petition for Reconsideration, grants a Petition for Clarification in part and denies it in part, and grants a motion for extension of time concerning the Commission's *Order and Notice of Proposed Rule Making*, 11 FCC Rcd 5154 (1996), MM Docket No. 96–16, 61 FR 9964 (March 12, 1996) (*NPRM*). The Commission finds that the public interest favors grant of the motion for extension of time.

DATES: Initial comments due July 1, 1996; reply comments due July 31, 1996.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Hope G. Cooper, Mass Media Bureau, Enforcement Division. (202) 418–1450.

SUPPLEMENTARY INFORMATION: This is a synopsis of *Streamlining*, FCC 96–198, adopted and released April 26, 1996.

The complete text of *Streamlining* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services,

Inc., at (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Synopsis of Order and Notice of Proposed Rule Making

The Commission responds to two pleadings, a Petition for Reconsideration and Clarification, and a Motion for Extension of Time, filed by twenty organizations (including the Minority Media and Telecommunications Council), concerning the Commission's *Order and Notice of Proposed Rule Making,* 11 FCC Rcd 5154 (1996), MM Docket No. 96–16, 61 FR 9964 (March 12, 1996). In the Petition for Reconsideration and Clarification, among other things, Petitioners argue that, because the *NPRM* has the effect of rejecting proposals previously submitted to the Commission, the *NPRM* is a final action against which petitions for reconsideration may be filed pursuant to Section 1.429 of the Commission's Rules. They also argue that the Commission should amend the *NPRM* to include various proposals set forth in the Petition, as well as revise language in the *NPRM* to clarify that it is soliciting comment in support of increased, as well as reduced, EEO requirements. In the Motion for Extension of Time, Petitioners request that the Commission extend the date for submission of comments in response to the *NPRM* to two months following the issuance of an order reconsidering and/or clarifying the *NPRM.* They contend that without such an order they would be unable to develop thorough and meaningful comments to the *NPRM.* In addition, Petitioners assert that their present resources are severely limited by, among other things, their involvement in proceedings concerning the Telecommunications Act of 1996.

2. The Commission rejects Petitioners' argument that the *NPRM* is a final action, finding that the *NPRM* did not implement any rule or reject any proposals presently pending before the Commission, and, accordingly, dismisses the Petition for Reconsideration. *See* 47 CFR 1.429. The Commission grants the Petition for Clarification in part and otherwise denies it. The Commission states that ''[t]he proposals in the *NPRM* sought to further the objectives of our EEO Rule and policies while minimizing undue regulatory burdens on broadcasters. We encourage Petitioners to submit with their comments any alternatives to the proposals that further these goals.'' Finally, the Commission finds that the public interest favors grant of the motion for extension of time, and, therefore, the Commission extends the comment and reply comment dates to July 1, 1996, and July 31, 1996, respectively.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12588 Filed 5–17–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 64

[CC Docket No. 96–112; FCC 96–214]

Allocation of Costs Associated With Local Exchange Carrier Provision of Video Programming Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In the NPRM, the Commission would define the goals of our cost allocation rules and of the 1996 Act. Guided by these goals, the NPRM would seek specific comment on allocating certain categories of incumbent local exchange carriers' plant between regulated Title II and nonregulated (non-Title II) activities. Particular attention would be directed to the allocation of loop facilities, all of which have been allocated to regulated activities in the past. The intended effect of this action is to revise the Commission's rules regarding cost allocation to accommodate the provision of nonregulated and non-Title II services that share outside plant facilities with regulated services.

DATES: Comments must be submitted on or before May 28, 1996. Reply comments are due on or before June 7, 1996.

ADDRESSES: Federal Communications Commission, 1919 M St., N. W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Andrew Mulitz, Attorney/Advisor Accounting and Audits, Common Carrier Bureau, (202) 418–0850.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's Notice of Proposed Rulemaking adopted May 10, 1996, and released May 10, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., 202 857–3800, 1990 M Street, N.W., Suite 246, Washington, D.C. 20554.

Regulatory Flexibility Analysis

2. We have determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) does not apply to this rulemaking proceeding because if promulgated, it would not have a significant economic impact on a substantial number of small entities. The definition of a ''small entity'' in Section 3 of the Small Business Act excludes any business that is dominant in its field of operation. Although some of the local exchange carriers that will be affected are very small, local exchange companies do not qualify as small entities because they have a nationwide monopoly on ubiquitous access to the subscribers in their service area. The Commission has found all exchange carriers to be dominant in the *Competitive Carrier* proceeding. 85 FCC 2d 1, 23–24 (1980). To the extent that small telephone companies will be affected by these rules, we hereby certify that these rules will not have a significant economic effect on a substantial number of ''small entities.'' Although we do not find that the Regulatory Flexibility Act is applicable to this proceeding, this Commission has an ongoing concern with the effect of its rules and regulations on small business and the customers of the regulated carriers as is evidenced by this proceeding.

Ordering Clause

Accordingly, IT IS ORDERED that, pursuant to Sections 302 and 703 of the 1996 Act, and sections 1, 4(i), 4(j), 201, 215, 218 and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201, 215, 218, 220), a Notice of Proposed Rulemaking is hereby ADOPTED.

It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12586 Filed 5–17–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 90

[WT Docket No. 96–86, FCC 96–155]

Public Safety Radio Requirements Through the Year 2010

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making to address the present deficiencies in public safety wireless communications as well as its expanding spectrum needs. These proposed amendments will solicit comments on how to meet public safety needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services. The Notice also furthers the Commission's efforts to implement Section 6002 of the Omnibus Budget Reconciliation Act of 1993, which requires the Commission to study public safety spectrum needs and to develop a plan that ensures that adequate frequenices are available for public safety uses through the year 2010.

DATES: Comments are due September 20, 1996; reply comments are due October 18, 1996.

FOR FURTHER INFORMATION CONTACT: Robert McNamara the Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, adopted April 5, 1996, and released April 10, 1996. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N..W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this action, the Commission initiates an overall evaluation and assessment of public safety wireless communications, which builds upon our findings and conclusions presented in the 1995 FCC Public Safety Report. We believe that the critical responsibilities of public safety agencies, such as protection of life and property, can be performed more effectively by increasing the flexibility and opportunities that wireless communications can offer. The goal of this proceeding is to develop the data necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with one another (interoperability). We recognize that such an environment can be achieved through a variety of regulatory approaches, such as requiring more efficient use of current public safety spectrum, reallocating additional spectrum for public safety uses, and facilitating the use of commercial service providers for increased communications capacity. We believe, however, that no one approach will satisfy all public safety communications spectrum needs. We further believe that the optimal approach should allow each of these individual approaches to be strategically combined in a way that meets the specific needs of individual public safety entities.

2. The Notice of Proposed Rule Making emphasizes two primary issues. The first issue is the critical nature of public safety responsibilities to the Nation's well being and the role of modern wireless communications in ensuring that these duties are fulfilled effectively. The second issue is that the fragmented nature of present public safety wireless communications has a detrimental impact on present and future capabilities. We believe that bringing about improved quality and tangible access to expanded services is dependent largely on public safety operating in a wider and more consistent environment. This proceeding seeks to broaden the opportunity for public safety agencies to obtain access to the benefits that accrue from the increased competition and innovation that has emerged in telecommunications generally while maintaining the independence, reliability, universal service and security that are integral to public safety. We believe that a regulatory structure can emerge that is more efficient, commits more discretion to users, and facilitates access to a much broader range of services.

3. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

Final Regulatory Flexibility Analysis

4. 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 proposals suggested in this document. The IRFA is set forth in Appendix A of the Notice of Proposed Rule Making. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice of Proposed Rule Making, but they must have a separate and distinct heading designating them as responses to the IRFA. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612.

List of Subjects in 47 CFR Part 90

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–12587 Filed 5–17–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[I.D. 050296B]

Mid-Atlantic Fishery Management Council; Public Hearings

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

ACTION: Public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold five public hearings to allow for input on the resubmitted portion of Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fishery.

DATES: Written comments will be accepted through June 7, 1996. The hearings will be held during the months of May and June. See **SUPPLEMENTARY INFORMATION** for the time and dates of the hearings.

ADDRESSES: Send comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New

Street, Dover, DE 19904. The public hearings will be held in New Hampshire, Rhode Island, New Jersey, New York, and North Carolina. See **SUPPLEMENTARY INFORMATION** for the locations of the hearings.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, (302) 674–2331.

SUPPLEMENTARY INFORMATION: Amendment 5 was partially disapproved by NMFS on February 9, 1996. The following management measures were approved by NMFS: Lowering of the *Loligo* maximum sustainable yield; eliminating the possibility of directed foreign fishing for *Loligo*, *Illex*, and butterfish; instituting a dealer and vessel reporting system; instituting an operator permitting system; and expanding of the management unit to include all Atlantic mackerel, *Loligo*, *Illex*, and butterfish under U.S. jurisdiction. NMFS disapproved three measures: (1) The use of long term potential catch to cap allowable biological catch (ABC) for Atlantic mackerel, (2) the *Illex* moratorium, and (3) the exemption from the minimum mesh requirement for the *Loligo* fishery for a vessel fishing for sea herring whose catch is comprised of 75 percent or more of sea herring.

In the draft proposed resubmitted portion of Amendment 5, overfishing for Atlantic mackerel is defined as the catch of Atlantic mackerel exceeding the annual ABC for the species. The fishing mortality rate associated with the total catch of Atlantic mackerel (ABC + C) shall not exceed $F_{0.1}$ (as determined by the most recent stock assessment conducted by the Northeast Fisheries Science Center). ABC is the allowable biological catch in U.S. waters for the upcoming fishing year and C is defined as the quantity of mackerel that is expected to be caught in Canadian waters. In addition, a spawning stock size (S) of no less than 900,000 mt shall be maintained at the end of the fishing year for which catch estimates and quotas are being prepared.

The qualification language for the *Illex* moratorium in the preferred alternative is: A vessel is eligible for a moratorium permit in the *Illex* fishery if it meets any of the following criteria: (1) The vessel had five landings (including at-sea joint venture transfers) of 5,000 lb (2.27 mt) of *Illex* (i.e., landed five trips of at least 5,000 lb (2.27 mt) between August 13, 1981, and August 13, 1993, (2) the vessel is replacing a vessel of substantially similar harvesting capacity that involuntarily left the *Illex* squid fishery during the moratorium, and both the entering and replaced vessels are owned by the same person. ''Substantially similar harvesting capacity'' means the same or less gross registered tonnage (GRT) and vessel registered length for commercial vessels, or (3) vessels that are judged unseaworthy by the U.S. Coast Guard for reasons other than lack of maintenance may be replaced by a vessel with the same GRT and vessel registered length for commercial vessels.

A vessel that does not qualify for an *Illex* moratorium permit may land *Illex* if: (1) The vessel possesses an incidental catch permit, (2) the vessel fishes with a net legal in the directed fishery, (3) the vessel lands no more than 5,000 lb (2.27 mt) of *Illex* per trip, and (4) the operator of the vessel files the appropriate trip reports. The bycatch allowance may be adjusted by the Director, Northeast Region, NMFS, based on the recommendation of the Council.

The public hearings will be tape recorded with the tapes filed as the official transcript of the hearings. The hearings will be held at the following locations.

1. May 20, 1996, 6 p.m.—Holiday Inn, 300 Woodbury Avenue, Portsmouth, NH.

2. May 21, 1996, 4 p.m.—Holiday Inn at the Crossings, 800 Greenwich Avenue, Warwick, RI.

3. May 30, 1996, 6:30 p.m.—Cape May extension Office, Dennisville Road, Cape May, NJ.

4. June 3, 1996, 7:30 p.m.—Ramada Inn, Exit 72 L.I.E. & Route 25, Riverhead, NY.

5. June 3, 1996, 7 p.m.—North Carolina State Aquarium, Airport Road, Manteo, NC.

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David R. Keifer (see **ADDRESSES**) at least 5 days prior to the hearing dates.

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

Dated: May 14, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–12534 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 98
Monday, May 20, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

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. 35).

Agency: Patent and Trademark Office (PTO).

Title: Address-Affecting Provisions.

Agency Approval Number: 0651–0035.

Type of Request: Regular.

Burden: 8,970 hours.

Number of Respondents: 44,850.

Avg. Hour Per Response: .2 hours.

Needs and Uses: This submission of information is used by the PTO to ensure that the information as to the agent or representative, if any, and the correspondence address is current so that correspondence to the representative/applicant from the PTO, whenever such correspondence is mailed, is timely received.

Affected Public: Individuals or Households, Business or other for-profit Institutions, not-for-profit Institutions and the Federal Government.

Frequency: Reporting on Occasion.

Respondent's Obligation: Voluntary.

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, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maya Bernstein, OMB Desk Office, room 10236, New Executive Office Building, Washington, DC 20503.

Dated: May 15, 1996.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–12644 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–16–P

Bureau of the Census

1996 Integrated Coverage Measurement (ICM) Activities—Person Interview and Reconciliation Activities

ACTION: Proposed Agency Information Collection Activity; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1955, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 19, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David C. Whitford, Bureau of the Census, Room 3771, Washington, D.C. 20233, (301) 457–4035.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of the Census developed the Integrated Coverage Measurement (ICM) approach for measuring coverage of populations during the decennial census. In the 1996 Community Census, we are interested in refining our ICM approach to measuring the coverage of the census for housing units, people, group quarters with a dormitory style of living arrangement, and incorporating the use of administrative records into the ICM. The 1996 Community Census will be conducted in an urban site (six noncontiguous census tracts in Chicago, Illinois) and two American Indian Reservations (Pueblo of Acoma, New Mexico, and Fort Hall Indian Reservation, Idaho).

As soon as the census enumeration is complete, the ICM Person Interview will be conducted using a Computer Assisted Personal Interviewing (CAPI) instrument, a laptop computer. The census enumerations and information from administrative records will be loaded into the CAPI instrument before interviewing begins.

Intensive probing techniques will be used to reconstruct a roster of the residents of the housing unit on census day. The interviewing instrument will examine whether all people mentioned during the interview should be enumerated at the housing unit in question according to census residency rules. For units not enumerated in the census, the interviewer will ask probing questions to determine the status of the units and their occupants on census day, October 5, 1996. Then some initial matching and linking between the roster, the census enumeration, and the administrative records are done within the CAPI instrument. The interviewer will then reconcile the differences between the census enumerations, the administrative records, and the ICM interview. From this ''resolved'' roster we will have the information we need to produce final estimates of the coverage of the census. The interview data will identify persons missed or incorrectly included in the census as well as persons correctly enumerated.

For quality assurance, at maximum, a 20 percent random sample of respondents in the ICM sample will be reinterviewed using a shortened version of the ICM Person Interview. This reinterview will be done on the CAPI instrument.

After the ICM Person Interviews are conducted, we will conduct an Evaluation Interview; it will be identical to the ICM Person Interview and will be conducted using the CAPI instrument. The objective of this interview is to measure and evaluate data collection error associated with the ICM Person Interview.

An Outmover Tracing Operation will be conducted during the time series when the ICM Person Interviews are being completed. For households where the census day residents have moved out, as identified through the ICM Person Interview, we will attempt to

obtain an ICM proxy interview from the current residents or another reliable proxy. We will attempt to obtain the current address and/or telephone number of the census day residents. We will interview the ''outmovers'' at their current address in person or by telephone using the ICM Outmover Tracing Questionnaire, Form DT–1340. For outmover households where we successfully trace and interview a member of the Census day household, the information obtained in this interview will be used instead of the information obtained from the proxy. For households where we are unable to locate the Census day residents or obtain an interview from them, we will use the information from the proxy interview.

The ICM Outmover Tracing Questionnaire will also be used in the Outmover Evaluation. The evaluation will measure how effectively the ICM Person Interview identified outmovers.

After the person interview and subsequent matching operation, person matching for Dual System Estimation (DSE) will be conducted. For DSE, results of the ICM Person Interview are combined with the census results to produce a measure of the true population. The estimation technique is called DSE because two independent sources of information or systems are used. Follow-up interviews using Form DT–1301 are needed when prior information is insufficient to determine a person's residence status or match status. After the DSE Follow-up Interview, the results will be coded. The files will then be prepared for missing data and estimation activities.

We will also obtain administrative records of all persons living in dormitories in the urban portion of the 1996 Community Census and match the administrative records to the census. Cases that are possibly matched or nonmatched will be sent to the field for resolution. The DSE Follow-up form, DT–1301A, used during this field resolution will contain only one or two questions to ask of these people. The purpose of the questions is to determine residency status of the people living in dormitories. We will analyze the results of this operation to determine if in Census 2000, we can use administrative records in place of enumeration during the ICM.

II. Method of Collection

Person to person interview.

III. Data

OMB Number: Not available.

Form Number: CAPI Person Interview (no form number); ICM Person Interview QA (no form number); DT–1340, Outmover Tracing Questionnaire; DT–1301, DSE Follow-up Form; and DT-1301A, DSE Follow-up Form for Dormitories.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 14,188 housing units and 120 people in dormitories.

Estimated Time Per Response: 20 minutes (CAPI Person Interview, Evaluation Interview, Outmover Tracing Questionnaire, and Outmover Tracing Evaluation), 10 minutes (CAPI Person Interview QA); 15 minutes (DSE Follow-up Form); and 1 minute (DSE Follow-up Form for Dormitories).

Estimated Total Annual Burden Hours: 4,327 hours. CAPI Person Interview=3333 hours (20 minutes×10,000 housing units); CAPI Person Interview QA=342 hours (10 minutes×2,053 housing units); Evaluation Interview=149 hours (20 minutes by 446 housing units); Outmover Tracing=267 hours (20 minutes×800 housing units); Outmover Tracing Evaluation=58 hours (20 minutes×175 housing units); DSE Follow-up=178 hours (15 minutes×714 housing units); and DSE Follow-up for Dormitories=2 hours (1 minute×120 people).

Estimated Total Annual Cost: $1,576,998.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: May 14, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–12521 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–07–P

1997 Economic Censuses Refile Classification Survey

ACTION: Proposed Agency Information Collection Activity; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 19, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to William Bostic, Bureau of the Census, Room 2641, Building 3, Washington, DC 20233–6100, and 301–457–2672 or email at William.G.Bostic.Jr@Info.Census.Gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is the preeminent collector of timely, relevant and quality data about the people and economy of the United States. Economic data are the Census Bureau's primary program commitment during non-decennial census years. The economic census, conducted under authority of Title 13 U.S.C., is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business and the general public.

The 1997 Economic Census will cover virtually every sector of the U.S. economy. The 1987 Standard Industrial Classification (SIC) system is being replaced by the new 1997 North American Industry Classification System (NAICS). The Census Bureau is implementing the new NAICS for the 1997 Economic Censuses. The change to NAICS will require contacting businesses of selected sectors to collect classification information to update the 1997 Economic Censuses mailing lists. The non-goods producing sector which

include retail trade, wholesale trade, business services, transportation and other service related industries are the primary areas of the economy where the Census Bureau plans to collect the new NAICS information.

The classification information collected from businesses will be used to update the Census Bureau's mailing lists to ensure respondents will receive the correct 1997 Economic Census form. The collection of this new NAICS information will greatly reduce processing costs and ease reporting burden for the 1997 Economic Censuses data collection. The Census Bureau is not requesting any economic data in this collection.

II. Method of Collection

The Census Bureau will select establishments to receive this survey from the Census Bureau's Standard Statistical Establishment List. Short form questionnaires are designed for respondents to select the industry activity that best describes the establishment's business. The Census Bureau's mail list will include single business establishments and companies with multiple establishments. To be eligible for selection, an establishment must satisfy the following conditions: (1) the current SIC is affected by the NAICS implementation or the current SIC is only coded to the 2 or 3 digit level; and (2) the establishment is above the mail cutoffs planned for the 1997 Economic Census.

III. Data

OMB Number: Not Available.
Form Number: NC–9922.
Type of Review: Regular Review.
Affected Public: Businesses or Other for Profit Institutions, Non-profit Institutions, Small Businesses or Organizations, and State or Local Governments.
Estimated Number of Respondents: 800,000.
Estimated Time Per Response: 5 minutes.
Estimated Total Annual Burden Hours: 66,667 hours.
Estimated Total Annual Cost: The cost to the government for this work is included in the total cost of the 1997 Economic Census, estimated to be $218 million.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: May 14, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–12522 Filed 5–17–96; 8:45 a.m.]

BILLING CODE 3510–07–P

Bureau of Export Administration

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Sensors and Instrumentation Technical Advisory Committee will be held June 12, 1996, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M–2, 14th Street between Constitution and Pennsylvania Avenues, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to sensors and related equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion on Executive Order on licensing processing.
4. Discussion on Export Administration Regulations reform.

Executive Session

5. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA/BXA—Room 3886C, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 13, 1995, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: May 14, 1996.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 96–12520 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Docket 2–96]

Foreign-Trade Zone 75—Phoenix, AZ; Application for Subzone Status; Sitix of Phoenix, Inc. (Semiconductor Wafers); Phoenix, AZ; Extension of Public Comment Period

The comment period for the above case, requesting special-purpose subzone status for the new semiconductor wafer manufacturing plant of Sitix of Phoenix, Inc. (subsidiary of Sumitomo Sitix Corp.), located in Phoenix, Arizona (61 FR 1747, 1/23/96), is further extended to July 19, 1996, to allow interested parties additional time in which to comment on the proposal.

Comments in writing are invited during this period. Submissions should include 3 copies. Material submitted will be available at: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th and

Pennsylvania Avenue NW, Washington, DC 20230.

Dated: May 9, 1996.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 96–12513 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 37–96]

Foreign-Trade Zone 43—Battle Creek, MI Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Battle Creek, Michigan, grantee of FTZ 43, requesting authority to expand its zone at a site in Benton Harbor, Michigan, adjacent to the Battle Creek Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 7, 1996.

FTZ 43 was approved on October 19, 1978 (Board Order 138, 43 FR 50233; 10/27/78). Since then the zone has been expanded three times (B.O.s 496, 554 & 555). It currently consists of three sites in the Battle Creek area: *Site 1:* (1,731 acres)—within the Fort Custer Industrial Park and adjacent Columbia West Industrial Park, Battle Creek; *Site 2:* (23 acres)—warehouse facility owned and operated by TLC Warehousing Services, Inc. (TLC), at 6677 Beatrice Drive in Texas Township (Kalamazoo County); and *Site 3:* (22 acres)—warehouse facility, also operated by TLC, 8250 Logistic Drive, Zeeland Township (Ottawa County), some 20 miles southwest of Grand Rapids.

The applicant is now requesting authority to expand the general-purpose zone to include a site (30 acres—2 parcels) located within the 120-acre St. Joseph River Harbor Development Area adjacent to Lake Michigan in Benton Harbor (Berrien County), Michigan, some 50 miles east of Battle Creek. The first parcel is bordered by North Riverview Street, BL–94, the St. Joseph River and the Paw Paw River. The second parcel is bordered by Graham Street, 8th Street, the CSX Railroad Line and the Paw Paw River. The site will be operated by Cornerstone Alliance Council of Commerce and Community Development, a local economic development corporation.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment (original and 3 copies) is invited from interested parties (see FTZ Board address below). The closing date for their receipt is July 19, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period August 5, 1996.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Customs Service, North Central Region, 4950 W. Dickman Road, Battle Creek, Michigan 49016

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW,Washington, DC 20230

Dated: May 10, 1996.

Dennis Puccinelli,

Acting Executive Secretary,

[FR Doc. 96–12514 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 38–96]

Foreign-Trade Zone 21—Charleston, SC; Request for Manufacturing Authority, Quoizel, Inc., (Lighting Fixtures)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Carolina State Ports Authority, grantee of FTZ 21, requesting authority on behalf of Quoizel, Inc., to manufacture lighting fixtures under zone procedures within FTZ 21, Site 3, Crowfield Corporate Center, Goose Creek, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 8, 1996.

Quoizel is planning to move its headquarters and manufacturing facility to a site located within FTZ 21, Site 3, Crowfield Corporate Center by July 1996. The facility (300 employees) will produce lighting fixtures for households and commercial markets. Some 60 percent of the components are sourced abroad, including lighting fixture parts of glass, plastic, brass and steel. Exports will account for some 10 percent of production.

Zone procedures would exempt Quoizel from Customs duty payments on foreign materials used in manufacturing for export. On domestic sales, the company would be able to choose the duty rates that apply to lighting fixtures (ranging from 3.7% to 7.6%), rather than the duty rates that would otherwise apply to the foreign components (ranging from 4.7% to 13.2%). The application indicates that the savings from zone procedures would help improve the international competitiveness of the Quoizel facility.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 19, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 5, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 81 St. Mary St., Charleston, South Carolina 29403

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: May 10, 1996.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 96–12515 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–557–805]

Notice of Preliminary Results and Termination in Part of Antidumping Duty Administrative Review: Extruded Rubber Thread From Malaysia

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Cameron Werker or Shawn Thompson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and

Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3874 or (202) 482–1776, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 18, 1993, the Department of Commerce (the Department) published in the Federal Register a notice of ''Opportunity to Request an Administrative Review'' of the Antidumping Duty Order on Extruded Rubber Thread from Malaysia (58 FR 53709). In accordance with 19 CFR 353.22(a)(2), in October 1993, the following producers and exporters of extruded rubber thread requested an administrative review of the antidumping order covering the period April 2, 1992, through September 30, 1993: Heveafil Sdn. Bhd. (''Heveafil''), Rubberflex Sdn. Bhd. (''Rubberflex''), Filati Lastex Elastfibre (Malaysia) (''Filati''), and Rubfil Sdn. Bhd (''Rubfil''). On November 17, 1993, the Department initiated an administrative review for Rubberflex (58 FR 60600). On December 17, 1993, the Department initiated an administrative review for Heveafil, Filati, and Rubfil (58 FR 65964).

On January 26, 1994, the Department issued sales and cost questionnaires to the four companies requesting an administrative review. On March 8, 1994, Filati and Rubfil withdrew their request for administrative review in accordance with 19 CFR 353.22(a)(5). Accordingly, we are terminating this review for Filati and Rubfil.

On March 21, 1994, Heveafil submitted a request to withdraw from this administrative review with respect to sales made during the period April 2, 1992, through August 25, 1992. This request was based on Heveafil's assertion that the company was having difficulty in collecting information for this period. On March 24, 1994, we rejected Heveafil's partial termination request.

Heveafil and Rubberflex submitted questionnaire responses in April 1994. We issued supplemental questionnaires in May 1994 (to both respondents), in April 1995 (to Heveafil) and in July 1995 (to Rubberflex). Responses to these questionnaires were received in June 1994, May 1995, and August 1995, respectively.

In July and August 1995, the Department conducted sales and cost verifications of Heveafil's questionnaire responses, in accordance with 19 CFR 353.36(a)(iv), based in part on Heveafil's assertion that it did not maintain detailed sales and cost records during the first five months of the review period. Regarding Rubberflex, we determined that it was unnecessary to conduct verification, in accordance with 19 CFR 353.36, because (1) Rubberflex was involved in the original investigation (and therefore had been verified during that proceeding); and (2) no data collection problems were indicated for this company in the instant proceeding.

Scope of the Review

The product covered by this review is extruded rubber thread. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch or 18 gauge, in diameter. Extruded rubber thread is currently classified under subheading 4007.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). The HTSUS subheadings are provided for convenience and Customs purposes. Our written description of the scope of this review is dispositive.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

We are conducting this administrative review for Heveafil and Rubberflex in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Such or Similar Merchandise

In determining similar merchandise comparisons, in accordance with section 771(16) of the Act, we considered the following physical characteristics, which appear in order of importance: (1) Quality (*i.e.*, first vs. second); (2) size; (3) finish; (4) color; (5) special qualities; (6) uniformity; (7) elongation; (8) tensile strength; and (9) modulus. With the exception of quality, these characteristics are in accordance with matching criteria set forth in the January 26, 1994, memorandum to the file. Regarding quality, we have added this characteristic in order to address respondents' concerns regarding differences in value related to significant differences in quality.

Regarding color, both respondents assigned separate codes to each shade of color. We reassigned color codes to sales of subject merchandise, in accordance with the instructions contained in the questionnaire. This resulted in our treating all shades of white as equally similar to each other, all shades of black as equally similar, etc., instead of treating a specific shade as most similar to another specific shade.

Fair Value Comparisons

To determine whether sales of extruded rubber thread from Malaysia to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV) for Rubberflex and Heveafil, as specified in the ''United States Price'' and ''Foreign Market Value'' sections of this notice.

Respondents reported bad debt as indirect selling expenses. Therefore, because bad debt was included in the indirect selling expenses, we disregarded sales to all markets (*i.e.*, United States and third country) which were written off as bad debt in order to avoid double-counting these transactions.

United States Price

For sales by both respondents, we based USP on purchase price, in accordance with section 772(b) of the Act, when the subject merchandise was sold to unrelated purchasers in the United States prior to importation and when the exporter's sales price (ESP) methodology of section 772(c) of the Act was not otherwise indicated. In addition, where sales to the first unrelated purchaser took place after importation into the United States, we based USP on ESP, in accordance with section 772(c) of the Act.

A. Heveafil

We removed all sales from the sales database with entry dates after the period of review (POR). In addition, at verification, we found that certain sales Heveafil had designated as U.S. sales were actually sales to a U.S. customer but shipped to Hong Kong to be further manufactured into non-subject merchandise before entering the United States. Accordingly, the merchandise that eventually entered the United States was not subject to the dumping order. Therefore, we consider these sales to be third country sales and have eliminated them from the U.S. sales listing.

We based purchase price on packed, CIF prices to the first unrelated purchaser in the United States. We revised Heveafil's data based on our findings at verification. We made deductions from USP, where appropriate, for rebates. In addition, where appropriate, we made deductions for foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. customs duty, harbor maintenance and merchandise

processing fees, and U.S. brokerage and handling expenses, in accordance with section 772(d)(2) of the Act.

At verification, we found that Heveafil did not report certain purchase price sales of extruded rubber thread which entered the United States during the POR. Because we specifically instructed Heveafil to report all entries into the United States during the POR as well as all sales made during the POR, we based the margin for these unreported sales on the best information otherwise available (BIA) in accordance with section 776(c) of the Act. As BIA, we applied the weighted-average margin found in the this first administrative review, because it is the highest rate ever determined for Heveafil. This is consistent with the Department's general application of partial BIA (*see, e.g., Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al,* 60 FR 10900, 10907 (February 28, 1995) (*AFBs*)).

For sales made from the inventory of the U.S. branch office, we based USP on ESP, in accordance with section 772(c) of the Act. In addition, we reclassified certain purchase price sales as ESP sales because we found at verification that they were canceled by the original purchaser after shipment and resold after importation into the United States.

We calculated ESP based on packed, delivered prices to unrelated customers in the United States. We revised the reported data based on our findings at verification. We made deductions, where appropriate, for rebates. We also made deductions for foreign inland freight, foreign brokerage, ocean freight, marine insurance, U.S. inland freight, U.S. brokerage, entry fees, harbor maintenance and processing fees, and inspection charges. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for credit and indirect selling expenses.

B. Rubberflex

We based purchase price on packed, CIF prices to the first unrelated purchaser in the United States. We made deductions from USP, where appropriate, for foreign inland freight, foreign brokerage, containerization expenses, ocean freight, marine insurance, U.S. customs duties, harbor maintenance and merchandise processing fees, and U.S. inland freight expenses, in accordance with section 772(d)(2) of the Act. Rubberflex did not report certain movement charges, although the company reported that it incurred them on all purchase price transactions. Accordingly, we based the amount of the unreported expenses on BIA. As BIA, we used the highest amount reported in the purchase price sales listing for each specific charge (*see e.g., Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Administrative Review* 60 FR 48687 (September 20, 1995)). We disregarded a rebate reported for one purchase price sale, because Rubberflex stated in its questionnaire response that the company did not grant any U.S. rebates during the POR.

For sales made from the inventory of the U.S. subsidiary, we based USP on ESP, in accordance with section 772(c) of the Act. We calculated ESP based on packed, delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign brokerage, containerization expenses, ocean freight, marine insurance, U.S. customs duties, harbor maintenance and processing fees, and U.S. inland freight. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for credit and indirect selling expenses.

Rubberflex did not report complete data for certain ESP sales. Accordingly, we used BIA to determine these data, as follows: Where price and/or credit expense data was missing for sales of second quality merchandise, we used the average price and expense data reported for other second quality sales. Where the date of sale was missing and/or the control number was missing, we applied the weighted-average margin found in the LTFV investigation, because it is the highest rate ever determined for Rubberflex. This is consistent with the Department's general application of partial BIA (*see, e.g., AFBs*).

Foreign Market Value

In order to determine whether the home market was viable during the POR, (*i.e.,* whether there were sufficient sales of extruded rubber thread in the home market to serve as a viable basis for calculating FMV), we compared the volume of each of the respondent's home market sales to the volume of its third country sales, in accordance with section 773(a)(1)(B) of the Act and 19 CFR 353.48. Based on this comparison, we determined that neither respondent had a viable home market during the POR. Consequently, we based FMV on third country sales.

In accordance with 19 CFR 353.49(b), we selected the appropriate third country markets for Heveafil and Rubberflex based on the following criteria: similarity of merchandise sold in the third country to the merchandise exported to the United States, the volume of sales to the third country, and the similarity of market organization between the third country and U.S. markets. Specifically, we chose, as the appropriate third country markets, Italy for Heveafil and Hong Kong for Rubberflex.

Because the Department disregarded sales below the cost of production (COP) for both Heveafil and Rubberflex in the original investigation (*see Final Determination of Sales at Less Than Fair Value: Extruded Rubber Thread from Malaysia,* 57 FR 38465 (August 25, 1992)), in accordance with our standard practice, there were reasonable grounds to believe or suspect that both Heveafil and Rubberflex had made third country sales at prices below its COP in this review.

In accordance with section 773(b) of the Act, and longstanding administrative practice (*see, e.g., Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from Korea,* 56 FR 16306 (April 22, 1991) and *Final Results Administrative Review: Mechanical Transfer Presses from Japan,* 59 FR 9958 (March 2, 1994)), if over ninety percent of respondent's sales of a given model were at prices above the COP, we did not disregard any below-cost sales because we determined that the below-cost sales were not made in substantial quantities. Where we found between ten and ninety percent of respondent's sales of a given product were at prices below the COP, and the below cost sales were made over an extended period of time, we disregarded only the below-cost sales. Where we found that more than ninety percent of respondent's sales were at prices below the COP, and the sales were made over an extended period of time, we disregarded all sales for that product and calculated FMV based on constructed value (CV), in accordance with section 773(e) of the Act.

In order to determine whether third country prices were above the COP, we calculated the COP for each model based on the sum of the respondent's cost of materials, labor, other fabrication costs, and general expenses and packing. We calculated CV for each model based on the sum of respondent's cost of manufacture (COM), plus general expenses, profit and U.S. packing. For general expenses, which includes selling and financial expenses (SG&A), we used the greater of the reported general expenses or the statutory minimum of ten percent of the COM.

For profit, we used the greater of the weighted-average third country profit during the POR or the statutory minimum of eight percent of the COM and SG&A, in accordance with section 773(e)(B) of the Act.

A. Heveafil

We made the following adjustments to Heveafil's reported COP and CV data based on our findings at verification. We increased direct material costs to account for yield loss during production. We increased direct labor to include accrued retirement benefits and other labor costs that had been excluded from COP and CV. We also reclassified certain variable labor costs to fixed overhead. We revised Heveafil's net financing costs to account for the financing cost incurred by its parent company. We recomputed Heveafil's G&A expense to include certain non-production labor costs, general depreciation, the write-off of idle equipment, and a portion of Heveafil's parent company's G&A expense. For further discussion of these adjustments, see the cost calculation memorandum from Stan Bowen and Dennis McClure, accountants in the Office of Accounting, to Christian Marsh, Director of the Office of Accounting, dated April 30, 1996.

Where FMV was based on third country sales, as in the original investigation, we based FMV on CIF prices to unrelated Italian customers in comparable channels of trade as the U.S. customer. Specifically, FMV was based on direct sales from Malaysia for purchase price sales comparisons, and on sales from the inventory of Heveafil's Italian branch office for ESP sales comparisons, in accordance with section 773(a)(1)(B) of the Act. We made adjustments to Heveafil's reported sales data based on our findings at verification. We made no adjustment to FMV for credits issued by the Italian branch office based on our finding at verification that these credits were incorrectly reported (*see* the Italian Branch's sales verification report, dated August 30, 1995).

For third country price-to-purchase price comparisons, we made deductions, where appropriate, for rebates. We also deducted post-sale home market movement charges from FMV under the circumstance of sale provision of section 773 (a)(4)(B) of the Act and 19 CFR 353.56. This adjustment included Malaysian foreign inland freight, brokerage, ocean freight, marine insurance, Italian brokerage, and inland freight to Heveafil's unrelated customers in Italy, where appropriate. Pursuant to 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for differences in credit expenses.

For third country price-to-ESP comparisons, where appropriate, we made deductions for rebates and credit expenses. We deducted the third country market indirect selling expenses, including inventory carrying costs, pre-sale freight (*i.e.*, foreign inland freight, brokerage, ocean freight, marine insurance, Italian brokerage, and Italian freight to Heveafil's warehouse) and other indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2).

For all price-to-price comparisons, we deducted third country packing costs and added U.S. packing costs, in accordance with section 773(a)(1) of the Act. At verification, we found that Heveafil had incorrectly reported its third country and U.S. packing material expenses. Therefore, we based the adjustment for packing materials on BIA. As BIA, we used the lowest packing material expense reported for any Italian sale and the highest packing expense reported for any U.S. sale (*see* Concurrence Memorandum to Barbara R. Stafford from Team, dated April 30, 1996). In addition, where appropriate, we made adjustments to FMV to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(4)(c) of the Act and 19 CFR 353.57.

For CV-to-purchase price comparisons, we made circumstance of sale adjustments, where appropriate, for credit expenses in accordance with 773 (a)(4)(B) and 19 CFR 353.56.

For CV-to-ESP comparisons, we made deductions, where appropriate, for credit expenses. We also deducted the third country market indirect selling expenses, including inventory carrying costs and other indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2).

For all CV-to-price comparisons, we added U.S. packing expenses as specified above, in accordance with section 773(a)(1) of the Act.

B. Rubberflex

We made adjustments to Rubberflex's reported COP and CV data as follows: We recalculated general and administrative expenses, as well as interest expenses, based on the data contained in Rubberflex's audited financial statements. For further discussion of these adjustments, see the cost calculation memorandum from Elizabeth Lofgren, accountant in the Office of Accounting, to Christian Marsh, Director of the Office of Accounting, dated April 30, 1996.

Where FMV was based on third country sales, as in the original investigation, we based FMV on CIF prices to unrelated Hong Kong customers in comparable channels of trade as the U.S. customer. Specifically, FMV was based on direct sales from Malaysia for purchase price sales comparisons, and on sales from the inventory of Rubberflex's Hong Kong subsidiary for ESP sales comparisons.

For third country price-to-purchase price comparisons, we made deductions, where appropriate, for rebates. We also deducted post-sale home market movement charges from FMV under the circumstance of sale provision of 19 CFR 353.56. This adjustment included Malaysian foreign inland freight, brokerage and handling charges, containerization, ocean freight, and marine insurance. Pursuant to 773(a)(4)(B) of the Act and 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for differences in credit expenses.

For third country price-to-ESP comparisons, we made deductions for rebates, where appropriate. We also made deductions for credit expenses.

We deducted the third country market indirect selling expenses, including inventory carrying costs, bank charges, pre-sale freight expenses (*i.e.*, foreign inland freight, brokerage and handling charges, containerization, ocean freight, marine insurance, Hong Kong duty and brokerage expenses, and freight from the port in Hong Kong to Rubberflex's warehouse), and other indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2).

Regarding Hong Kong duties, Rubberflex reported a combined amount for document declaration fees, terminal handling charges, and bank charges. Because the Department's practice is to treat bank charges as a selling expense (rather than a movement charge), we reclassified bank charges as indirect selling expenses and recalculated Hong Kong duties accordingly (*see, e.g., Final Determination of Sales at Less Than Fair Value (LTFV); Oil Country Tubular Goods from Korea* 60 FR 33561, 33562 (June 28, 1995) and *Final Determination of Sales at LTFV; Dynamic Random Access Memory Semiconductors of One Megabit and Above from Korea* 58 FR 15467, 15467–70 (March 23, 1993)).

For all price-to-price comparisons, we deducted third country packing costs and added U.S. packing costs, in accordance with section 773(a)(1) of the Act. In addition, where appropriate, we made adjustments to FMV to account for

differences in physical characteristics of the merchandise, in accordance with 19 CFR 353.57.

For CV-to-purchase price comparisons, we made circumstance of sale adjustments, where appropriate, for credit expenses in accordance with section 773(a)(4)(B) of the Act and 19 CFR 353.56.

For CV-to-ESP comparisons, we made deductions, where appropriate, for credit expenses. We also deducted third country market indirect selling expenses, including inventory carrying costs, bank charges, and other indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(2).

For all CV-to-price comparisons, we added U.S. packing expenses, in accordance with section 773(a)(1) of the Act.

Currency Conversion

We made currency conversions in accordance with 19 CFR 353.60(a). All currency conversions were made at the rates certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we verified information provided by Heveafil by using standard verification procedures, including on-site inspection of the manufacturer's facilities, examination of relevant sales and financial records, and selection of original source documentation containing relevant information. As discussed in the ''Background'' section of this notice, we did not conduct verification of the sales and cost data submitted by Rubberflex.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margin exists for the period April 2, 1992, through September 30, 1993:

Manufacturer/exporter	Review period	Margin (percent)
Heveafil Sdn. Bhd.	4/02/92–9/30/93	22.74
Rubberflex Sdn. Bhd.	4/02/92–9/30/93	1.59

Interested parties may request a disclosure within 5 days of publication of this notice and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of extruded rubber thread from Malaysia entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for Heveafil and Rubberflex will be the rates established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 353.6, the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the ''all others'' rate, as set forth below.

On March 25, 1993, the U.S. Court of International Trade (CIT), in *Floral Trade Council* v. *United States*, 822 F.Supp. 766 (CIT 1993), and *Federal-Mogul Corporation* v. *United States*, 822 F.Supp. 782 (CIT 1993), decided that once an ''all others'' rate is established for a company, it can only be changed through an administrative review. The Department has determined that in order to implement this decision, it is appropriate to reinstate the original ''all others'' rate from the LTFV investigation (or that rate as amended for correction of clerical errors or as a result of litigation) in proceedings governed by antidumping duty orders. In proceedings governed by antidumping findings, unless we are able to ascertain the ''all others'' rate from the original investigation, the Department has determined that it is appropriate to adopt the ''new shipper'' rate established in the first final results of administrative review published by the Department (or that rate as amended for correction of clerical errors or as a result of litigation) as the ''all others'' rate for the purposes of establishing cash deposits in all current and future administrative reviews. Because this proceeding is governed by an antidumping duty order, the ''all others'' rate for the purposes of this review will be 15.16 percent, the ''all others'' rate established in the LTFV investigation.

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: May 10, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–12501 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–475–703]

Granular Polytetrafluoroethylene Resin From Italy; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On October 17, 1995, the Department of Commerce (the Department) published the preliminary results of its 1993–94 administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Italy. The review covers one manufacturer/exporter, Ausimont S.p.A. (Ausimont), for the period August 1, 1993, through July 31, 1994. We gave interested parties an opportunity to comment on our preliminary results. Although we received no comments, we have changed our treatment of home market value-added taxes as explained below. The final margin for Ausimont is listed below in the section ''Final Results of Review.''

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 1995, the Department published in the Federal Register the preliminary results of its 1993–94 administrative review of the antidumping duty order on granular PTFE resin from Italy (60 FR 53735). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by this review are shipments of granular PTFE resins, filled or unfilled, and shipments of wet raw polymer. The order explicitly excludes PTFE dispersions in water and PTFE fine powders. During the period covered by this review, such merchandise was classified under item number 3904.61.90 of the Harmonized Tariff Schedule (HTS). We are providing this HTS number for convenience and Customs purposes only. The written description of the scope remains dispositive.

The review covers one manufacturer/exporter of granular PTFE resin, Ausimont. The review period is August 1, 1993 through July 31, 1994.

Home Market Value-Added Tax

Although no party raised this as an issue, in light of the Federal Circuit's decision in *Federal Mogul* v. *United States*, CAFC No. 94–1097, we have changed our treatment of home market value-added taxes (VAT). Where merchandise exported to the United States is exempt from the VAT, we will add to the U.S. price the absolute amount of such taxes charged in the comparison sales in the home market. This is the same methodology that we adopted following the decision of the Federal Circuit in *Zenith* v. *United States*, 988 F. 2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade (CIT) overturned this methodology in *Federal Mogul* v. *United States*, 834 F. Supp. 1391 (1993), and we acquiesced in the CIT's decision. We then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; we made adjustments to this amount so that the tax adjustment would not alter a ''zero'' pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude the Department from using the ''*Zenith* footnote 4'' methodology to calculate tax-neutral dumping assessments (*i.e.*, assessments that are unaffected by the existence or amount of home market VAT). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in particular the General Agreement on Tariffs and Trade (GATT) and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct the Department to determine which tax methodology it will employ.

We have determined that the ''*Zenith* footnote 4'' methodology should be used. First, as we have explained in numerous administrative determinations and court filings over the past decade, and as the Federal Circuit has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the Uruguay Round Agreements Act (URAA) explicitly amended the antidumping law to remove VAT from the home market price and to eliminate the addition of taxes to U.S. price, so that no VAT is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the ''*Zenith* footnote 4'' methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to U.S. price rather than subtracted from home market price, it does result in tax-neutral duty assessments. In sum, we have elected to treat VAT in a manner consistent with our longstanding policy of tax neutrality and with the GATT.

Final Results of the Review

We determine the following weighted-average dumping margin exists:

Manufacturer/exporter	Period	Margin (percent)
Ausimont S.p.A.	08/01/93–07/31/94	6.64

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Ausimont will be 6.64 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less than fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will be 46.46 percent for the reasons explained in *Granular Polytetrafluoroethylene Resin From Italy; Preliminary Results of Antidumping Duty Administrative Review*, 60 FR 53735 (October 17, 1994).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: May 9, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–12512 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–815]

Sulfanilic Acid From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests by a U.S. importer of the subject merchandise to the United States and by petitioner, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on sulfanilic acid from the People's Republic of China (PRC). The review covers ten manufacturers/exporters of subject merchandise to the United States and the period August 1, 1993 through July 31, 1994. The review indicates the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between United States price (U.S. price) and FMV.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Karin Price or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1992, the Department published in the Federal Register (57 FR 37524) the antidumping duty order on sulfanilic acid from the PRC. On August 3, 1994, the Department published in the Federal Register (59 FR 39544) a notice of opportunity to request an administrative review of this antidumping duty order. On August 30, 1994, in accordance with 19 CFR 353.22(a) (1994), a U.S. importer of sulfanilic acid from the PRC, PHT International, Inc. (PHT), requested that we conduct an administrative review of four exporters, China National Chemical Construction Company (CNCCC), Hainan Garden Trading Company (Hainan Garden), Yude Chemical Industry Company (Yude), and Zhenxing Chemical Industry Company (Zhenxing). On August 31, 1994, in accordance with 19 CFR 353.22(a), petitioner, R–M Industries, Inc., requested that we conduct an administrative review of Baoding No. 3 Chemical Factory (Baoding), China National Chemical Construction Corporation, Qingdao Branch (CNCCC Qingdao), CNCCC, Jinxing Chemical Factory (Jinxing), Sinochem Hebei Import & Export Corporation (Sinochem Hebei), Sinochem Qingdao, Sinochem Shandong, Yude, and Zhenxing. We published the notice of initiation of this antidumping duty administrative review on September 16, 1994 (59 FR 47609). The notice of initiation was amended on April 14, 1995 (60 FR 19017). The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of Review

Imports covered by this review are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid.

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble materials present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid, classifiable under the subheading 2921.42.24 of the Harmonized Tariff Schedule (HTS), contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline, and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid, also classifiable under the subheading 2921.42.24 of the HTS, contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials.

Sodium salt, classifiable under the HTS subheading 2921.42.79, is a powder, granular or crystalline material which contains 75 percent minimum equivalent sulfanilic acid, 0.5 percent

maximum aniline based on the equivalent sulfanilic acid content, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

This review covers 10 manufacturers/exporters of sulfanilic acid from the PRC, Baoding, CNCCC, CNCCC Qingdao, Jinxing, Hainan Garden, Sinochem Hebei, Sinochem Shandong, Sinochem Qingdao, Yude, and Zhenxing. The review period is August 1, 1993 through July 31, 1994.

Verification

As provided by section 776(b) of the Act, we conducted verifications of the information provided by CNCCC, Hainan Garden, Sinochem Hebei, Yude, and Zhenxing. We also conducted verifications of two related importers of the subject merchandise, Alchemy International and PHT, at their facilities in the United States. We conducted the verifications using standard verification procedures, including onsite inspection of the manufacturers' facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports.

Separate Rates

To establish whether a company is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* (56 FR 20588, May 6, 1991) (*Sparklers*), *as amplified in the Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* (59 FR 22585, May 2, 1994) (*Silicon Carbide*). Under this policy, exporters in non-market-economy (NME) countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four criteria: (1) Whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits and financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts and other agreements.

Baoding submitted its response to the Department's request for information regarding separate rates in Chinese, but did not respond to our request that the response be translated into English or to further requests for information. Jinxing, CNCCC Qingdao, and Sinochem Qingdao did not respond to our requests for information. Sinochem Shandong submitted a response indicating that it had no exports of the subject merchandise to the United States during the period of review; however, it did not submit a response to the Department's questionnaire regarding separate rates. Therefore, we have not given Baoding, Jinxing, CNCCC Qingdao, Sinochem Qingdao, or Sinochem Shandong a separate rate.

CNCCC, Hainan Garden, Sinochem Hebei, Yude, and Zhenxing have responded to the Department's request for information regarding separate rates. We have found that the evidence on the record demonstrates an absence of government control, both in law and in fact, with respect to their exports according to the criteria identified in *Sparklers* and *Silicon Carbide* for this period of review, and have assigned to each of these companies a separate rate. For further discussion of the Department's preliminary determination that each of these companies is entitled to a separate rate, *see Decision Memorandum to Holly A. Kuga, Director, Office of Antidumping Compliance,* dated August 24, 1995, ''Separate rates in the 1993/1994 administrative review of sulfanilic acid from the People's Republic of China,'' which is on file in the Central Records Unit (room B–099 of the Main Commerce Building).

Collapsing

The Department ''collapses'' related firms (*i.e.*, treats them as a single entity for review purposes and assigns them a single dumping margin) where the type and degree of relationship is so significant that we find that there is a strong possibility of price manipulation (*Nihon Cement Co., Ltd.* v. *United States*, 17 CIT 400 (1993) (*Nihon*)). Because Yude and Zhenxing each formed joint ventures with PHT during the period of review, we have considered whether Yude and Zhenxing should be collapsed for purposes of this administrative review as a result of their relationships with PHT.

In determining whether to collapse related parties, the Department considers the following criteria:

- Whether the companies have interlocking boards of directors;
- Whether the companies have similar production processes, facilities, or equipment so as to facilitate shifting of production between the facilities;
- Whether the companies operate as separate and distinct entities;
- Whether the companies share marketing and sales information or offices; and
- Whether the companies are involved in the pricing or production decisions of the other entity.

See Final Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Canada (58 FR 37099, July 9, 1993) and *Final Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, and Certain Corrosion-Resistant Carbon Steel Flat Products from Japan* (58 FR 37154, July 9, 1993).

The use of these factors was upheld by the Court of International Trade (CIT) in *Nihon*. In *Nihon*, the CIT held that, although each of these criteria does not have to be met in order for the Department to collapse related parties, the Department must consider them all.

Based on our analysis of these criteria, we have determined that there is a strong possibility of price manipulation between Yude and Zhenxing, and that Yude and Zhenxing should be collapsed as a result of their relationships with PHT. We have found that some of the same people sit on Yude's and Zhenxing's boards of directors, that Yude and Zhenxing have similar production processes, and that PHT makes sales decisions for each of the joint ventures. For a further discussion of this issue, see *Memorandum from Case Analyst to the File,* dated February 20, 1996, ''Analysis for the preliminary results of the 1993/1994 administrative review of sulfanilic acid from the People's Republic of China—Yude Chemical Industry Company and

Zhenxing Chemical Industry Company,'' which is on file in the Central Records Unit (room B–099 of the Main Commerce Building).

We are collapsing Yude and Zhenxing for the purposes of calculating margins, and we are collapsing their factor data for use in calculating FMV. We have calculated one FMV for Yude and Zhenxing by weight averaging Yude's and Zhenxing's factors based on the quantities of sulfanilic acid each produced during the period of review.

United States Price

The Department used purchase price and exporter's sales price (ESP), in accordance with sections 772 (b) and (c) of the Act, in calculating U.S. price. We made deductions from purchase price and ESP sales, where appropriate, for foreign inland freight, ocean freight, and marine insurance, in accordance with section 772(d)(2)(A). We used surrogate data from India to value foreign inland freight, marine insurance, and ocean freight, in accordance with section 773(c). We selected India as the surrogate country for reasons explained in the ''Foreign Market Value'' section of this notice. We made additional deductions from ESP sales, where appropriate, for U.S. duties, U.S. brokerage and handling, U.S. inland freight, containerization expenses, and repacking in the United States, in accordance with section 772(d)(2)(A).

Foreign Market Value

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine FMV using a factors of production methodology if (1) the merchandise is exported from a NME country, and (2) the information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a) of the Act.

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. None of the parties to this proceeding has contested such treatment in this review. Accordingly, we calculated FMV in accordance with section 773(c) of the Act and section 353.52 of the Department's regulations. Pursuant to section 773(c)(4), we determined that India is comparable to the PRC in terms of per capita gross national product (GNP), the growth rate in per capita GNP, and the national distribution of labor, and that India is a significant producer of comparable merchandise. For further discussion of the Department's selection of India as the primary surrogate country, *see Memorandum from Director, Office of Policy, to Acting Division Director, Office of Antidumping Compliance,* dated April 13, 1995, ''Sulfanilic Acid from the People's Republic of China (PRC): Nonmarket Economy Status and Surrogate Country Selection,'' and *File Memorandum,* dated August 8, 1995, ''India as a significant producer of comparable merchandise in the 1993/1994 administrative review of sulfanilic acid from the People's Republic of China,'' which are on file in the Central Records Unit (room B099 of the Main Commerce Building).

For purposes of calculating FMV, we valued PRC factors of production as follows, in accordance with section 773(c)(1) of the Act:

- To value aniline used in the production of sulfanilic acid, we used the rupee per kilogram value of imports into India during April 1993–March 1994, obtained from the March 1994 *Monthly Statistics of the Foreign Trade of India, Volume II—Imports (Indian Import Statistics).* Using wholesale price indices (WPI) obtained from the *International Financial Statistics,* published by the International Monetary Fund (IMF), we adjusted this value to reflect inflation through the period of review. We made adjustments to include freight costs incurred between the suppliers and the sulfanilic acid factories.
- To value sulfuric acid used in the production of sulfanilic acid, we used the rupee per kilogram value reported in *Chemical Weekly*. We made adjustments to include freight costs incurred between the suppliers and the sulfanilic acid factories.
- To value activated carbon used in the production of sulfanilic acid, we used the rupee per kilogram value reported in *Chemical Business*. We made adjustments to include freight costs incurred between the suppliers and the sulfanilic acid factories.
- For direct labor, we used the labor rates reported in the Business International Corporation reports *IL&T India,* released November 1993. This source breaks out labor rates between skilled and unskilled labor for 1993 and provides information on the number of labor hours worked per week. Using WPI obtained from the *International Financial Statistics,* we adjusted the labor rates to reflect inflation through the period of review.
- For factory overhead, we used information reported in the September 1994 *Reserve Bank of India Bulletin*. From this information, we were able to determine factory overhead as a percentage of total cost of manufacture.
- For selling, general and administrative (SG&A) expenses, we used information obtained from the September 1994 *Reserve Bank of India Bulletin*. We calculated an SG&A rate by dividing SG&A expenses by the cost of manufacture.
- To calculate a profit rate, we used information obtained from the September 1994 *Reserve Bank of India Bulletin*. We calculated a profit rate by dividing the before-tax profit by the sum of those components pertaining to the cost of manufacturing plus SG&A.
- To value the inner and outer bags used as packing materials, we used import statistics for India obtained from the *Indian Import Statistics.* Using WPI obtained from the *International Financial Statistics,* we adjusted these values to reflect inflation through the period of review. We adjusted these values to include freight costs incurred between the suppliers and the sulfanilic acid factories.
- To value coal, we used the price of steam coal reported in *The Gazette of India,* June 16, 1994.
- To value electricity, we used the price of electricity reported in the *Electric Utilities Data Book for the Asian and Pacific Region,* January 1993, for the period April 1993 through March 1994. We adjusted the value of electricity to reflect inflation through the period of review using WPI published by the IMF.
- To value truck freight, we used the rate reported in a June 1992 cable from the U.S. Embassy in India submitted for the *Final Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the People's Republic of China* (57 FR 29705, July 6, 1992). We adjusted the truck freight rates to reflect inflation through the period of review using WPI published by the IMF.
- To value rail freight, we used the price reported in a December 1989 cable from the U.S. Embassy in India submitted for the *Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton from the People's Republic of China* (56 FR 4040, February 1, 1991). We adjusted the rail freight rates to reflect inflation through the period of review using WPI published by the IMF.

Currency Conversion

We made currency conversions in accordance with 19 CFR 353.60(a). Currency conversions were made at the rates certified by the Federal Reserve Bank.

Best Information Available

We preliminarily determine, in accordance with section 776(c) of the

Act, that the use of best information available (BIA) is appropriate for Baoding, CNCCC Qingdao, Jinxing, and Sinochem Qingdao because these companies did not respond to our requests for information. Section 776(c) of the Act states that the Department shall use BIA whenever a company refuses or is unable to produce information in a timely manner and in the form required, or significantly impedes an investigation.

In deciding what to use as BIA, section 353.37(b) of the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information or impedes a proceeding. Thus, the Department determines on a case-by-case basis what is BIA. The Department uses a two-tiered approach in its choice of BIA. When a company refuses to provide the information requested in the form required or otherwise significantly impedes the Department's review (first tier), the Department will normally assign to that company the higher of (1) the highest rate found for any firm in the less-than-fair-value (LTFV) investigation or a prior administrative review; or (2) the highest rate found in the current review for any firm. When a company has cooperated with the Department's request for information but fails to provide information requested in a timely manner or in the form required such that margins for certain sales cannot be calculated (second tier), the Department will normally assign to those sales the higher of (1) the highest margin calculated for that company in any previous review or the original investigation for the same class or kind of merchandise; or (2) the highest calculated margin for any respondent in the current review. *See Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of An Antidumping Duty Order (Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand and the United Kingdom)* (58 FR 39729, July 26, 1993). This practice has been upheld in *Allied-Signal Aerospace Co.* v. *United States*, 996 F.2d 1185 (Fed. Cir. 1993), and *Krupp Stahl AG et al.* v. *United States*, 822 F. Supp. 789 (CIT 1993).

We have applied BIA to sales made by Baoding, CNCCC Qingdao, Jinxing, and Sinochem Qingdao. Because these firms did not respond to our questionnaires, as BIA we have applied the highest margin ever in the LTFV investigation, prior administrative reviews, or in this review, which is 85.20 percent. Because these firms have not been found eligible for a separate rate, they form the basis of the PRC country-wide rate, which is therefore also based on non-cooperative BIA.

Non Shipper

Sinochem Shandong submitted a response to the Department's questionnaire stating that it did not ship sulfanilic acid to the United States during the period of review. There is no evidence on the record to demonstrate that Sinochem Shandong shipped subject merchandise to the United States during the period of review. Since we have no information to determine whether Sinochem Shandong merits a separate rate for this review, as discussed in the separate rates section above, Sinochem Shandong falls within the PRC country-wide rate.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/Exporter	Time period	Margin (percent)
China National Chemical Construction Corporation	8/1/93–7/31/94	47.51
Hainan Garden Trading Company	8/1/93–7/31/94	53.36
Sinochem Hebei Import & Export Corporation	8/1/93–7/31/94	2.01
Yude Chemical Industry Company [1]	8/1/93–7/31/94	0.00
Zhenxing Chemical Industry Company [1]	8/1/93–7/31/94	0.00
PRC Rate	8/1/93–7/31/94	85.20

[1] Yude and Zhenxing have been collapsed for the purposes of this administrative review. However, we have listed them separately on this chart for Customs purposes.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. *See* section 353.38(d) of the Department's regulations. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of sulfanilic acid from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies named above which have separate rates will be the rates for those firms established in the final results of this administrative review; (2) for the companies named above which were not found to have separate rates, Baoding, CNCCC Qingdao, Jinxing, Sinochem Qingdao, and Sinochem Shandong, as well as for all other PRC exporters, the cash deposit rate will be the highest margin ever in the LTFV investigation or in this or prior administrative reviews, the PRC rate; and (3) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to

comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Date: May 9, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–12517 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–604; A–588–054]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Termination in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Reviews and Termination in Part.

SUMMARY: In response to requests by the petitioner and two respondents, the Department of Commerce (the Department) has conducted administrative reviews of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from Japan (A–588–604), and of the finding on tapered roller bearings, four inches or less in outside diameter, and components thereof, from Japan (A–588–054). The review of the A–588–054 finding covers four manufacturers/exporters and ten resellers/exporters of the subject merchandise to the United States during the period October 1, 1993, through September 30, 1994, and one manufacturer/exporter for the period October 1, 1992, through September 30, 1993. The review of the A–588–604 order covers five manufacturers/exporters, ten resellers/exporters, and seventeen firms identified by the petitioner in this case as forging producers, and the period October 1, 1993, through September 30, 1994. The A–588–604 review also covers one manufacturer/exporter for the period October 1, 1992, through September 30, 1993.

We have preliminarily determined that sales of tapered roller bearings (TRBs) have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between the United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Valerie Turoscy or Robert James, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Background

On August 18, 1976, the Treasury Department published in the Federal Register (41 FR 34974) the antidumping finding on TRBs from Japan, and on October 6, 1987, the Department published the antidumping duty order on TRBs from Japan (52 FR 37352). On October 7, 1994 (59 FR 51166), the Department published the notice of ''Opportunity to Request an Administrative Review'' for both TRB cases. The petitioner, the Timken Co., and two respondents requested administrative reviews. We initiated the A–588–054 and A–588–604 administrative reviews for the period October 1993 through September 1994 on November 14, 1994 (59 FR 56459).

The Department has now conducted these reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). However, we have not conducted a review of Honda Motor Co., Ltd. (Honda) for either the A–588–054 or the A–588–604 case. In our preliminary results notice for the 1992–93 administrative reviews, we published our intent to revoke the A–588–054 finding as to Honda and explained that our final determination concerning Honda's revocation would be published in our final results notice for the 1992–93 administrative reviews (*see Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews, Termination in Part, and Intent to Revoke in Part,* 60 FR 22349 (May 5, 1995)). We have not yet completed those final results and our final determination concerning Honda's revocation has not yet been made. Upon our determination concerning Honda's revocation and the publication of our final results of review for the 1992–93 administrative review period, we will proceed accordingly for Honda in both the A–588–054 and A–588–604 cases.

This notice also includes, along with our 1993–94 preliminary results of review for Koyo Seiko Co., Ltd. (Koyo), our 1992–93 preliminary results of review for Koyo for both the A–588–054 finding and the A–588–604 order. Because our scope proceeding regarding Koyo's rough forgings was concurrent with our 1992–93 preliminary results analysis, we determined that, rather than delay our 1992–93 preliminary results of review for all other reviewed firms, we would conduct Koyo's 1992–93 reviews in both cases after making our final scope determination concerning Koyo's rough forgings. On February 2, 1995, we published in the Federal Register our final scope decision concerning Koyo's rough forgings (60 FR 6519), in which we determined that Koyo's rough forgings are within the scope of the A–588–604 order. We provided Koyo additional time to submit its sales and cost information concerning its rough forgings for both the 1992–93 and 1993–94 administrative reviews and have now conducted our review of Koyo for both these periods in accordance with section 751 of the Tariff Act.

Scope of the Review

Imports covered by the A–588–054 finding are sales or entries of TRBs, four inches or less in outside diameter when assembled, including inner race or cone assemblies and outer races or cups, sold either as a unit or separately. This merchandise is classified under the Harmonized Tariff Schedule (HTS) item numbers 8482.20.00 and 8482.99.30.

Imports covered by the A–588–604 order include TRBs and parts thereof, finished and unfinished, which are flange, take-up cartridge, and hanger units incorporating TRBs, and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for

automotive use. Products subject to the A–588–054 finding are not included within the scope of this order, except for those manufactured by NTN Toyo Bearing Co., Ltd. (NTN). This merchandise is currently classifiable under HTS item numbers 8482.99.30, 8483.20.40, 8482.20.20, 8483.20.80, 8482.91.00, 8484.30.80, 8483.90.20, 8483.90.30, and 8483.90.60. These HTS item numbers and those for the A–588–054 finding are provided for convenience and Customs purposes. The written description remains dispositive.

The period for each 1993–94 review is October 1, 1993, through September 30, 1994. These reviews cover TRB sales by five TRB manufacturers/exporters (Koyo, NSK Ltd. (NSK), NTN, Nachi-Fujikoshi Corporation (Nachi), and Maekawa Bearing Mfg. Co., Ltd. (Maekawa)), and ten resellers/exporters (Honda, Fuji Heavy Industries, Ltd. (Fuji), Kawasaki Heavy Industries, Ltd. (Kawasaki), Yamaha Motor Co., Ltd. (Yamaha), Sumitomo Corporation (Sumitomo), Itochu Co., Ltd. (Itochu), Suzuki Motor Co., Ltd. (Suzuki), Nigata Converter Co., Ltd. (Nigata), Toyosha Co., Ltd. (Toyosha), and MC International (MC Int'l)). These reviews also cover U.S. sales/importations of forgings by Koyo, NTN, and seventeen firms identified by the petitioner as Japanese forging producers (Daido Steel Co., Ltd. (Daido Steel), Asakawa Screw Co., Ltd. (Asakawa), Fuse Rashi Co., Ltd., Hamanaka Nut Mfg. Co., Ltd., Ichiyanagi Tekko, Isshi Nut Industries (Isshi Nut), Kawada Tekko, Kinki Maruseo Nut Kogyo Kumiai, Kitazawa Valve Co., Ltd. (Kitz Corp.), Nittetsu Bolten, Shiga Bolt, Shinko Bolt, Sugiura Seisakusho, Sumikin Seiatsu, Toyo Valve Co., Unytite Fastener Mfg. Co., Ltd. (Unytite Kogyo), and Showa Seiko Co., Ltd. (Showa)). We are terminating our review for eleven of the seventeen firms as described in the ''Termination in Part'' section of this notice.

The period for the 1992–93 reviews is October 1, 1992, through September 30, 1993. The 1992–93 reviews of both the A–588–054 and A–588–604 cases included in this notice cover TRB sales by one manufacturer/exporter, Koyo.

Verification

As provided for in section 776(b) of the Tariff Act, we verified information provided by NTN for the 1993–94 review period and information provided by Koyo for the 1992–93 review period. We used standard verification procedures in each of the verifications, including on-site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of our NTN and Koyo verification reports.

Best Information Available (BIA)

Total BIA

For these preliminary results, in accordance with section 776(c) of the Tariff Act, for several firms we used BIA, which we determined according to the two-tier BIA methodology outlined in *Antifriction Bearings; Final Results of Antidumping Administrative Reviews and Revocation in Part of Antidumping Duty Order,* 58 FR 39729, 39739 (July 26, 1993) (*AFBs*). Based on this methodology we used BIA as follows:

1. When a company refused to cooperate with the Department or otherwise significantly impeded these proceedings, we used as total BIA the higher of (1) the highest rate found for any firm for the same class or kind of merchandise in the same country of origin in the less-than-fair-value (LTFV) investigation or prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the same country of origin.

2. When a company substantially cooperated with our requests for information and substantially cooperated at verification, but failed to provide requested information in a timely manner or in the form required or was unable to substantiate it, we used as total BIA the higher of (1) the highest rate ever applicable to that firm for the same class or kind of merchandise from either the LTFV investigation or a prior administrative review (or if the firm had never before been investigated or reviewed, the ''all others'' rate from the LTFV investigation), or (2) the highest calculated rate in this review for the class or kind of merchandise for any firm from the same country of origin.

Thus, for first-tier (non-cooperative) BIA in these reviews we have used for the A–588–604 review the highest calculated rate for any firm in the history of the order (*i.e.,* 40.37 percent, the rate for NSK in the 1988–89 A–588–604 review), and for the A–588–054 review we have used the highest calculated rate for any firm in the history of the finding (*i.e.,* 47.63 percent, the rate for Koyo in the 1987–88 A–588–054 review).

Listed below is a company-by-company summary of the total BIA used in these reviews.

A. First-Tier (Non-Cooperative) BIA

(i) Maekawa, Yamaha, Toyosha, Nigata, and Suzuki: None of these firms responded to our questionnaire in either the A–588–054 or the A–588–604 review. Therefore, based on the criteria set forth above, as first-tier BIA for each of these firms in the A–588–604 review we used 40.37 percent and for each of these firms in the A–588–054 review, we used 47.63 percent.

(ii) Nachi: In a letter responding to our questionnaire Nachi indicated that it declined to provide the information requested in our questionnaire for both the A–588–604 and A–588–054 reviews. As a result, we used for Nachi first-tier BIA rates of 40.37 percent in the A–588–604 review and 47.63 percent in the A–588–054 review.

(iii) Daido Steel, Kawanda Tekkosho, Asakawa, Ichiyanagi Tekko, and Isshi Nut: These five firms, which were identified as forging producers and which are involved only in the A–588–604 review, did not respond to our questionnaire. As a result, for each firm we used a first-tier BIA rate of 40.37 percent.

(iv) While Kawasaki did respond to our questionnaire, its response contained only general information and a statement indicating that it declined to provide any of the sales-specific information we requested in our questionnaire. The information Kawasaki failed to provide was necessary for our analysis, and Kawasaki's failure to provide this information impeded our ability to conduct the review for Kawasaki. We have therefore used a first-tier BIA rate of 40.47 percent for Kawasaki in the A–588–604 review, and a first-tier BIA rate of 47.63 percent in the A–588–054 review.

Partial BIA

While conducting our 1992–93 and 1993–94 preliminary analysis for Koyo, we discovered that in both reviews Koyo did not report the actual further-processing costs for certain of its U.S. further-processed models. Rather, Koyo reported further-processing costs for these models which were based on the further-processing costs of other U.S. models which Koyo identified as most similar. As a result, the actual further-processing costs requested by the Department for these U.S. models were not reported by Koyo. Furthermore, our review of both Koyo's 1992–93 and 1993–94 questionnaire responses revealed that Koyo failed to indicate in its responses that it reported something other than the actual further-processing costs for certain U.S. models.

In those cases where the overall integrity of a respondent's questionnaire response warrants a calculated rate, but the firm failed to provide certain information, or certain information it provided was inaccurate, it is the Department's practice to use partial BIA *(see, e.g., AFBs* at 10907). Therefore, for these 1992–93 and 1993–94 preliminary results for Koyo, we have used partial BIA for the further-processing costs Koyo failed to accurately report for these particular U.S. models. After making an initial adjustment to all of Koyo's further-processing costs based on information we discovered at verification (see the Office of Accounting's preliminary results calculation memorandum dated October 12, 1995), we determined the single highest ratio between further-processing costs and the gross unit price for all of Koyo's further-manufactured U.S. models. We then applied this ratio to the unit prices for the models in question and used the resulting further-processing cost amounts as partial BIA for these models.

No Shipments

Two resellers, Fuji and MC Int'l, made no shipments of A–588–604 subject merchandise during the review period. Furthermore, neither of these firms was a party to the A–588–604 LTFV investigation or any prior administrative reviews of the A–588–604 case. Because their shipments have never been reviewed individually, we have not assigned a rate to these two firms for the A–588–604 case. If these firms begin shipping subject merchandise at some future date, the entries will be subject to the cash deposit rates attributable to the manufacturer(s) of the subject merchandise.

Concerning those firms identified by the petitioner as forging producers, only one of the 17 firms, Showa, reported that it actually produced forgings used in the manufacture of TRBs. However, Showa also indicated that it did not sell these forgings to the United States, but rather only sold such merchandise to companies in Japan. Because this firm had no U.S. shipments of this merchandise during the review period and has never been involved in an A–588–604 review or the LTFV investigation, we have not assigned an individual rate to Showa for the A–588–604 case. If Showa were to begin shipping at some future date, the entries will be subject to the A–588–604 LTFV ''all others'' cash deposit rate of 36.52 percent.

Termination in Part

Eleven of the seventeen firms identified by the petitioner as forging producers reported that they did not produce the forgings which have been found to be within the scope of the order, but rather only produced non-scope merchandise such as nuts, bolts, and valves. As a result, because these firms do not produce or sell subject merchandise, we are terminating the A–588–604 review for the following eleven firms: Fuse Rashi Co., Ltd., Hamanaka Nut Mfg. Co., Ltd., Kinki Maruseo Nut Kogyo Kumiai, Kitz Corp., Shiga Bolt, Shinko Bolt, Sugiura Seisakusho, Toyo Valve Co., Nittetsu Bolten, Sumikin Seiatsu, and Unytite Kogyo.

Our termination of the A–588–604 review for these eleven firms does not constitute a revocation of the order as to these firms. If any of the above eleven firms ever become manufacturers/exporters of TRBs or forgings used in the production of TRBs, their merchandise will be subject to the order.

Resellers/Shippers

Of the ten resellers covered by these reviews, we have determined that two of these resellers, Sumitomo and Itochu, are mere shippers of the subject merchandise and do not warrant their own margin. Itochu and Sumitomo contract with larger Japanese companies/suppliers to ship TRBs from the suppliers to the suppliers' U.S. subsidiaries. Because these suppliers knew at the time of the transfer of merchandise to Itochu and Sumitomo that these TRBs were destined for the United States, and because Itochu and Sumitomo had no influence over the sales prices or quantities of these shipments, we have determined that the suppliers' rates, and not unique Sumitomo or Itochu rates, should be applied for cash deposit and appraisement purposes. See, for example, *Antifriction Bearings (Other than Tapered Roller Bearings) and Parts thereof from Germany, et al.; Final Results of Antidumping Duty Administrative Review,* 56 FR 31692, 31747 (July 11, 1991).

United States Price (USP)

The Department used exporter's sales price (ESP) for Koyo, NSK, NTN, Fuji, and MC Int'l, and purchase price for certain of Fuji's and NTN's sales, as defined in section 772 of the Tariff Act, to calculate USP. ESP was based on the packed, delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign pre-sale inland freight, foreign inland freight, air freight, ocean freight, marine insurance, export inspection fees, brokerage and handling, U.S. inland freight, U.S. duty, commissions to unrelated parties, U.S. credit, discounts, rebates, sales allowances, billing adjustments, technical service expenses, warranties, packing expenses incurred in the United States, and indirect selling expenses (which include inventory carrying costs, warehouse transfer expenses, advertising, other U.S.—incurred selling expenses, and export selling expenses). For NTN and Koyo, we also adjusted ESP for value added in further manufacturing, including an allocation of profit earned on U.S. sales. In addition, based on our verification of Koyo's reported 1992–93 further manufacturing information, and Koyo's response to our 1993–94 supplemental questionnaire, we made adjustments to Koyo's reported 1992–93 and 1993–94 further-manufacturing costs.

NTN's and Fuji's purchase price sales were based on the sales price to the first unrelated purchaser in the United States. We made adjustments to purchase price, where appropriate, for rebates and the following movement expenses: foreign pre-sale inland freight, foreign inland freight, ocean freight, marine insurance, brokerage and handling, U.S. duty, U.S. inland freight, and export inspection fees.

In light of the decision by the United States Court of Appeals for the Federal Circuit (the Federal Circuit) in *Federal-Mogul* v. *United States,* CAFC No. 94–1097, we have changed our treatment of home market consumption taxes. For these preliminary results, where merchandise exported to the United States was exempt from the consumption tax, we added to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that we adopted following the decision of the Federal Circuit in *Zenith* v. *United States*, 988 F. 2d 1573, 1582 (1993), and which was suggested by the Federal Circuit in footnote 4 of its decision. The Court of International Trade (CIT) overturned this methodology in *Federal-Mogul* v. *United States*, 834 F. Supp. 1391 (1993), and we acquiesced to the CIT's decision. We then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; we made adjustments to this amount so that the tax adjustment would not alter a ''zero'' pre-tax dumping assessment.

The foreign exporters in the *Federal-Mogul* case, however, appealed the

decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude Commerce from using the ''*Zenith* footnote 4'' methodology to calculate tax-neutral dumping assessments (*i.e.*, assessments that are unaffected by the existence or amount of home market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in particular the General Agreement on Tariffs and Trade (GATT) and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

We have determined that the ''*Zenith* footnote 4'' methodology should be used. First, as we have explained in numerous administrative determinations and court filings over the past decade, and as the Federal Circuit has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the GATT. Second, the Uruguay Round Agreements Act (URAA) explicitly amended the antidumping law to remove consumption taxes from the home market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the ''*Zenith* footnote 4'' methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to U.S. price rather than subtracted from home market price, it does result in tax-neutral duty assessments. In sum, we have elected to treat consumption taxes in a manner consistent with our longstanding policy of tax-neutrality and with the GATT.

No other adjustments were claimed or allowed.

Foreign Market Value (FMV)

In accordance with 19 CFR 353.48(a), we determined that the home market was viable for NTN, NSK, Koyo, and Fuji. Therefore, we compared U.S. sales with sales of such or similar merchandise in the home market.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. For reasons of simplification, consistent with section 777A of the Tariff Act, we used an average of respondents' home market sales for each review period. To determine whether an annual average was representative of the transactions under consideration, we performed the following three-step test (see *AFBs*). First, we compared the annual weighted-average home market price for each model with each of its 12 monthly weighted-average prices for each review period. We calculated the proportion of each model's sales whose annual weighted-average price did not vary more than plus or minus 10 percent from the monthly weighted-average prices. Second, we compared the volume of sales of all models whose annual weighted-average prices did not vary more than plus or minus 10 percent from the monthly weighted-average prices with the total volume of sales of TRBs. If the annual weighted-average price of at least 90 percent of the sales of TRBs did not vary more than plus or minus 10 percent from the monthly weighted-average price, we considered the annual weighted-average price to be representative of the transactions under consideration for that firm. Third, we tested whether there was any correlation between fluctuations in price and time for each model. Where the correlation coefficient was less than 0.05 (where a coefficient approaching 1.0 indicates a direct relation between price and time), we concluded that there was no significant relation between price and time. Because the annual weighted-average prices for each model sold by Koyo, NSK, Fuji, MC Int'l, and NTN during each review period did not vary meaningfully from the monthly weighted-average prices of sales, and because there was no correlation between price and time, we considered the annual weighted-average prices for each review period to be representative of the transactions under consideration. Therefore, we calculated a single FMV for each model sold by Koyo, NSK, Fuji, and NTN on an annual weighted-average basis.

Based on petitioner's allegations and the Department's previous TRB determinations of sales made below the cost of production (COP), in accordance with section 773(b) of the Tariff Act, we determined that there were reasonable grounds to believe or suspect that, for these review periods, NTN, Koyo, and NSK made sales of subject merchandise in the home market at prices less than COP. As a result, we investigated whether NTN, Koyo, or NSK sold such or similar merchandise in the home market at prices below COP. In accordance with 19 CFR 353.51(c), we calculated COP for NTN, NSK, and Koyo as the sum of reported materials, labor, factory overhead, and general expenses, and, where appropriate, compared COP to home market prices net of direct price adjustments and discounts.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade.

In accordance with our normal practice, for each model for which less than 10 percent, by quantity, of the home market sales during the period of review (POR) were made at prices below the COP, we included all sales of that model in the computation of FMV. For each model for which 10 percent or more, but less than 90 percent, of the home market sales during the POR were priced below the merchandise's COP, we excluded from the calculation of FMV those home market sales which were priced below the merchandise's COP, provided that these below-cost sales were made over an extended period of time. For each model for which 90 percent or more of the home market sales during the POR were priced below the COP and were made over an extended period of time, we disregarded all sales of that model in our calculation and, in accordance with section 773(b) of the Tariff Act, we used the constructed value (CV) of those models, as described below. *See, e.g., Mechanical Transfer Presses from Japan, Final Results of Antidumping Duty Administrative Review*, 59 FR 9958 (March 2, 1994).

In accordance with section 773(b)(1) of the Tariff Act, to determine whether sales below cost had been made over an extended period of time, we compared the number of months in which sales below cost occurred for a particular model to the number of months in which that model was sold. If the model was sold in fewer than three months, we did not disregard below-cost sales unless there were below-cost sales of that model in each month sold. If a model was sold in three or more months, we did not disregard below-cost sales unless there were sales below cost in at least three of the months in which the model was sold. We used CV as the basis for FMV when an insufficient number of home market

sales were made at prices above COP. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews,* 58 FR 64720, 64729 (December 8, 1993).

In the case of NTN, Koyo, and NSK, we compared each firm's individual home market prices with annual COPs. We tested each firm's home market prices on a model-specific basis and found for each firm, (1) models where more than 90 percent of the home market sales were made at below-COP prices and were made over an extended period of time, (2) other models where between 10 and 90 percent of home market sales were made at below-COP prices and over an extended period of time, and (3) yet other models where less than 10 percent of home market sales were made at below-COP prices. *See Polyethylene Terephthalate Film, Sheet, and Strip from Korea,* 56 FR 16306 (April 22, 1991).

Because NTN, NSK, and Koyo provided no indication that their below-cost sales of models within the ''greater than 90 percent'' and the ''between 10 and 90 percent'' categories were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded those sales of models in the ''10 to 90 percent'' category which were made below cost over an extended period of time. In addition, as a result of our COP test for home market sales of models within the ''greater than 90 percent'' category, we based FMV on CV for all U.S. sales for which there were insufficient sales of the comparison home market model at or above COP. Finally, where we found, for certain of NTN's, NSK's, and Koyo's models, home market sales for which less than 10 percent were made at below-COP prices, we used all home market sales of these models in our comparisons.

In accordance with section 773(c) of the Tariff Act, we used CV as FMV for those U.S. sales for which there were insufficient sales of the comparison home market model at or above COP, and for those U.S. sales for which there was no sale of such or similar merchandise in the home market. We calculated CV in accordance with section 773(e) of the Tariff Act. We included the cost of materials, labor, and factory overhead in our calculations. Where the actual selling, general, and administrative expenses (SG&A) were less than the statutory minimum of ten percent of the cost of manufacture (COM), we calculated SG&A as ten percent of the COM. Where the actual profits were less than the statutory minimum of eight percent of the COM plus SG&A, we calculated profit as eight percent of the sum of COM plus SG&A. We also adjusted NSK's and NTN's reported COP and CV to reflect the actual COP of related-party inputs.

In accordance with section 773 of the Tariff Act, for those U.S. models for which we were able to find a home market or third-country such or similar match that had sufficient above-cost sales, we calculated FMV based on the packed, F.O.B., ex-factory, or delivered prices to related purchasers (where an arm's-length relationship was demonstrated) and unrelated purchasers in the home market. We made adjustments, where applicable, for post-sale inland freight, credit, commissions, and warranties. We also made adjustments for discounts, rebates, and differences in physical characteristics. In addition, for comparison to ESP sales, we adjusted FMV for indirect selling expenses (which include advertising, inventory carrying costs, pre-sale inland freight, and other selling expenses) in the home market, limiting the home market indirect selling expense deductions by the amount of indirect selling expenses incurred in the United States. In situations where a U.S. sale with no commission was compared to a home market sale with a commission, we limited the deduction from FMV for home market indirect selling expenses by the amount of U.S. indirect selling expenses less the home market commission amount. In those instances where a commission was granted on the U.S. sale only, we increased the amount classified as U.S. indirect selling expenses for comparison to home market indirect selling expenses by the amount of the U.S. commission. We then limited the deduction from FMV for home market indirect selling expenses by the amount of the enhanced U.S. indirect selling expenses. For NTN, NSK, Koyo, and Fuji, all of which reported consumption tax-exclusive home market gross prices, we adjusted FMV for the Japanese consumption tax by adding the absolute amount of home market tax to FMV in accordance with our tax-neutral methodology described above. Finally, after deducting home market packing from FMV, we added to FMV packing expenses incurred in Japan for U.S. sales.

For comparison to purchase price sales, pursuant to section 773 of the Tariff Act, we added to FMV, where applicable, U.S. packing, credit, and direct advertising. We adjusted FMV for the Japanese consumption tax as described above, and for comparison to both ESP and purchase price sales, NTN requested and received a level-of-trade adjustment to FMV based on certain home market indirect expenses.

Because MC Int'l did not sell TRBs in the home market during the review period, but rather only exported TRBs to the United States and other third-country markets, in accordance with section 773(a)(1) of the Tariff Act, we determined that, for MC Int'l, the home market was not viable. Therefore, pursuant to 19 CFR 353.48, for MC Int'l we based FMV on third-country sales.

In selecting the appropriate third-country market to use for comparison purposes, we first determined which third-country markets had adequate volumes of sales within the meaning of 19 CFR 353.49(b)(1). We determined that the volume of sales to a third-country market was adequate if the quantity of sales of such or similar merchandise equalled or exceeded five percent of the quantity of sales in the United States. We then selected the third-country market with the largest volume of sales, and whose organization and development is most like that of the United States, as the most appropriate market for comparison, in accordance with 19 CFR 353.49(b)(2). Therefore, for MC Int'l's sales of TRBs to the first unrelated customer in the United States, we based FMV on MC Int'l's sales to unrelated customers in the United Kingdom. In addition, we applied to MC Int'l's sales in the United Kingdom the identical price stability test described above, and because the annual weighted-average prices for TRBs sold by MC Int'l in the United Kingdom did not vary meaningfully from the monthly weighted-average prices of sales, and because there was no correlation between price and time, we considered the annual weighted-average prices in the United Kingdom to be representative of the transactions under consideration. Therefore, we calculated a single FMV for each model sold by MC Int'l in the United Kingdom on an annual weighted-average basis.

No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our comparison of USP to FMV we preliminarily determine that the following margins exist for Koyo for the period October 1, 1992, through September 30, 1993:

Manufacturer/exporter	Margin (Percent)
For the A–588–054 Review:Koyo Seiko	38.64
For the A–588–604 Review:	
Koyo Seiko	46.03

In addition, we preliminarily determine that the following margins exist for the period October 1, 1993, through September 30, 1994 for the following firms:

Manufacturer/Reseller/Exporter	Margin (percent)
For the A–588–054 Review:	
Koyo Seiko	34.68
Nachi	47.63
NSK	7.61
Fuji	6.08
Kawasaki	47.63
Yamaha	47.63
MC International	2.36
Maekawa	47.63
Toyosha	47.63
Nigata Converter	47.63
Suzuki	47.63
For the A–588–604 Review:	
NTN	19.73
Koyo Seiko	41.21
Nachi-Fujikoshi Corp.	40.37
NSK Ltd.	7.15
Fuji	(1)
Kawasaki	40.37
Yamaha	40.37
MC International	(1)
Maekawa	40.37
Toyosha	40.37
Nigata Converter	40.37
Suzuki	40.37
Showa Seiko	(1)
Daido	40.37
Ichiyanagi Tekko	40.37
Kawada Tekkosho	40.37
Asakawa Screw Co.	40.37
Isshi Nut	40.37

[1] No shipments or sales subject to this review. The firm has no rate from any prior segment of this proceeding.

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of these administrative reviews including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between the USP and FMV may vary from the percentages stated above.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided for by section 751(a)(1) of the Tariff Act. A cash deposit of estimated antidumping duties shall be required on shipments of TRBs from Japan as follows:

(1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews. For Koyo, the cash deposit rates will be those rates established in the final results for the 1993–94 administrative reviews;

(2) For previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period;

(3) If the exporter is not a firm covered in these reviews, a prior review, or the original less-than-fair-value (LTFV) investigations, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and

(4) If neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate for the A–588–054 case will be 18.07 percent and 36.52 percent for the A–588–604 case (*see Preliminary Results of Antidumping Duty Administrative Reviews; Tapered Roller Bearings, Finished and Unfinished, and Parts Thereof, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan*, 58 FR 51058, 51061 (September 30, 1993)).

All U.S. sales by each respondent will be subject to one deposit rate according to the proceeding.

The cash deposit rate has been determined on the basis of the selling price to the first unrelated customer in the United States. For appraisement purposes, where information is available, the Department will use the entered value of the merchandise to determine the appraisement rate.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and 19 CFR 353.22.

Dated: May 10, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–12519 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–549–501]

Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Review.

SUMMARY: The countervailing duty order on certain circular welded carbon steel pipes and tubes from Thailand was revoked effective January 1, 1995, pursuant to section 753 of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (the Act) (60 FR 40568). The Department of Commerce (the Department) is conducting an administrative review of this order to determine the appropriate assessment rate for entries made during the last review period prior to the revocation of the order (January 1, 1994, through December 31, 1994). We preliminarily determine the net subsidy to be *de minimis* or zero for all companies for the period January 1, 1994 through December 31, 1994 (*see* ''Preliminary Results of Review'' section). If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, shipments of the subject merchandise from all companies exported on or after January 1, 1994 and entered on or before December 31, 1994. Because this order has been revoked, the Department will not issue further instructions with respect to cash deposits of estimated countervailing duties.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–1503 or 482–4126, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 1985, the Department published in the Federal Register (50 FR 32751) the countervailing duty order on certain circular welded carbon steel pipes and tubes from Thailand. On August 1, 1995, the Department published a notice of ''Opportunity to Request an Administrative Review'' (60 FR 39151) of this countervailing duty order. We received a timely request for review from Saha Thai Steel Pipe Co., Ltd. (Saha Thai). In accordance with section 355.22 of the Department's Interim Regulations, this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested (*see Antidumping and Countervailing Duties: Interim Regulations; Request for Comments*, 60 FR 25130 (May 11, 1995) (*Interim Regulations*). A review was requested for Saha Thai. However, Saha Thai is affiliated with SAF Pipe Export Co., Ltd. (SAF), an export trading company that began operations in 1993. All pipe exported by SAF is produced by Saha Thai. Because these two companies are affiliated, we are treating them as one corporate entity for purposes of our calculations. Therefore, this review covers the following companies: Saha Thai/SAF.

On November 22, 1995, we extended the period for completion of the preliminary and final results pursuant to section 751(a)(3) of the Tariff Act of 1930, as amended. *See Extension of the Time Limit for Certain Countervailing Duty Administrative Reviews*, 60 FR 55699. As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996, all deadlines were further extended to take into account the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 15, 1995, through January 6, 1996. Therefore, the deadline for these preliminary results is no later than May 30, 1996, and the deadline for the final results of this review is no later than 180 days from the publication of these preliminary results.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Act in effect as of January 1, 1995. The Department is conducting this administrative review in accordance with section 751(a) of the Act. References to the *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments*, 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act (URAA). *See* 60 FR 80 (January 3, 1995).

Scope of Review

On March 29, 1994, the Department clarified the Harmonized Tariff Schedule (HTS) numbers that were applicable to the subject merchandise (*see Memorandum to Susan Esserman from Susan Kuhbach*, available in the Central Records Unit, Room B099, Main Commerce Building). This clarification was necessary because of annual changes in the HTS. The scope now reads:

Imports covered in this review are shipments of circular welded carbon steel pipes and tubes (pipes and tubes) with an outside diameter of 0.375 inch or more but not over 16 inches, of any wall thickness. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A–120, A–53 and A–135. During the review period, this merchandise was classified under item numbers 7306.30.10 and 7306.30.50 of the HTS. The HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Analysis of Programs

I. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine based on the questionnaire responses filed by the government of Thailand and Saha Thai/SAF that Saha Thai/SAF did not apply for or receive benefits under these programs during the review period.

A. Export Packing Credit
B. Tax Certificates for Exporters
C. Electricity Discounts for Exporters
D. Tax and Duty Exemptions Under Section 28 of the Investment Promotion Act
E. Repurchase of Industrial Bills
F. Export Processing Zones
G. International Trade Promotion Fund/Export Promotion Fund
H. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
I. Additional Incentives under the IPA.

Preliminary Results of Review

For the period of January 1, 1994, through December 31, 1994, we preliminarily determine the net subsidy to be zero for Saha Thai/SAF. In accordance with the Act, any rate less than 0.5 percent *ad valorem* in an administrative review is *de minimis*.

The URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies. The procedures for countervailing duty cases are now essentially the same as those in antidumping cases, except as provided for in section 777(e)(2)(B) of the Act. Requests for administrative reviews must now specify the companies to be reviewed. *See* 19 CFR § 355.22(a). The requested review will normally cover only those companies specifically named. Pursuant to 19 CFR § 355.22(g), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate previously ordered. Accordingly, for the period January 1 through December 31, 1994, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the Customs to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Saha Thai/SAF exported on or after January 1, 1994, and entered on or before December 31, 1994.

This countervailing duty order was subject to section 753 of the Act. *See, Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation*, 60 FR 27,963 (May 26, 1995). Because no domestic interested parties exercised their right under section 753(a) of the Act to request an injury investigation, the International Trade Commission made a negative injury determination with respect to this order, pursuant to section 753(b)(4) of the Act. As a result, the Department

revoked this countervailing duty order, effective January 1, 1995, pursuant to section 753(b)(3)(B) of the Act. *Revocation of Countervailing Duty Orders,* 60 FR 40,568 (August 9, 1995). Accordingly, the Department will not issue further instructions with respect to cash deposits of estimated countervailing duties.

Public Comment

Interested parties may request a hearing not later than 10 days after the date of publication of this written notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR § 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR § 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: May 13, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–12516 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–351–818; C–201–810; C–412–815]

Notice of Court Decision: Certain Cut-to-Length Carbon Steel Plate From Brazil, Mexico, and the United Kingdom

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Court Decision.

SUMMARY: On April 2, 1996, the United States Court of International Trade (CIT) affirmed the remand determinations made by the Department of Commerce (the Department) that the privatizations of Usinas Siderurgicas de Minas Gerais (USIMINAS), Altos Hornos de Mexico (AHMSA), and British Steel plc (BS plc), respectively, were sales of shares, and that the privatized entities continued to be, for all intents and purposes, the same entities that had received the subsidies prior to privatization. *British Steel Plc. et al.* v. *United States,* Slip Op. 96–6011 (*British Steel II*). In so doing, the Court implicitly rejected the Department's ''repayment'' methodology set forth in the privatization portion of its *General Issues Appendix,* which is appended to the *Final Affirmative Countervailing Duty Determination: Certain Steel Products from Austria,* 58 FR 37217, 37259 (July 9, 1993).

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Roy A. Malmrose, Office of Countervailing Investigations, or Brian Albright, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W. Washington, D.C. 20230; telephone: (202) 482–5414 and (202) 482–2786 respectively.

SUPPLEMENTARY INFORMATION: In its *Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Brazil,* 58 FR 37295 (July 9, 1993), *Final Affirmative Countervailing Duty Determinations: Certain Steel Products From Mexico* 58 FR 37352 (July 9, 1993), and *Final Affirmative Countervailing Duty Determination; Certain Steel Products From the United Kingdom,* 58 FR 37393 (July 9, 1993), the Department determined that subsidies provided to certain steel producers remained countervailable after those firms were privatized. The rationale for the Department's determinations was that the countervailing duty law does not require, as a prerequisite for countervailability, that a subsidy bestowed on a producer confer a demonstrable ''competitive benefit'' on that producer. However, the Department also determined that a portion of the sales prices for USIMINAS, AHMSA, and BS plc, respectively, represented partial repayment of prior subsidies. The Department's privatization methodology was fully set forth in the *General Issues Appendix.*

On February 9, 1995, the CIT held that the Department's privatization methodology was unlawful, and remanded the determinations in question. *British Steel plc et al.* v. *United States,* 879 F. Supp. 1254. In accordance with the CIT's instructions, the Department reexamined the privatization transactions in question. The Department found that USIMINAS, AHMSA, and BS plc were privatized through sales of shares, and that the privatized entities continued to be, for all intents and purposes, the same entities that had received the subsidies prior to privatization. On this basis, and in accordance with the CIT's instructions, the Department determined that the pre-privatization subsidies remained countervailable in full. The Department did not attribute any portion of the sales price for any of the producers to a partial repayment of prior subsidies.

On April 2, 1996, the CIT affirmed the Department's remand determination. *British Steel II.* In so doing, the Court implicitly rejected the ''repayment'' aspect of the Department's privatization methodology, as set forth in the *General Issues Appendix.*

In its decision in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. section 1516a(e), the Department must publish a notice of a court decision which is not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's decision in *British Steel II* on April 2, 1996, constitutes a decision not in harmony with the Departments final affirmative determinations. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, until a ''conclusive'' court decision.

Dated: May 9, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–12518 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DS–P

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Initiation of Process to Revoke Export Trade Certificate of Review No. 94–00006.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to P & B International. Because this certificate holder has failed to file

an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent P & B International.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (''the Act'') (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III (''the Regulations'') are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on December 30, 1994 to P & B International.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review [Sections 325.14 (a) and (b) of the Regulations]. Failure to submit a complete annual report may be the basis for revocation. [Sections 325.10 (a) and 325.14(c) of the Regulations].

The Department of Commerce sent to P & B International on January 11, 1996, a letter containing annual report questions with a reminder that its annual report was due on February 13, 1996. Additional reminders were sent on March 13, 1996, and on April 19, 1996. The Department has received no written response to any of these letters.

On May 14, 1996, and in accordance with Section 325.10 (c)[1] of the Regulations, a letter was sent by certified mail to notify P & B International that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the Federal Register. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (Section 325.10(c)[2] of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10(c)[3] of the Regulations).

The Department shall publish a notice in the Federal Register of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)[4] of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the Federal Register (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: May 14, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96–12547 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

Notice; Meeting of the Olympic Coast National Marine Sanctuary Advisory Council

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

SUMMARY: The Advisory Council was established in December 1995 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Olympic Coast National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

TIME AND PLACE: Friday, May 24, 1996, from 9:00 until 4:00. The meeting will be held in the Coast Guard Group Port Angeles Air Station, Port Angeles, Washington.

AGENDA: A facilitated panel discussion of current marine transportation issues affecting the Sanctuary will be held.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Nancy Beres at (360) 457–6622 or Elizabeth Moore at (301) 713–3141.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: May 14, 1996.

David L. Evans,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 96–12542 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–08–M

[I.D. 051396C]

Endangered Species; Permits

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

ACTION: Receipt of two applications for scientific research/enhancement permits (P503S and P211J).

SUMMARY: Notice is hereby given that the Idaho Department of Fish and Game in Boise, ID (IDFG) and the Oregon Department of Fish and Wildlife in La Grande, OR (ODFW) have applied in due form for permits to take a threatened species for the purpose of scientific research/enhancement.

DATES: Written comments or requests for a public hearing on either of these applications must be received on or before June 19, 1996.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: IDFG and ODFW request permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA)

(16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

IDFG (P503S) requests a permit to take threatened Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a captive rearing program for three populations of chinook salmon in Idaho. The captive rearing program has been proposed as an effort to forestall the extinction of the local populations and to preserve the overall stock structure of Snake River spring/summer chinook salmon. The long-term objective of the program is to achieve the sustainable recovery of the ESA-listed Snake River salmon populations. IDFG propose to collect juveniles for the captive rearing program annually from the upper Salmon River tributaries of West Fork Yankee Fork, upper East Fork, and Lemhi River. IDFG propose to rear and maintain the fish collected until mature. IDFG intends to prevent cohort collapse by supplementing the respective natural adult spawning populations with adults from the captive rearing program.

The captive rearing program was initiated when NMFS issued emergency permit 972 to IDFG on August 7, 1995 (60 FR 42147, August 15, 1995) to allow the collection, handling, and rearing of juvenile, ESA-listed, chinook salmon. Earlier this year, IDFG requested modification 1 to permit 972 for authorization to transfer some of the ESA-listed juveniles collected last year to NMFS's Manchester Marine Experimental Station in WA (61 FR 14296, April 1, 1996). IDFG also requested that the NMFS staff at the laboratory be authorized to rear and maintain the ESA-listed juvenile fish as an agent of IDFG under permit 972. Under their new permit application, IDFG propose that the ESA-listed fish being reared by NMFS be transported back to IDFG when mature to be released in their natal streams for spawning. The issuance of modification 1 to permit 972 is pending. Should a new permit be issued for the captive rearing program, that permit would replace permit 972.

ODFW (P211J) requests a permit to take threatened Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a captive broodstock program for three populations of chinook salmon in Oregon. The captive broodstock program has been proposed as an effort to forestall the extinction of the local populations and to preserve the overall stock structure of Snake River spring/summer chinook salmon. The long-term objective of the program is to achieve the sustainable recovery of the ESA-listed Snake River salmon populations. ODFW propose to collect juveniles for the captive broodstock program annually from the Grande Ronde River Basin tributaries of the Lostine River, Catherine Creek, and the upper Grande Ronde River in northeast Oregon. ODFW propose to rear and maintain the ESA-listed fish in hatcheries until mature, spawn the fish, rear and maintain the resulting progeny to smolts, and release the offspring in their respective parental streams and/or other chinook producing streams within that drainage. ODFW also propose to outplant adults and/or progeny as eggs or parr produced in excess of smolt needs directly into unseeded historic production areas and to collect adults for broodstock beginning in 1997 should returns allow.

The captive broodstock program was initiated when NMFS issued emergency permit 973 to ODFW on August 7, 1995 (60 FR 42147, August 15, 1995) to allow the collection, handling, and rearing of juvenile, ESA-listed, chinook salmon. Earlier this year, ODFW requested modification 1 to permit 973 for authorization to transfer some of the ESA-listed juveniles collected last year to NMFS's Manchester Marine Experimental Station in WA (61 FR 14296, April 1, 1996). ODFW also requested that the NMFS staff at the laboratory be authorized to rear and maintain the ESA-listed juvenile fish as an agent of ODFW under permit 973. Under their new permit application, ODFW propose that the ESA-listed fish being reared by NMFS be transported back to ODFW when mature to be spawned at ODFW's Bonneville Hatchery. The issuance of modification 1 to permit 973 is pending. Should a new permit be issued for the captive broodstock program, that permit would replace permit 973.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on either of these applications would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in these application summaries are those of the applicants and do not necessarily reflect the views of NMFS.

Dated: May 14, 1996.

Eric H. Ostrovsky,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–12533 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 051096E]

Marine Mammals

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

ACTION: Receipt of application to modify permit no. 987 (P598).

SUMMARY: Notice is hereby given that Dr. Jim Darling, Box 384, Tofino, B.C., Canada V0R 2Z0, has requested a modification to Permit No. 987.

DATES: Written comments must be received on or before June 19, 1996.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802–1668.

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, National Marine Fisheries Service, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject modification is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The Permit Holder is currently authority to take (i.e., harass) up to 200 humpback whale (*Megaptera novaeangliae*) in the course of behavioral and photo-identification studies and biopsy sampling, in the waters around the main Hawaiian Islands, primarily off of Maui, Hawaii, over a period of 2 years. The purpose of the research is to collect genetic information that will, among other things, determine the sex and behavior patterns of individual humpback whales involved in ''singing'' behavior.

The Holder is now requesting that the Permit be modified to: (1) Increase the total number of harassment takes authorized from 200 to up to 1000 animals annually, up to 100 of which may be biopsy sampled annually; (2) increase the duration of the permit from two to three years; (3) authorize the

biopsy of 10 cows with calves or yearlings (biopsy of calves/yearlings is not requested); (4) opportunistically collect biopsy samples from dead stranded whales and retrieve humpback whale carcasses for necropsy; (5) add Southeast Alaska, specifically Frederick Sound and Stephens Passage as research locations; and (6) in the requested Alaska locations, allow the take by harassment of up to 500 humpback whales annually, up to 100 of which may be biopsy sampled annually.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 13, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–12531 Filed 5–17–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 051396H]

Marine Mammals; Permit No. 928 (P351E)

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

ACTION: Receipt of application for modification.

SUMMARY: Notice is hereby given that North Gulf Oceanic Society, P.O. Box 15244, Homer, Alaska 99603, has requested a modification to permit No. 928.

DATES: Written comments must be received on or before June 14, 1996.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

Written data or views, or requests for a public hearing on this request should be submitted to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject modification to permit no. 928, issued on July 18, 1994 (59 FR 37745) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Permit No. 928 authorizes the Permit Holder to harass during photo-identification studies up to 100 humpback whales (*Megaptera novaeangliae*) annually in Prince William Sound, Alaska and adjacent waters. Permit Holder now seeks authorization to: Increase the number of humpback whales authorized to be harassed during photo-identification activities to 400 annually; biopsy sample up to 50 of these animals annually, not to exceed 100 takes in four years; and to expand the research area to include all Alaska waters.

Dated: May 14, 1996.

Ann D. Terbush,

Chief, Permit and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–12532 Filed 5–15–96; 2:18 pm]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on CFTC-State Cooperation; May 21, 1996 Public Meeting

AGENCY: Commodity Futures Trading Commission.

ACTION: Correction of time of meeting.

On May 9, 1996, the Commodity Futures Trading Commission published a notion in the Federal Register (61 FR 21163) announcing that the Commission's Advisory Committee on CFTC-State Cooperation will conduct a public meeting on May 21, 1996 that will begin at 9:00 a.m. and last until 12:00 noon. The time that this May 21, 1996 meeting will be held is from 9:30 a.m. to 12:30 p.m. in the first floor hearing room (Room 1000) of the Commission's Washington, D.C. headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, D.C.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 96–12546 Filed 5–17–96; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board (AFEB); Partially-Closed Meeting

AGENCY: Office of the Surgeon General.

ACTION: Notice of partially-closed meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92–463, The Federal Advisory Committee Act, this announces the forthcoming AFEB Meeting. The meeting will be held from 0800–1630, Thursday, June 27, 1996. The purpose of the meeting is to complete pending Board issues and to conduct an executive planning session of the Board and completion of pending issues. There will also be a classified update on biological defense. The meeting location will be at the Walter Reed Army Institute of Research, Washington, D.C., Building 40 Room 3092. This meeting will be partially closed to the public in accordance with Section 552b(c) of title 5, U.S.C. specifically subparagraph (1) thereof and title 5, U.S.C., appendix 1, subsection 10(d). The remainder of the meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: COL Vicky Fogelman, AFEB Executive Secretary, Armed Force Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 667, Falls Church, Virginia 22041–3258, (703) 681–8012/3.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–12565 Filed 5–17–96; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 23 & 24 May 1996.
Time of Meeting: 0900–1600, 23 May 96; 1000–1600, 24 May 96.
Place: Pentagon-Washington, DC.
AGENDA: The Army Science Board (ASB) Summer Study on ''Technical Architecture for Army (C41)'' will meet for briefings and discussions on the study subject. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of this meeting. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 96–12582 Filed 5–17–96; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).
Date of Meeting: 15 & 16 May 1996.
Time of Meeting: 0900–1700 (on both days).
Place: Pentagon-Washington, DC.
Agenda: The Army Science Board (ASB) Ad Hoc Study on ''Army Digitization Information System Vulnerabilities and Security'' will meet for briefings and discussions on the study subject. This meeting will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of this meeting. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 96–12583 Filed 5–17–96; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).
Date of Meeting: 27 & 28 June 1996.
Time of Meeting: 0900–1600, 27 June 96; 1000–1600, 28 June 96.
Place: Pentagon—Washington, DC.
Agenda: The Army Science Board (ASB) Summer Study on ''Technical Architecture for Army (C41)'' will meet for briefings and discussions on the study subject. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C. Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of this meeting. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 96–12584 Filed 5–17–96; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers

Availability of Surplus Land and Buildings Located at Defense Distribution Depot, Ogden, Utah (DDOU)

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: This notice identifies the surplus real property located at Defense Distribution Depot, Ogden, Utah (DDOU). DDOU is located one mile from Interstate 15. Commercial and military airports and a rail network are in close proximity.

FOR FURTHER INFORMATION CONTACT: Fore more information regarding a particular building or parcel (i.e., acreage, floor plans, existing sanitary facilities, exact street address), contact Ms. Kathleen Mallis, Base Transition Coordinator at (801) 399–7971; Mr. Steve Sugimoto, Base Transition Officer, at (801) 399–7845; or Ms. Susan Krinks, Reality Specialist, (916) 557–6994.

SUPPLEMENTARY INFORMATION: This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

The surplus real property totals 1,077 acres and includes 10 office buildings, 68 storage buildings, and 156 other buildings. The current range of uses include industrial, storage, commercial, and housing facilities. DDOU is listed as a National Priority List site by the U.S. Environmental Protection Agency.

Future uses may be limited to those described above.

Notices of interest must be submitted within 90 days from the date of this notice. Notices of interest should be forwarded to Ogden Local Redevelopment Authority, Attention: Mr. Michael D. Pavich, 2484 Washington Boulevard, Suite 320, Ogden, Utah 84401–2319.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–12564 Filed 5–17–96; 8:45 am]

BILLING CODE 3710–EZ–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by May 15, 1996. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before July 19, 1996.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Written comments regarding the regular clearance and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

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

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 14, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Elementary and Secondary Education

Type of Review: Emergency.

Title: Goals 2000 Comprehensive Local Reform Assistance.

Abstract: The Secretary proposes application requirements and selection criteria for Goals 2000 Comprehensive Local Reform Assistance grants. These grants assist local education agencies in the development and implementation of comprehensive local improvement plans directed at enabling all children to reach challenging academic standards.

Additional Information: The Department of Education analyzes these applications to determine which applicants are best qualified to receive Federal funds under the law. Without the information supplied in this application, that judgment could not be objectively made and these appropriated funds could not be awarded.

Frequency: One-time.

Affected Public: State, local or Tribal Government, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 100.

Burden Hours: 5,000.

[FR Doc. 96–12529 Filed 5–17–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Proposed Collection; Comment Request

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments concerning the proposed new Form EIA–901, ''Monthly Report of Natural Gas Marketers''; extension without changes to the Standby Form EIA–191S, ''Weekly Underground Gas Storage Report'', and Standby Form EIA–857S, ''Weekly Report of Natural Gas Purchases and Deliveries to Consumers''; extension with changes to Forms EIA–176, ''Annual Report of Natural and Supplemental Gas Supply and Disposition'', EIA–191, ''Monthly Underground Gas Storage Report'', EIA–857, ''Monthly Report of Natural Gas Purchases and Deliveries to Consumers'', and EIA–895, ''Monthly Quantity and Value of Natural Gas Report''; and discontinuation of the Form EIA–627, ''Annual Quantity and Value of Natural Gas Report''.

DATES: Written comments must be submitted on or before July 19, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to Margaret Natof, Reserves and Natural Gas Division, EI–441, Office of Oil and Gas, Energy Information Administration, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–6303, or E-mail to mnatof@eia.doe.gov, or FAX at 202–586–1076.

FOR FURTHER INFORMATION: Requests for additional information or copies of the forms and instructions should be directed to Margaret Natof at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No. 93–275) and the Department of Energy Organization Act (Pub. L. No. 95–91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data and information program. As part of this program, EIA collects, evaluates, assembles, analyzes, and disseminates data and information related to energy resource reserves, production, demand, and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

The Energy Information Administration, as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13)), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Following is background information on each form in the clearance package:

Form EIA–176, ''Annual Report of Natural and Supplemental Gas Supply and Disposition''

The Form EIA–176 provides the EIA with the major elements of information required to combine and merge with data collected in other EIA surveys to develop natural gas supply and disposition balances and relevant gas

cost, price, and related information at the State level.

The information collected on the Form EIA–176 is needed and used by the DOE for the following purposes:

(1) to develop and make available to the Congress, the States, and the public an accurate assessment of the supply of natural and supplemental gas available to each of the States from all sources, both internal and external, and the manner in which such supply was utilized or otherwise disposed of;

(2) to determine the quantity of natural gas and supplemental gaseous fuels consumed within each of the States by market sector, the average price for such gas, and the changes in consumption and price patterns over time;

(3) to provide natural gas data to EIA publications including the Annual Energy Review, Annual Energy Outlook, and other EIA publications which are distributed to the Congress, government, industry, and the public; and

(4) to provide natural gas data for the Natural Gas Annual.

EIA–191, ''Monthly Underground Gas Storage Report''

Form EIA–191 requests monthly data on the location, ownership, capacity, and operations of all active underground natural gas storage fields. Storage data are a critical link in understanding the deliverability of the natural gas system and overall system operations.

Information collected on the Form EIA–191 is used by the EIA in the following ways:

(1) to provide State level data on underground natural gas storage with respect to injections, withdrawals, inventories, type of storage facility, location, and capacity for the EIA's Natural Gas Monthly. This monthly data collection also provides reliable baseline data on storage operations necessary for analyses, modeling, and comparison with normal industry operations in case of severe weather, natural disasters, or other extreme circumstances;

(2) to provide data on underground natural gas operations for EIA's Monthly Energy Review, Annual Energy Review, Annual Energy Outlook, and Short Term Energy Outlook;

(3) to provide data on underground natural gas storage inventories monthly for various analyses and publications; and

(4) to provide data on all aspects of underground natural gas storage to enable EIA and other elements of DOE to identify and assess supplies of natural gas in storage by geographic location on a timely basis.

EIA–857, ''Monthly Report of Natural Gas Purchases and Deliveries to Consumers''

Monthly State level data collected on Form EIA–857 are aggregated by EIA and used to develop information on the average cost of gas purchased by natural gas distribution companies at their citygates, consumption of natural gas by sector, and average price of gas by sector. These data are necessary to provide timely information needed to measure the combined impact of government, industry, and consumer actions; geographic location; interfuel competition; climatic conditions; and other factors upon the natural gas industry and natural gas consumers.

Aggregate monthly data are published in EIA's Natural Gas Monthly and Monthly Energy Review, and are made available to the Congress, State governments, industry, and the public.

EIA–895, ''Monthly Quantity of Natural Gas Report''

Form EIA–895 collects monthly data from the appropriate State agencies concerning natural gas production. It provides details on gross withdrawals from gas and oil wells, on volumes vented and flared, volumes used for repressuring, volumes of nonhydrocarbon gases removed, volumes used as fuel on leases, and the amount of natural gas available for market. These data are routinely collected by the States for taxation and statistical purposes.

The aggregate data are published in the Natural Gas Monthly, Natural Gas Annual, Monthly Energy Review, and Annual Energy Review.

Form EIA–901, ''Monthly Survey of Natural Gas Marketers''

The proposed Form EIA–901 will provide EIA with information which will be used to estimate the average price of natural gas delivered to end users by State, month, and consuming sector.

The information collected on the EIA–901 will be compiled, combined with data from the Form EIA–857, and used by EIA to estimate monthly volume-weighted average prices of natural gas delivered to end users by sector in each of the States and the total for the United States. Data summaries will be published in the Natural Gas Monthly and Monthly Energy Review and will be made available to DOE, Congress, State governments, industry, and the public. The data collected from this survey will also be used by the DOE as baseline information for State and regional studies and forecasts of natural gas prices. (EIA is currently conducting a pretest of the EIA–901.)

Standby Forms EIA–857S, ''Weekly Report of Natural Gas Supplies and Deliveries to Consumers,'' and EIA–191S, ''Weekly Underground Gas Storage Report''

The standby Forms EIA–857S and EIA–191S are designed to fill gaps in the natural gas data collections where monthly data do not provide sufficient information for responses to natural disasters, severe weather, or other catastrophic events. The data would permit EIA to monitor the impact of regional disruptions on a weekly basis when the EIA Administrator determines that conditions or events warrant more frequent data collection.

Data elements on the forms are identical to those on the ''parent'' forms EIA–857 and EIA–191 except the weekly forms are simplified to the maximum extent possible. The standby forms are intended only for use as determined necessary in extreme situations. EIA would notify OMB of the intent to use the form(s), the region(s) affected, and the estimated burden.

II. Current Actions

This notice includes a new data collection, the EIA–901; an extension of current data collections without change, the EIA–191S, and EIA–857S; and extension of current data collections with changes, the EIA–176, EIA–191, EIA–857, and EIA–895. EIA proposes to discontinue the Form EIA–627. Later this year, a request will be made of the Office of Management and Budget to approve the proposed forms as the Natural Gas Program Package with an expiration date of December 31, 1999.

EIA–901, ''Monthly Report of Natural Gas Marketers''

EIA's current data collection system is based on the concept of ''bundled'' natural gas sales and transportation arrangements. Prior to FERC Order 636, data on bundled natural gas deliveries were readily available from those companies that delivered to end use customers (principally local distribution companies and pipelines). Since the companies making the deliveries had both custody and ownership of the gas, EIA could also collect price data from those companies making deliveries.

With the current system of unbundled sales and transportation, EIA still obtains complete reporting of volumes delivered to end users. Since third parties can now arrange for the sale of natural gas, EIA has lost coverage of the

prices paid by many consumers, particularly in the industrial sector.

In meetings with EIA data providers and data users, the importance of the consumer price data were given high priority. Those prices are important indicators of the overall structure and functioning of the natural gas marketplace. The data are needed and used by the business community for planning purposes and as benchmark and baseline data.

EIA is proposing to collect data from natural gas marketers who are the new participants in the industry since the implementation of Order 636. The data collection would ask marketers to provide monthly reports of volumes, revenues, and distribution costs for natural gas delivered to customers f.o.b. (free on board) the end users' burnertip or f.o.b. the citygate. (EIA is currently pretesting the EIA–901.)

The data would be combined with data collected from both the revised Form EIA–176 and the revised Form EIA–857 to construct end-use prices for each consuming sector.

EIA–176, ''Annual Report of Natural and Supplemental Gas Supply and Disposition''

EIA is proposing to change the EIA–176 to collect the revenues on deliveries of natural gas transported for the account of others in Part V, lines 7.1 through 7.4.6.2 of the form. This information will supplement data proposed to be collected on the Form EIA–901, ''Monthly Report of Natural Gas Marketers.'' The proposed changes are expected to place a small increased burden on respondents.

EIA–191, ''Monthly Underground Gas Storage Report''

EIA is not proposing any format changes to the Form. However, EIA has received requests for release of the Form EIA–191 data. Therefore, EIA is asking respondents to reconsider and to demonstrate the extent to which their information constitutes trade secrets or commercial and financial information whose release would cause substantial harm to their company's competitive position.

EIA–627, ''Annual Quantity and Value of Natural Gas Report''

EIA is proposing the discontinuation of this voluntary form. A proposed change to the EIA–895 would request monthly data on value of natural gas at the wellhead and eliminate the need for a separate annual data collection on the EIA–627.

EIA–857, ''Monthly Report of Natural Gas Purchases and Deliveries to Consumers''

EIA proposes only one change to the EIA–857, to collect revenue data on lines 13 through 18 of the form. The purpose of gathering transportation revenue data is to supplement data gathered on the proposed Form EIA–901 in the development of end-user price data. A small change in burden to respondents is anticipated.

EIA–895, ''Monthly Quantity and Value of Natural Gas Report''

Proposed changes to the EIA–895 include adding a column to the form to collect data on the value of each volume item on the form. The title of the Form would be changed to ''Monthly Quantity and Value of Natural Gas Report.'' This voluntary report is filed by State agencies of each of the natural gas producing States. The reporting burden for the EIA–895 would be expected to increase from 30 minutes to 45 minutes per response.

Standby Forms EIA–191S, ''Weekly Underground Gas Storage Report,'' and EIA–857S, ''Weekly Report of Natural Gas Purchases and Deliveries to Consumers''

No changes are requested to these standby forms. EIA has not previously invoked the use of the forms in emergency situations, but would like to retain the ability to do so should circumstances warrant.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of responses. Since this notice covers more than one form, please indicate to which form(s) your comments apply.

General Issues

EIA is interested in receiving comments from persons regarding:

A. Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Practical utility is the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can EIA make to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can data be submitted in accordance with the due date specified in the instructions?

C. Public reporting burden for the proposed forms is estimated to average 4 hours per month for the EIA–901, 20.9 hours annually for the EIA–176, 3.6 hours per month for the EIA–191, 4 hours per month for the EIA–857, and 50 minutes per month for the EIA–895 per response. The burden estimate for the EIA–191S is 4 hours per response and the EIA–857S is 4 hours per response on a weekly basis. Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information including: (1) reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

Please comment on (1) the accuracy of our estimate and (2) how the agency could minimize the burden of the collection of information, including the use of automated collection techniques or other forms of information technology.

D. What are the estimated (1) total dollar amount annualized for capital and start-up costs, and (2) recurring annual dollar amount of operation and maintenance and purchase of services costs associated with these data collections? The estimates should take into account the costs associated with generating, maintaining, and disclosing or providing the information. Estimates should not include purchases of equipment or services made as part of customary and usual business practices, or the cost of any burden hours for completing the forms. EIA estimates that there are no additional costs other than those that the respondent incurs in keeping the information for its own uses.

E. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the methods of collection.

As a Potential User

A. Can you use data at the levels of detail indicated on the forms?

B. For what purposes would you use the data? Be specific.

C. Are there alternate sources of data and do you use them? If so, what are their deficiencies and/or strengths?

D. For the most part, information is published by EIA in U.S. customary units, e.g., cubic feet of natural gas. Would you prefer to see EIA publish more information in metric units, e.g., cubic meters? If yes, please specify what information (e.g., natural gas consumption), the metric unit(s) of measurement preferred, and in which EIA publication(s) you would like to see such information.

Specific Issues

EIA is seeking comments on the following specific issues related to the forms covered by this Notice:

Confidentiality of Data on the EIA–191

EIA has received numerous requests for company-level information filed on the EIA–191. Since these data were collected under a pledge of confidentiality, those requests have been denied. However, in light of the fact that many respondents routinely provide their data to the trade press and others, this issue is being reexamined.

A. Should EIA continue to preserve the confidentiality of EIA–191 data?

B. What would be the impact on your company of the release of its filings of the EIA–191?

C. What would be the impact on your company if the EIA were to aggregate your filings from the field level to the company level and release only the company-level aggregate data?

D. How are field-level or company-level natural gas storage data useful to you?

Tax Revenue Information Reported on the EIA–176 and EIA–857

Currently taxes are included in the revenues collected on the EIA–176 and EIA–857. Can your company provide separate data, either as a rate or in dollars, on the taxes collected from its deliveries of natural gas to consumers?

Firm and Interruptible Deliveries (EIA–176)

EIA has been collecting information on EIA–176 on deliveries of natural gas to end users divided into the categories ''firm'' and ''interruptible''. Because natural gas purchases and contracting practices have changed significantly since the advent of Order 636, we are requesting your comments on the desirability of continuing to collect these data at this level of detail.

A. For Responding Companies: Is your company able to provide reliable data in response to these data items?

B. For Data Users: Are the data on firm and interruptible deliveries of natural gas to end users useful to you?

Deliveries of Natural Gas to Nonutility Power Producers (Forms EIA–176 and EIA–857)

A. For Data Providers: Is your company able to provide reliable data on deliveries to nonutility power producers?

B. For Data Providers and Users: Are the data on deliveries of natural gas to nonutility power producers useful?

Gas Used for Agriculture (Forms EIA–176 and EIA–857)

Natural gas consumed in agriculture operations has always been classified as part of the commercial sector. For all other fuels on which EIA collects data, agriculture use is considered part of the industrial sector.

A. For Respondent Companies: Is your company able to separate natural gas deliveries to agricultural users and report them as part of the industrial sector?

B. For Data Users: Transferring agricultural use to the industrial sector would allow more meaningful comparisons with other fuels. It would also mean a break in series because EIA has no precise measure of agricultural use with which to adjust previously published data. Should EIA request this change of sector definition?

Electronic or Other Filing Options

EIA is continually seeking ways to improve the convenience of reporting for respondents. Electronic methods of filing EIA forms provide respondents with options that many find easier and less time-consuming than the traditional paper forms. Also, because some editing is performed as data are entered, filing electronically often produces higher quality reports and respondents are subject to fewer follow-up contacts from EIA staff to resolve questions. Electronic filing is preferred by EIA but is not mandatory. Currently the EIA–176 offers an electronic filing option provided on a personal computer diskette programmed with software that can be used on most IBM compatible computers. The EIA–191 offers an electronic filing option which allows users to transmit data directly to the EIA mainframe computer.

A. Does your company have any questions or concerns about the electronic filing options offered by EIA?

B. What other electronic filing options could be offered that your company would like to use?

Revenue Data on the EIA–176 and EIA–857

A. Can respondent companies provide the revenue data for gas transported for the account of others requested on the EIA–176 and the EIA–857?

B. What revenues are included in the data that respondents are asked to provide in response to these new data items?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., May 13, 1996.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 96–12593 Filed 5–17–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP96–500–000]

Northwest Pipeline Corporation; Notice of Application for Authorization To Abandon and Replace Facilities

May 14, 1996.

Take notice that, on May 6, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, UT 84108, filed an abbreviated application in Docket No. CP96–500–000: (1) for authorization, pursuant to section 7(b) of the Natural Gas Act, to abandon and remove approximately 200 feet of existing 22-inch pipeline on Northwest's Ignacio to Sumas mainline at a railroad crossing near Soda Springs, in Caribou County, Idaho; and (2) for authorization, pursuant to section 7(c) of the Natural Gas Act and part 157 of the Commission's regulations, to replace that 200-foot segment with new 22-inch replacement pipeline and appurtenances, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Northwest states that the cathodic protection system for the existing 22-inch pipeline segment has been compromised, leading to the potential for future pipeline damage. Northwest asserts that the proposed replacement is required by the present and future public convenience and necessity

because the replacement is needed to maintain the integrity of its mainline transmission system and reduce the risk of pipeline failure and service interruptions to its shippers.

Northwest states that the replacement will occur entirely within Northwest's existing permanent right-of-way, at milepost 539.1 on Northwest's mainline in Caribou County, ID, and that the estimated cost of the proposed project is approximately $870,000—$770,000 to construct the replacement pipeline segment and $100,000 to remove the existing pipeline segment.

Northwest states that: (1) the 22-inch pipeline to be replaced was originally constructed by Northwest's predecessor, Pacific Northwest Pipeline, pursuant to a certificate authorization in Docket No. G–1429 (13 FPC 221); (2) several areas of new temporary construction workspace and a new access road (which may not have been included in the scope of the original construction certificate authorization) will be required to accommodate the construction techniques Northwest needs to employ to remove the existing pipeline from the casing and to install the new replacement pipeline, either in the existing casing or in a new bored, uncased railroad crossing in the existing permanent right-of-way; and (3) Northwest is seeking the subject abandonment and certificate approvals because the contemplated use of temporary construction workspace areas and a new access road do not meet the guidelines for a facilities replacement project under 18 CFR 2.55(b), as clarified in the Commission's March 15, 1995 letter to Tennessee Gas Pipeline Company in Docket No. CP95–198–000.

Northwest also states that, to avoid service disruptions to its customers receiving service at the Soda Springs Meter Station during construction, Northwest will install a temporary 2-inch (above-ground) pipeline, extending approximately 4,120 feet from upstream of the closed block valve to that delivery point.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before June 4, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application, if no motion to intervene is filed within the time required herein, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northwest to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12554 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1663–000]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Co., Notice of Filing

May 14, 1996.

Take notice that Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company (''the Companies''), on April 29, 1996, tendered for filing a Joint Application for Authority To Sell Electric Energy at Market-Based Rates Using a Power Exchange. The application describes the way prices will be determined for sales through the Power Exchange (''PX'') and the structure and governance of the PX. The Companies propose to supplement the market power showing in the application on May 29, 1996. The Commission anticipates that it will issue an additional notice for the supplemental filing, with a new comment date, at that time.

In addition, the application sets forth recommended time frames for actions by the Companies, the Commission, and the participants in this proceeding. The Commission invites comments on these procedural proposals in addition to comments on the substantive proposal.

Copies of the filing were served upon the Public Utilities Commission of the State of California and other interested parties.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 214 and 211 of the Commission's Rules of Practice and Procedure, 18, CFR 385.214 and 385.211. All petitions or protests should be filed on or before June 13, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12619 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL96–48–000]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Co.; Notice of Filing

May 14, 1996.

Take notice that Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company (''the Companies''), on April 29, 1996, tendered for filing a Petition for a Declaratory Order. This petition requests that the Commission confirm the delineation of certain facilities as ''local distribution'' (subject to state regulation) and certain other facilities as ''transmission'' (subject to Commission jurisdiction) based upon their existing uses.

In addition, the application sets forth recommended time frames for actions by the Companies, the Commission, and the participants in this proceeding. The Commission invites comments on these procedural proposals in addition to comments on the substantive proposals.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. All petitions or protests should be filed on or before June 13, 1996. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12620 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC96–19–000]

Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Co.; Notice of Filing

May 14, 1996.

Take notice that Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company (''the Companies''), on April 29, 1996, tendered for filing a Joint Application for Authorization To Convey Operational Control of Designated Jurisdictional Facilities to an Independent System Operator. This application requests authorization to transfer operational control (but not ownership) of certain transmission facilities to an Independent System Operator (''ISO''). The application describes the proposed governance and structure of the ISO, the manner in which the ISO will operate, and the transmission access and pricing rules that will apply to service over the ISO grid.

In addition, the application sets forth recommended time frames for actions by the Companies, the Commission, and the participants in this proceeding. The Commission invites comments on these procedural proposals in addition to comments on the substantive proposal.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. All petitions or protests should be filed on or before June 13, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12621 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–370–000]

Transwestern Pipeline Company; Notice of Application

May 14, 1996.

Take notice that on April 30, 1996, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed an application with the Commission in Docket No. CP096–370–000 pursuant to Sections 7(b) and 7(c) of the Natural Gas Act (NGA) requesting a blanket certificate of public convenience and necessity, authorizing Transwestern to install and operate mobile compressors on a temporary basis while existing compressors are undergoing maintenance, and permission and approval to abandon the compressors, all as more fully set forth in the application which is open to the public for inspection.

Transwestern states that it requires the blanket certificate in order to maintain throughout in the event of scheduled or unscheduled maintenance. Transwestern also states that it would attempt to achieve comparable horsepower and deliverability with the temporary compressors as that which is available with the permanent compressors. Transwestern asserts that the blanket certificate would enable Transwestern to install temporary compressors without a prior filing and to avoid interruptions of service to customers. Transwestern states that it does not own a compressor unit which could be used on an as-needed, temporary basis and that it would use rental units at a cost estimated to be no greater than $75,000 per unit per month.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 1996, file with the Federal Energy Regulatory Commission, 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 or 385.211) and the Regulations under the NGA (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 proceedings. Any person wishing to become a part 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA 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 with the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transwestern to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12553 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1573–000, et al.]

Duquesne Light Company, et al.; Electric Rate and Corporate Regulation Filings

May 13, 1996.

Take notice that the following filings have been made with the Commission:

1. Duquesne Light Company

[Docket No. ER96–1573–000]

Take notice that on April 15, 1996, Duquesne Light Company filed a Network Integration Service Tariff and Point-to-Point Transmission Service Tariff.

Copies of the filing were served on the Pennsylvania Public Utility Commission.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. UNITIL Power Corporation

[Docket No. ER96–1700–000]

Take notice that on April 30, 1996, UNITIL Power Corporation, tendered for filing pursuant to Schedule II Section H of Supplement No. 1 to Rate Schedule FERC Number 1, the UNITIL System Agreement, the following material:

1. Statement of all sales and billing transactions for the period January 1, 1995 through December 31, 1995 along

with the actual costs incurred by UNITIL Power Corp. by FERC account.

2. UNITIL Power Corp. rates billed from January 1, 1995 to December 31, 1995 and supporting rate development.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Union Electric Company

[Docket No. ER96–1701–000]

Take notice that on May 1, 1996, Union Electric Company (UE), tendered for filing an Interchange Agreement dated April 12, 1996, between UE and Louisville Gas and Electric Company. UE asserts that the purpose of the Agreement is to set out specific rates, terms and conditions for the types of power and energy to be exchanged.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Public Service Corporation

[Docket No. ER96–1702–000]

Take notice that on May 1, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed service agreement under its CS–1 Coordination Sales Tariff. The affected customer is Oconto Electric Cooperative. The service agreement provides for capacity and energy sales for an initial ten-year period. On behalf of itself and the customer, WPSC requests an effective date of May 1, 1996.

WPSC has served copies of its filing on Oconto Electric Cooperative, the Public Service Commission of Wisconsin and the other customers served under WPSC's CS–1 Tariff.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Pacific Gas and Electric Company

[Docket No. ER96–1703–000]

Take notice that on May 1, 1996, Pacific Gas and Electric Company (PG&E), tendered for filing a Scheduling Services Agreement dated April 24, 1996, (the Agreement), between the USGen Power Services, L.P. (USGenPS) and PG&E. USGenPS is a Delaware limited partnership acting as a marketer of electric power. The Agreement provides for PG&E acting as USGenPS's Scheduling Agent for its customers for the purposes of scheduling certain electric power outside the PG&E Control Area.

Copies of this filing have been served upon USGenPS and the California Public Utilities Commission.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Black Hills Corporation

[Docket No. ER96–1704–000]

Take notice that on May 1, 1996, Black Hills Corporation (Black Hills), which operates its electric utility business under the name Black Hills Power and Light Company, tendered for filing a power sales agreement, dated as of April 25, 1996, between Black Hills and Calpine Power Services Company.

The new agreement provides for Black Hills to sell Calpine Power Services Company firm capacity and energy during certain defined on-peak periods during 1996 and 1997.

Black Hills requests and provides waiver of the Commission's notice requirements to permit this rate schedule to become effective June 1, 1996.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Idaho Power Company

[Docket No. ER96–1705–000]

Take notice that on May 1, 1996, Idaho Power Company tendered for filing with the Federal Energy Regulatory Commission, amendments to Rate Schedule FERC No. 84, its Power Sale Agreement with the cities of Azusa, Banning and Colton, California.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Portland General Electric Company

[Docket No. ER96–1706–000]

Take notice that on May 1, 1996, Portland General Electric Company (PGE), tendered for filing a Revision No. 7 to Exhibit C and Revision No. 2 to Exhibit D of the General Transfer Agreement for Integration of Resources between the Bonneville Power Administration and PGE, Contract No. DE–MS79–89BP02273, (Portland General Electric Rate Schedule FERC No. 185).

Copies of the filing have been served on the Bonneville Power Administration.

Pursuant to 18 CFR 35.11, PGE respectfully requests that the Commission grant waiver of the notice requirements of 18 CFR 35.3 to allow the revisions to become effective as of March 31, 1996.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Duke Power Company

[Docket No. ER96–1708–000]

Take notice that on May 1, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and The Cincinnati Gas & Electric Company and PSI Energy, Inc. (hereinafter referred to as Cinergy Companies). Duke states that the TSA sets out the transmission arrangements under which Duke will provide Cinergy Companies non-firm transmission service under its Transmission Service Tariff.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Wisconsin Power and Light Company

[Docket No. ER96–1713–000]

Take notice that on May 1, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing an Agreement dated April 25, 1996, establishing Prairie du Sac Electric and Water Utility as a customer under the terms of WP&L's Network Integration Service Transmission Tariff.

WP&L requests an effective date of May 1, 1996, and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Maine Electric Power Company

[Docket No. ER96–1714–000]

Take notice that on May 1, 1996, Maine Electric Power Company (MEPCO), tendered for filing an extension of the term of the Participation Agreement entered into between it and certain United States Utilities, dated June 20, 1969, as amended.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Northern Indiana Public Service Company

[Docket No. ER96–1715–000]

Take notice that on May 1, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and K N Marketing, Inc.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to

K N Marketing, Inc. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepting for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and K N Marketing, Inc. request waiver of the Commission's sixty-day notice requirement to permit an effective date of May 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Northern Indiana Public Service Company

[Docket No. ER96–1716–000]

Take notice that on May 1, 1996, Northern Indiana Public Service Company, tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and Valero Power Services Company.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to Valero Power Services Company under Northern Indiana Public Service Company's Power Sales Tariff, which was accepting for filing by the Commission and made effective by Order dated August 17, 1995 in Docket No. ER95–1222–000. Northern Indiana Public Service Company and Valero Power Services Company request waiver of the Commission's sixty-day notice requirement to permit an effective date of May 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: May 28, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12622 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–297–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Intent To Prepare an Environmental Assessment for the Proposed Security Loop II Project and Request for Comments on Environmental Issues

May 14, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed by the Great Lakes Gas Transmission Limited Partnership (Great Lakes) for its Security Loop II Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Great Lakes wants to complete the looping of its entire mainline system which is fully subscribed with firm service, to provide greater reliability and operating flexibility for its shippers.[2] Great Lakes seeks authority to construct and operate three segments of 36-inch-diameter pipeline loop in the Upper Peninsula of Michigan:

- Loop Segment 1 would be about 2.4-miles-long, wholly within Delta County, Michigan. It would begin at milepost (MP) 560.3 along Great Lakes' existing mainline and end at Great Lakes' existing Rapid River Compressor Station at MP 562.7.
- Loop Segment 2 would be about 12.5-miles-long, also within Delta County, Michigan, extending from MP 562.7 to MP 575.2.
- Loop Segment 3 would be about 9.6-miles-long, in Mackinac County, Michigan. It would begin at Great Lakes' existing Naubinway Compressor Station at MP 640.1 and end at MP 649.7.

As part of this project, Great Lakes would modify existing piping and install additional above-ground facilities at its Rapid River and Naubinway Compressor Stations, and Rapid River Meter Station.[3] The proposed loop construction would also necessitate the abandonment and removal of the existing tie-ins at the beginning of Loop Segment 1, the end of Loop Segment 2, and the end of Loop Segment 3.

The general location of the proposed project facilities are shown in appendix 1.[4]

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern. Federal agencies can request to be cooperating agencies in the preparation of the EA.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries and wetlands.

[1] Great Lakes' application was filed with the Commission on April 4, 1996 under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The only portions of Great Lakes' existing 968-mile-long 36-inch-diameter mainline which have not been looped are the three segments, totalling 24.5 miles, addressed in this proposal. A loop is a segment of pipeline which is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through that segment of the pipeline system.

[3] The proposed above-ground facilities would consist of a pig launcher and receiver at the Rapid River Compressor Station, a launcher at the Naubinway Compressor Station, and a valve at the Rapid River Meter Station.

[4] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

- Vegetation and wildlife.
- Endangered and threatened species.
- Cultural resources.
- Land use.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention in the EA based on a preliminary review of the proposed facilities and information provided by Great Lakes. Keep in mind that this is a preliminary list.

- Loop Segment 1 would cross lands managed by the Escanaba River State Forest. Loop Segments 1 and 2 would cross lands managed by the Hiawatha National Forest. Loop Segment 3 would cross lands managed by the Lake Superior State Forest.
- Loop Segment 2 would cross the Bay de Noc—Grand Island recreational trail and the Nahma snowmobile trail.
- The three loop segments combined would cross about 12.2 miles of forested land, and about 1.1 mile of agricultural land.
- One residence is located within 50 feet of the proposed construction right-of-way for Loop Segment 1.
- Loop Segment 2 would cross the Whitefish River, which is federally listed as a Wild and Scenic River. The three loops combined would cross 17 other perennial streams, 13 of which have been classified as cold water fisheries.
- The three loops combined would cross 32 wetlands, totalling about 10.6 miles.
- A total of 12 cultural resource sites have been identified along all three loops segments combined, of which 9 have been recommended for additional investigation.

The list of issues may be added to, subtracted from, or changed based on your comments and our analysis.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Washington, D.C. 20426;
- Reference Docket No. CP96–297–000;
- Send a *copy* of your letter to: Paul Friedman, EA Project Manager, Federal Energy Regulatory Commission, OPR/DEER/ERCI—PR11.1, 888 First St., N.E., Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before June 17, 1996.

Additional information about the proposed project is available from Paul Friedman, EA Project Manager, at (202) 208–1108. If you wish to receive a copy of the EA, you should request one from Mr. Friedman at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor.'' Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for later intervention. You do not need intervenor status to have your scoping comments considered.

Lois D. Cashell,

Secretary.

[FR Doc. 96–12552 Filed 5–17–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5508–1]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; Pre-Certification and Testing Exemptions Reporting and Recordkeeping Requirements for Motor Vehicles and Motor Vehicle Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Pre-Certification and Testing Exemptions Reporting and Recordkeeping Requirements for motor vehicles and motor vehicle engines (OMB Control No. 2060–0007, approved through 5/31/96). The ICR describes the nature of the information collection and its expected burden and cost.

DATES: Comments must be submitted on or before June 19, 1996.

FOR FURTHER INFORMATION OR A COPY CALL:

Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 95.0.

SUPPLEMENTARY INFORMATION

Title: Pre-Certification and Testing Exemptions Reporting and Recordkeeping Requirements, OMB No. 2060–0007, Expiration date 5/31/96. This ICR is requesting a revision of a currently approved collection activity.

Abstract: Manufacturers of new motor vehicles or engines, manufacturers of vehicle or engine parts, fuel refiners, manufacturers in the business of importing, modifying, or testing uncertified vehicles for resale, and Independent Commercial Importers (ICIs) will report and keep records of applications for pre-certification and testing exemptions. Upon EPA request, they will submit this information to EPA. EPA will use this information to ensure that uncertified vehicles or engines from the pre-certification program and testing exemption program are introduced into commerce only on a temporary basis for legitimate purposes.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed

in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 3/4/96 (61 FR 8271); no comments were received.

Burden Statement: Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjusting the existing ways to comply with previously applicable instructions and requirements; training personnel to be able to respond to a collection of information; searching data sources; completing and reviewing the collection of information, and transmitting or otherwise disclosing the information.

The following table represents the estimated annual burden for this ICR.

Activity	Burden hours	Cost per response	Frequency	Number of respondents
A. Pre-certification exemptions:				
1. Manufacturers	3	$180.00	1	40
2. ICI	3	180.00	1	25
B. Testing exemptions:				
1. Manufacturers/No Importation	40	2,400.00	1	15
2. NonManufacturers/No Importation	5.25	315.50	1	5
3. All/Importation	3	180.00	1	55

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 95.08 and OMB Control No. 2060–0007 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street SW., Washington, D.C. 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street NW., Washington, D.C. 20503.

Dated: May 14, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–12608 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5507–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Emission Defect Information and Voluntary Emissions Recall Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507(a)(1)(D)), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Emission Defect Information and Voluntary Emissions Recall Reports (OMB Control No. 2060–0048, approved through 5/31/96). The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 19, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 282.08.

SUPPLEMENTARY INFORMATION:

Title: Emission Defect Information and Voluntary Emissions Recall Reports (OMB Control No. 2060–0048; EPA ICR No. 282.08) expiring 5/31/96. This ICR is requesting an extension of a currently approved collection activity.

Abstract: Some manufacturers of motor vehicles and certain engines are required to submit two different reports under 40 CFR Part 85, Subpart T, Part 89, Subpart I and Part 90, Subpart I. These reports are only required where certain conditions involving emission defects or voluntary recalls occur.

The ''defect information report'' (DIR) contains data regarding the class or engine family and number of vehicles or engines on which a defect has been found, and a description of the defect and its effects on vehicle or engine performance and emissions. The Agency uses the DIR to help identify emission-related defects or classes of vehicles or engines which may not comply with federal emissions standards.

The ''voluntary emission recall'' (VER) report contains data on voluntary recall campaigns conducted by manufacturers, including the procedures used by the manufacturers to conduct voluntary recall campaigns, the identification of vehicles or engines affected by the campaign, and the repair to be completed on recalled vehicles or engines; progress or quarterly updates of the VER reports track the number of vehicles or engines repaired. The Agency uses the VER report and progress reports to ensure that manufacturers are following acceptable procedures when conducting recalls and to track the progress and effectiveness of voluntary recall campaigns.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 3/4/96 (61 FR 8273); no comments were received.

Burden Statement: Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjusting the existing ways to comply with any previously applicable instructions and requirements; training personnel to be able to respond to a collection of information; searching data sources, completing and reviewing the collection of information; and transmitting or otherwise disclosing the information.

Respondents/Affected Entities: Motor vehicle, motor vehicle engine, large non-road and small non-road engine manufacturers.

Estimated Number of Respondents: 33

Estimated Total Annual Burden: 1669 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 282.08 and OMB Control No. 2060–0048 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street SW., Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA 725 17th Street NW., Washington, DC 20503.

Dated: May 14, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–12609 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5508–2; OMB #2060–0043; EPA #1081.05]

Agency Information Collection Activities Under OMB Review; National Emission Standards for Hazardous Air Pollutants: Inorganic Arsenic Emissions From Glass Manufacturing Facilities (Subpart N)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507(a)(1)(D), this notice announces that the Information Collection Request (ICR) for the National Emission Standards for Hazardous Air Pollutants: Inorganic Arsenic Emissions from Glass Manufacturing Facilities (Subpart N) described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 19, 1996..

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 2060–0043.

SUPPLEMENTARY INFORMATION:

Title: OMB Control No. 2060–0043; EPA ICR No. 1081.05. This is a request for extension of a currently approved collection.

Abstract: The Administrator has judged that arsenic emissions from glass manufacturing plants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Owners or operators of sources covered by these standards are subject to the recordkeeping and reporting requirements of the standards as well as those standards prescribed in the General Provisions of the NESHAP.

Owners or operators of the affected facilities described must make the following one-time-only reports: Application for approval of construction or modification (new sources) or a source report (existing sources or new sources with initial start-up preceding effective date of standard); and notification of anticipated and actual dates of start-up. Calculations estimating new emission levels must be reported whenever a change of operation is made that would potentially increase emissions.

Sources subject to these standards are required to demonstrate initial compliance through emission tests. In addition, a continuous monitoring system for the measurement of the opacity of emissions from any control device must be installed and operated. Records of continuous emission monitoring (CEM) results and other data needed to determine emission concentrations shall be maintained at the source and made available for inspection for a minimum of two years.

A written report of each period for which emission rates exceeded the emission limits is required semiannually. All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. Applications and source reports are sent directly to the EPA Regional Office. Applications and source reports are used to inform the Agency or delegated authority when a source becomes subject to the standards, and the nature of that source. Notification of start-up informs the reviewing authority at what date the source becomes subject to the standards. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated.

Reports, including calculations estimating any subsequent emission levels, are necessary to keep the Agency informed about the source's activities in terms of hazardous air pollutant emissions.

In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and recordkeeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 29, 1995.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6,769 hours. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 47.

Estimated Number of Respondents: 47.

Frequency of Response: 2.

Estimated Number of Responses: 43.

Estimated Total Annual Hour Burden: 6769 hours.

Estimated Total Annualized Cost Burden: $206,116.

Sent comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1081.05 and OMB Control No. 2060–0043 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street SW., Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

Dated: May 14, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–12629 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL–5507–5]

Control Techniques Guidelines Document; Wood Furniture Manufacturing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of release of final control techniques guidelines (CTG) document.

SUMMARY: A final CTG document for control of volatile organic compounds (VOC) emissions from wood furniture finishing and cleaning operations is available to assist States in analyzing and determining reasonably available control technology (RACT) for stationary sources of VOC emissions located within ozone nonattainment areas. The document recommends RACT for industries included in, but not limited to, nine Standard Industrial Classification (SIC) codes: Wood Kitchen Cabinets (SIC 2434); Wood Household Furniture, except upholstered (SIC 2511); Wood Household Furniture, upholstered (SIC 2512); Wood Television, Radio, Phonograph, and Sewing Machine Cabinets (SIC 2517); Household Furniture Not Classified Elsewhere (SIC 2519); Wood Office Furniture (SIC 2521); Public Building and Related Furniture (SIC 2531); Wood Office and Store Fixtures (SIC 2541); and Furniture and Fixtures Not Elsewhere Classified (SIC 2599).

ADDRESSES: *Control Techniques Guideline.* Copies of the CTG may be obtained from the US EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Almodóvar, (919) 541–0283, Coatings and Consumer Products Group, Emission Standards Division (MD–13), US Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The docket is available for public inspection at the Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, which is listed in the **ADDRESSES** section of this notice. The final CTG document is also available on the Technology Transfer Network (TTN), on the EPA's electronic bulletin boards. This bulletin board provides information and technology exchange in various areas of air pollution control. The service is free, except for the cost of a telephone call. Dial (919) 541–5742 for up to a 14,400 bps modem. If more information on TTN is needed, call the HELP line at (919) 541–5384.

I. Background

Under the Clean Air Act (CAA), as amended in 1990, State implementation plans (SIP) for ozone nonattainment areas must be revised to require RACT for control of VOC emissions from sources for which the EPA has already published a CTG or for which it will publish a CTG between the date the Amendments were enacted and the date an area achieves attainment status (CAA 182(b)(2)). The EPA has defined RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering the technological and economic feasibility'' (September 17, 1979, 44 FR 53761).

The CTG review current knowledge and data concerning the technology and costs of various emissions control techniques. The CTG are intended to provide State and local air pollution authorities with an information base for proceeding with their own analyses of RACT to meet statutory requirements.

Each CTG contains a ''presumptive norm'' for RACT for a specific source category, based on the EPA's evaluation of the capabilities and problems general to the category. Where applicable, the EPA recommends that States adopt requirements consistent with the presumptive norm. However, the presumptive norm is only a recommendation. States may choose to develop their own RACT requirements on a case-by-case basis, considering the emission reductions needed to obtain achievement of the national ambient air quality standards and the economic and technical circumstances of the individual source.

This CTG addresses RACT for control of VOC emissions from wood furniture manufacturing operations. The VOC emissions from wood furniture finishing, cleaning, and washoff operations are addressed. Many of the steps in these operations involve the use of organic solvents and are sources of VOC emissions. The sources, mechanisms, and control of these VOC emissions are described in the CTG.

The determination of presumptive RACT for the wood furniture industry was negotiated under the Federal Advisory Committee Act with members of industry, environmental groups, States, and local agencies. The regulatory negotiation was conducted in conjunction with the negotiation for the proposed national emission standards for hazardous air pollutants (NESHAP) for wood furniture manufacturing operations developed under Section 112(d) of the CAA. This combined effort ensured that both sets of requirements are consistent and coordinated. The Wood Furniture Manufacturing Operations NESHAP was promulgated on December 7, 1995 (60 FR 62930).

II. Summary of Impacts

The EPA estimates that State and local regulations developed pursuant to this final CTG would affect about 970 facilities and reduce VOC emissions by an estimated 20,400 tons per year at a cost of an estimated $20.2 million. Further information on costs and controls is presented in the final CTG document.

III. Executive Order 12866

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

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this final CTG document is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review. This CTG document is not a ''rulemaking,'' rather

it provides information to States to aid them in developing rules.

Dated: May 9, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96–12606 Filed 5–17–96; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–44626; FRL–5370–3]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of test data on the diglycidyl ether of bisphenol A (DGEBPA) (CAS No. 1675–54–3). These data were submitted pursuant to an enforceable consent agreement/order issued by EPA under section 4 of the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551; e-mail:TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under 40 CFR Part 790.60, all TSCA section 4 enforceable consent agreements/orders must contain a statement that results of testing conducted pursuant to testing enforceable consent agreements/orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for DGEBPA were submitted by The Society of the Plastics Industry, Epoxy Resin Systems Task Force pursuant to a TSCA section 4 enforceable consent agreement/order at 40 CFR Part 799.5000 and were received by EPA on April 19, 1996. The submission includes two final reports entitled: (1) ''DGEBPA: 13 Week Repeated Dose Dermal Toxicity in the Male B6C3F1 Mouse,'' and (2) ''DGEBPA: Two Generation Oral Gavage Reproduction Study in Sprague-Dawley Rats.'' This chemical is used primarily as the principal component in epoxy resins.

EPA has initiated its review and evaluation process for this data submission. At this time, the Agency is unable to provide any determination as to the completeness of the submission.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44626). This record includes copies of all studies reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. B–607 Northeast Mall, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

List of Subjects

Environmental protection, Test data.

Dated: May 13, 1996.

Frank Kover,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc 96–12604 File 5–17–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:43 a.m. on Tuesday, May 14, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

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

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

Dated: May 14, 1996.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 96–12679 Filed 5–15–96; 4:47 pm]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than June 14, 1996.

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

1. Hometown Bancshares, Inc., New Albany, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Hometown National Bank, New Albany, Indiana (a proposed *de novo* bank).

Board of Governors of the Federal Reserve System, May 14, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12555 Filed 5–17–96; 8:45 am]

BILLING CODE 6210–01–F

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 4, 1996.

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

1. INTRUST Financial Corporation, Wichita, Kansas; to engage *de novo* through its subsidiary, INTRUST Community Development Corporation, Wichita, Kansas, in community development activities, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

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

1. Capital Corp of the West, Merced, California; to acquire Town and Country Finance and Thrift Company, Turlock, California, and thereby engage in industrial banking, pursuant to § 225.25(b)(2) of the Board's Regulation Y, and the underwriting and sale of credit insurance, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 14, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12556 Filed 5–17–96; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act Meeting Notice

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

TIME AND DATE: 10:00 a.m., Thursday, May 23, 1996.

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

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed policy statement describing how interest rate risk will be measured and evaluated for supervisory purposes (proposed earlier for public comment; Docket No. R–0802).

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System,Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: May 16, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12744 Filed 5–16–96; 2:13 pm]

BILLING CODE 6210–01–P

Sunshine Act Meeting Notice

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

TIME AND DATE: Approximately 11:00 a.m., Thursday, May 23, 1996, following a recess at the conclusion of the open meeting.

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

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

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

Dated: May 16, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–12745 Filed 5–16–96; 2:13 pm]

BILLING CODE 6210–01–P

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Sunshine Act Meeting; Annual Meeting of the Trustees and Officers of the Harry S. Truman Scholarship Foundation

TIME AND PLACE: 4:00–5:30 p.m., June 1, 1996, Doniphan Room, Brown Hall, William Jewell College, Liberty, Missouri.

1. Cll to Order, Chairman Staats

2. Approval of the Minutes of 1995 Annual Meeting

3. Introduction of the new Trustees, Chairman Staats

4. Introduction of veteran Truman Scholars participating in the 1996

Truman Scholars Leadership Week at William Jewell College, Executive Secretary Blair

5. Truman Scholarship Honor Institution Award Program and role of the Trustees and Officers in Presenting the Awards to the 17 recipients of the award in the inaugural year, Chairman Staats

6. Executive Secretary's Report including

♦ Overview of the 1996 Truman Scholar Selection;

♦ Status of the Trust Fund;

♦ Plans for the 1996–97 Competition.

7. The Process of Selecting Truman Scholars. Dr. David Nolan, Chair of the Truman Scholarship Finalists Selection Panel and Dr. Richard Ferguson, President of American College Testing.

8. New Business.

9. Adjournment.

Louis H. Blair,

Executive Secretary.

[FR Doc. 96–12741 Filed 5–16–96; 2:13 pm]

BILLING CODE 4738–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

NIOSH Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: A Cohort Mortality Study of Workers at the Fernald Feed Materials Production Center.

Time and Date: 7 p.m.–9 p.m., June 19, 1996.

Place: The Plantation Catering and Meeting Center, Oak Room, 9660 Dry Fork Road, Harrison, Ohio 45030.

Status: Open to the public for observation and comment, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The purpose of this meeting is to report the findings of a cohort mortality study of workers who were employed at the Fernald Feed Materials Production Center between 1951–1981. The study was conducted by the Oak Ridge Association Universities (ORAU). The study findings will be presented by the former Project Director, Dr. Donna Cragle, who is currently the Director, Center for Epidemiologic Research at ORAU. The study was managed by NIOSH and funding was provided by the Department of Energy (DOE).

Contact Person For Additional Information: Richard W. Hornung, Dr.P.H., Associate Director for Energy-Related Health Research, Division of Surveillance, Hazard Evaluations, and Field Studies, National Institute for Occupational Safety and Health, M/S R–44, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513/841–4400.

Dated: May 14, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–12558 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–19–M

National Committee on Vital and Health Statistics: Meeting

Pursuant to Pub. L. 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Times and Dates: 9 a.m.–5 p.m., June 5, 1996; 9 a.m.–5 p.m., June 6, 1996.

Place: Room 503A, Hubert H. Humphrey Building, 200 Independence Avenue, SE, Washington, DC 20201.

Status: Open.

Purpose: The Committee will receive an update on the Department's performance partnership program, current privacy legislation activities, and other departmental data collection efforts. The Committee will also discuss its core health data elements project and other aspects of the NCVHS charge.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card should plan to arrive at the building each day either between 8:30 and 9 a.m. or 12:30 and 1 p.m. so they can be escorted to the meeting. Entrance to the meeting at other times during the day cannot be assured.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: May 14, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–12589 Filed 5–17–96; 8:45 am]

BILLING CODE 4163–18–M

National Committee on Vital and Health Statistics Subcommittee on Health Statistics for Minority and Other Special Populations: Time and Date Change

Federal Register *Citation of Previous Announcement:* 61 FR 20527—dated May 7, 1996.

SUMMARY: Notice is given that the meeting time and date for the National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Health Statistics for Minority and Other Special Populations, of the Centers for Disease Control and Prevention (CDC) has changed. The meeting place, status, and purpose, announced in the original notice remain unchanged.

Original Time and Date: 1 p.m.–4 p.m., June 3, 1996.

New Time and Date: 1 p.m.–5 p.m., June 4, 1996.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, National Center for Health Statistics, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: May 14, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–12590 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–18–M

National Institute for Occupational Safety and Health (NIOSH): Cancellation of Meeting

This notice announces the cancellation of a previously announced meeting.

Federal Register *Citation of Previous Announcement:* 61 FR 19628, May 2, 1996.

Previously Announced Time and Date: 1 p.m.–5 p.m., June 5, 1996.

Change in the Meeting: This meeting has been cancelled.

Contact Person For More Information: James W. Collins, NIOSH, CDC, 1095 Willowdale Road, M/S 1133, Morgantown, West Virginia 26505–2888, telephone 304/285–5998.

Dated: May 14, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–12559 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–19–M

NIOSH Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Notice of Public Meeting and Request for Comments.

Times and Dates: 9 a.m.–5 p.m., June 20, 1996; 9 a.m.–5 p.m., June 21, 1996.

Place: The Hyatt Regency Hotel, Regency Ballrooms E and F, 151 West Fifth Street, Cincinnati, Ohio 45202.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 250 people.

Purpose: The purpose of this notice is to request public comments on the NIOSH draft document, ''Criteria for Recommended Standard: Occupational Noise Exposure,'' NIOSH is planning to convene a public meeting at a later date to discuss the scientific and technical issues relevant to the document.

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (Public Law 91–596) states that ''the Secretary of Health and Human Services shall * * * produce criteria * * * enabling the Secretary of Labor to meet his responsibility for the formulation of safety and health standards'' [29 U.S.C. 669(a)(2)]. An occupational safety and health standard is defined as a standard that sets requirements reasonably necessary or appropriate to provide safe or healthful employment at places of employment [29 U.S.C. 652]. In promulgating standards dealing with harmful physical agents under both the Occupational Safety and Health Act of 1970 (Public Law 91–596), and the Federal Mine Safety and Health Act of 1977 (Public Law 95–164), the Secretary of Labor shall set the standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard for the period of his working life. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standard, and experience gained under this and other health and safety laws [29 U.S.C. 655(b)(5) and 30 U.S.C. 811(a)(6)(A)]. NIOSH is authorized under 29 U.S.C. 671 and 30 U.S.C. 811(a)(6)(B) to develop new and improved recommended occupational safety and health standards and to perform all functions of the Secretary of Health and Human Services.

II. Issues for Comment

In 1972, NIOSH published ''Criteria for a Recommended Standard: Occupational Exposure to Noise,'' which provided the basis for a recommended standard to reduce the risk of developing permanent hearing loss as a result of occupational noise exposure. NIOSH has evaluated the latest scientific information and is revising some of its previous recommendations.

The NIOSH recommended exposure limit (REL) of 85–dBA for occupational noise exposure was reevaluated using contemporary risk assessment techniques and incorporation of the 4000–Hz audiometric frequency in the definition of hearing impairment. The new risk assessment reaffirms support for the 85–dBA REL. The excess risk of developing occupational noise-induced hearing loss (NIHL) for a 40-year lifetime exposure at the 85–dBA REL is 8%, which is considerably lower than the 25% excess risk at the 90–dBA permissible exposure limit currently enforced by the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA).

NIOSH previously recommended an exchange rate of 5–dB for the calculation of time-weighted average exposures to noise, but it is now recommending a 3–dB exchange rate, which is more firmly supported by scientific evidence. The 5–dB exchange rate is still used by OSHA and MSHA, but the 3–dB exchange rate has been increasingly supported by national and international consensus.

NIOSH recommends an improved criterion for significant threshold shift, which is an increase of 15–dB in hearing threshold at 500, 1000, 2000, 3000, 4000, or 6000Hz that is repeated for the same ear and frequency in back-to-back audiometric tests. The new criterion has the advantages of a high identification rate and a low false-positive rate. In comparison, the criterion recommended in the 1972 criteria document has a high false-positive rate, and the OSHA criterion, called the Standard Threshold Shift, has a relatively low identification rate.

Differing from the 1972 criteria document, NIOSH no longer recommends age correction on individual audiograms. This practice is not scientifically valid, and would delay intervention to prevent further hearing losses in those workers whose hearing threshold levels have increased due to occupational noise exposure. OSHA currently allows age correction only as an option.

The Noise Reduction Rating (NRR) is a single-number, laboratory-derived rating required by the Environmental Protection Agency to be shown on the label of each hearing protector sold in the U.S. In calculating the noise exposure to the wearer of a hearing protector at work, OSHA has implemented the practice of derating the NRR by one-half for all types of hearing protectors. In 1972, NIOSH recommended the use of the full NRR value, but now it recommends derating the NRR by 25% for earmuffs, 50% for formable earplugs and 70% for all other earplugs. This variable derating scheme takes into consideration the performances of different types of hearing protectors.

The draft also recommends that hearing protectors be worn for any noise exposure over 85–dBA, regardless of exposure duration. This measure is simplistic but extremely protective because its implementation does not require the calculation of time-weighed-average (TWA) exposure. This ''hard-hat'' approach, as opposed to predicating the requirement on TWA exposures, is a departure from what was recommended in 1972.

The criteria document also provides recommendations for the management of hearing loss prevention programs for workers whose noise exposures equal or exceed 82–dBA (i.e., ½ of the REL). The recommendations include program evaluation, which was not articulated in the 1972 criteria document and is not included in the OSHA and MSHA standards.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Technical information may be obtained from Ralph Zumwalde, NIOSH, CDC, 4672 Columbia Parkway, M/S C–32, Cincinnati, Ohio, 45226, telephone 513/533–8319, e-mail address: rdz1@NIOSDT1.em.cdc.gov.

Persons wishing to attend the meeting, present oral comments, obtain a copy of the draft document, or reserve overnight accommodations at the Hyatt Regency Hotel, should respond by May 31, 1996, to Kellie Wilson, NIOSH, 4676 Columbia Parkway, M/S C–34, Cincinnati, Ohio, 45226, telephone 513/533–8362, fax 513/533–8285, e-mail address: kmp0@NIOSDT1.em.cdc.gov.

Persons interested in providing comments on the draft document should submit comments by June 10, 1996, to Diane Manning, NIOSH Docket Office, 4676 Columbia Parkway, M/S C–34, Cincinnati, Ohio, 45226. Comments may also be submitted by e-mail to: dmm2@NIOSDT1.em.cdc.gov. E-mail

attachments may be formatted as WordPerfect 5.0, 5.1/5.2, 6.0/6.1, or ASCII files.

Information can also be obtained by calling 1–800–35–NIOSH or by the Internet NOISH Homepage: http:/www.cdc.gov/noish/homepage.html.

Dated: May 14, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–12557 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 96F–0145]

Albright & Wilson, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Albright & Wilson, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of tetrakis(hydroxymethyl)phosphonium sulfate as a slimicide for use in the manufacture of paper and paperboard intended to contact food.

DATES: Written comments on the petitioner's environmental assessment by June 19, 1996.

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

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0002, 202–418–3080.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 5B4472) has been filed by Albright & Wilson, Ltd., c/o Delta Analytical Corp., 7910 Woodmont Ave., suite 1000, Bethesda, MD 20814. The petition proposes to amend the food additive regulations in § 176.300 *Slimicides* (21 CFR 176.300) to provide for the safe use of tetrakis(hydroxymethyl)phosphonium sulfate as a slimicide in the manufacture of paper and paperboard intended to contact food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before June 19, 1996, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: April 30, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–12568 File6d 5–17–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93F–0152]

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 future filing, of a food additive petition (FAP 3B4348), filed by Witco Corp. proposing that the food additive regulations be amended to provide for the safe use of decanedioic acid, polymer with 1,2-ethanediamine, (Z,Z)-9,12-octadecadienoic acid dimer and 4,4′-(1,3-propaneidyl) bis (piperidine) as a polymer coating onaluminum foil, polyolefin film, and paper and paperboard and as an adhesive, for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of May 19, 1993 (58 FR 29231), FDA announced that a food additive petition (FAP 3B4348) had been filed by Witco Corp., 5777 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 decanedioic acid, polymer with 1,2-ethanediamine, (Z,Z)-9,12-octadecadienoic acid dimer and 4,4′-(1,3-propaneidyl) bis (piperidine) as a polymer coating on aluminum foil, polyolefin film, and paper and paperboard and as an adhesive, for use in contact with food. 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. 96–12567 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96N–0151]

SmithKline Beecham Pharmaceuticals; Withdrawal of Approval of a New Drug Application for Selacryn® Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new drug application (NDA) for Selacryn® (ticrynafen) Tablets held by SmithKline Beecham Pharmaceuticals (Smithkline). SmithKline requested that the NDA be withdrawn because the product is no longer being marketed. SmithKline also waived its opportunity for a hearing.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1038.

SUPPLEMENTARY INFORMATION: By letter dated June 30, 1994, SmithKline, Four Falls Corp. Center, Route 23 and Woodmont Ave., P.O. Box 1510, FF0410, King of Prussia, PA 19406, requested that FDA withdraw NDA 18–103 for Selacryn® (ticrynafen) Tablets, stating that the company discontinued

marketing the product in 1980 because of liver toxicity observed after approval of the NDA. SmithKline waived its opportunity for a hearing.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of NDA 18–103, and all amendments and supplements thereto, is hereby withdrawn effective May 20, 1996.

Dated: May 6, 1996.

Murray M. Lumpkin,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 96–12570 Filed 5–15–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

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, is publishing the following summaries of proposed collections for public comment. 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 Information Collection Request:* New Collection; *Title of Information Collection:* Evaluation of the Oregon Medicaid Reform Demonstration: Adult Interview, Child Interview, Pediatric Asthma Interview, Insulin-Dependent Diabetes Interview, Low Back Pain Interview, Medical Provider Questionnaire; *Form No.:* HCFA–R–192; *Use:* The survey instruments listed above are for use in the Evaluation of the Oregon Medicaid Reform Demonstration. The Adult and Child Interviews are designed to collect information related to health status, access to care, satisfaction with care and past health insurance status for adult and child members of the Oregon Health Plan (OHP). The Pediatric Asthma Interview, Insulin-Dependent Diabetes Interview and Low Back Pain Interview collect information on quality of care, utilization of care, satisfaction with care and health status of OHP members with selected ''tracer conditions.'' The Medical Provider Questionnaire is designed to collect information on how both participating and non-participating physicians view OHP; *Frequency:* Biennially, Other (one time); *Affected Public:* Not-for-profit institutions, individuals and households, business or other for-profit; *Number of Respondents:* 22,229; *Total Annual Hours:* 3,070.

2. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* Evaluation of the Per-Episode Home Health Prospective Payment Demonstration; *Form No.:* HCFA–R–195; *Use:* This evaluation will collect primary data from samples of patients and from demonstration agencies to assess impacts of per-episode payment on access to care, quality of care, and the use of non-Medicare services; *Frequency:* Other (one time); *Affected Public:* Not-for-profit institutions, individuals and households, business or other for-profit; *Number of Respondents:* 19,191; *Total Annual Hours:* 1,901.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Blood Bank Inspection Checklist and Report; *Form No.:* HCFA–282; *Use:* The blood bank inspection checklist instrument is used by the State agency to record data collected as part of the survey and certification process to determine compliance with the requirement for blood bank services under Clinical Laboratory Improvement Amendments; *Frequency:* Biennially; *Affected Public:* State, local, and tribal government, business or other for-profit, not-for-profit institutions, federal government; *Number of Respondents:* 2,500; *Total Annual Hours:* 1,250.

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 must be mailed 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: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 13, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–12527 Filed 5–17–96; 8:45 am]

BILLING CODE 4120–03–P

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, amended (5 United States Code Appendix 2), notice is hereby given of the following meeting:

Name of Committee: Communication Disorders Review Committee.

Date: June 5–7, 1996.

Time: 8 am–5:30 pm, June 5; 8 am–5:30 pm, June 6; 8 am–adjournment, June 7.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville MD 20852.

Contact Person: Craig A. Jordan, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda MD 20892–7180, 301–496–8683.

Purpose/Agenda: To review and evaluate grant applications. The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personnal information concerning individuals associated with the applications and/or proposals, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12503 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Notice of Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Cancer Institute Frederick Cancer Research & Development Center Advisory Committee.

The open portion of the meeting will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person in advance of the meeting.

Committee Name: Frederick Cancer Research & Development Center Advisory Committee.

Date: June 3–4, 1996.

Place: Frederick Cancer Research and Development Center, Building 549, Executive Board Room, Frederick, MD 21702.

Open: June 3, 1996–8:30 a.m. to 11 a.m.

Agenda: Discussion of administrative matters such as future meetings, budget, and information items related to the operation of the NCI Frederick Research and Development Center.

Closed: June 3, 1996–11 a.m. to adjournment; June 4, 1996–8 a.m. to adjournment.

Agenda: Discussion of previous site visit report and response for the Macromolecular Structure Laboratory with Advanced BioScience Laboratories, Inc.—Basic Research Program and the Structural Biochemistry Program with Science Applications International Corporation. The majority of the closed session will be devoted to a review of contractor technical support programs at NCI FCRDC.

Contact Person: Cedric W. Long, Ph.D., Frederick Cancer Research and Development Center, P.O. Box B, Frederick, MD 21702, telephone: 301–846–1108.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The reports and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the programs, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12508 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; Notice of Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, June 10 and 11, 1996 in the Cogan Library, Building 10, Room 10B16, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 10 from 9 a.m. until approximately 4 p.m. for general remarks by the Director, Intramural Research Program, National Eye Institute (NEI), one matters concerning the intramural program of the NEI. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sec. 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 10 from approximately 4 p.m. until recess and on June 11 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual projects conducted by the Laboratory of Immunology. These evaluations and discussions could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigator, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Marie Watkins, Committee Management Officer, NEI, EPS/350, Bethesda, Maryland 20892, (301) 496–5301, will provide a summary of the meeting, roster of committee members, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Watkins in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research; National Institutes of Health.)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12510 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of a Closed Meeting

Purusant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Sleep Academic Award Review.

Date: June 16, 1996.

Time: 9:00 a.m.

Place: Holiday Inn Chevy Chase, Chevy Chase, Maryland.

Contact Person: Louise P. Corman, Ph.D., Two Rockledge Center, Room 7180, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0270.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commerical property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12505 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meetings:

Name of SEP: Developmental Toxicity Testing and Research.

Date: June 10, 1996.

Time: 9:00 a.m.

Place: National Institute of Environmental Health Sciences, Building 17, Conference Room 1713, Research Triangle Park, NC 27709.

Contact Person: Mr. David P. Brown, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–4964.

Purpose/Agenda: To review and evaluate contract proposals.

Name of SEP: Linking of Environmental Agents and Disease.

Date: July 1–3, 1996.

Time: 8:30 a.m.

Place: National Institute of Environmental Health Sciences, South Campus, Conference Room 101–B, Research Triangle Park, NC 27709.

Contact Person: Dr. Ethel B. Jackson, National Institute of Environmental Health

Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–7826.

Purpose/Agenda: To review and evaluate grant applications.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b (c)(6), Title 5, U.S.C. Grant applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health.)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12502 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: Community-Based Prevention/Intervention Research in Environmental Health Sciences.

Date: July 21–23, 1996.

Time: 7:00 p.m.

Place: Radisson Governors Inn, 54 & I–40 at Davis Drive, Research Triangle Park, NC 27709.

Contact Person: Mr. David Brown, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–4964.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health.)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12504 Filed 5—17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the committees of the National Institute of General Medical Sciences for June 1996:

Name of Committee: Biomedical Research & Research Training Committee—Subcommittee A.

Date of Meeting: June 6.

Time: 8:00 a.m.

Place of Meeting: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, N.W., Washington, D.C. 2008.

Contact Person: Dr. Carole Latker, Scientific Review Administrator, Building 45, Room 1AS.13k, National Institutes of Health, telephone: 301–594–2848.

Purpose/Agenda: To review institutional national research service award applications.

Name of Committee: Biomedical Research & Research Training Committee—Subcommittee C.

Date of Meeting: June 6.

Time: 8:30 a.m.

Place of Meeting: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, N.W., Washington, D.C. 2008.

Contact Person: Dr. Arthur Zachary, Scientific Review Administrator, Building 45, Room 1AS.13h, National Institutes of Health, telephone: 301–594–3663.

Purpose/Agenda: To review institutional national research service award applications.

Name of Committee: Biomedical Research & Research Training Committee—Subcommittee B.

Date of Meeting: June 6.

Time: 8:30 a.m.

Place of Meeting: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, N.W., Washington, D.C. 20008.

Contact Person: Dr. Irene Glowinski, Scientific Review Administrator, Building 45, Room 1AS.13j, National Institutes of Health, telephone: 301–594–2772.

Purpose/Agenda: To review institutional national research service award applications.

Name of Committee: Minority Access to Research Careers Review Subcommittee.

Dates of Meeting: June 13–14.

Time of Meeting: 8:30 a.m.–6:00 p.m. (both days).

Place of Meeting: National Institutes of Health, Natcher Conference Center, Conference Room D, Bethesda, Maryland 20892.

Contact Person: Dr. Richard Martinez, Scientific Review Administrator, Building 45, Room 1AS.19g, National Institutes of Health, telephone: 301–594–2849.

Purpose/Agenda: To review grant applications to the Minority Access to Research Careers Program.

These meetings will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552(c)(6), Title 5 U.S.C. and sec. 10(d) of Pub. L. 92–463, for the review, discussion, and evaluation of individual research training grant and research center grant applications. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.859, 93.862 93.863, 93.880, National Institute of General Medical Sciences, National Institutes of Health)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12506 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Notice of Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, June 7, 1996, in Building 31, Room 2A52.

This meeting will be open to the public from 8:00 a.m. to 12 noon on June 7 for the review of the Intramural Research Program and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 7 from 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Catherine O'Connor, Senior Biomedical Research Program Assistant, NICHD, Building 31, Room 2A50, National Institutes of Health, Bethesda, Maryland, 20892–2425, Area Code 301, 496–2133, will provide a summary of the meeting and a roster of Board members, and substantive program information upon request. Individuals

who plan to attend the open session and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. O'Connor in advance of the meeting.

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12507 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting; National Arthritis and Musculoskeletal and Skin Diseases Advisory Council

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to provide advice to the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) on June 6, 1996, Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public June 6 from 8:30 a.m. to 11:30 a.m. to discuss administrative details relating to Council business and special reports. Attendance by the public will be limited to space available.

The meeting of the Advisory Council will be closed to the public on June 6 from 11:30 a.m. to adjournment in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Steven Hausman, Executive Secretary, National Arthritis and Musculoskeletal and Skin Diseases Advisory Council, NIAMS, Natcher Building, Room 5AS–13, Bethesda, Maryland 20892, (301) 594–2463.

A summary of the meeting and roster of the members may be obtained from the Extramural Programs Office, NIAMS, Natcher Building, Room 5AS–13, National Institutes of Health, Bethesda, Maryland 20892, (301) 594–2463.

(Catalog of Federal Domestic Assistance Program No. 93.846, Arthritis, Bone and Skin Diseases, National Institutes of Health)

Dated: May 10, 1996.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 96–12509 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Environmental Health Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: SBIRs-Phase I, Topic 50—Development of Subchromosome Painting Kits for the Mouse and Phase II, Topic 40—Preparation of User-Friendly Mouse Karyotyping Tools (Telephone Conference Call).

Date: May 29, 1996.

Time: 10:00 a.m.

Place: National Institute of Environmental Health Sciences North Campus, Building 17, Conference Room 1713 Research Triangle Park, NC.

Contact Person: Dr. John Braun, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446.

Purpose/Agenda: To review and evaluate contract proposals.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the contract review and funding cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health)

Dated: May 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12511 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Notice of Meeting of Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental Research, on June 6–7, 1996, in Building 30, Trendley Dean Conference Room, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9 a.m. to 5 p.m. on June 6 for the Laboratory of Cellular Development and Oncology presentations and from 8:30 a.m. to 10:30 a.m. on June 7 for a tour of the facilities and Poster Presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92–463, this meeting will be closed to the public from 5 p.m. until recess on June 6 and from 10:30 a.m. until adjournment on June 7 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Dental Research (NIDR), including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Brent Jaquet, Director, Office of Planning, Evaluation, and Communications, NIDR, NIH, Building 31, Room 2C34, Bethesda, Maryland 20892 (telephone: 301–496–6705; e-mail: JaquetB@OD31.nidr.nih.gov) will provide a summary of the meeting, roster of committee members and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contract the Executive Secretary listed above in advance of the meeting.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

Dated: May 14, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12612 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

Name of SEP: National Institute on Aging Special Emphasis Panel (Telephone Conference Call).
Date: May 29, 1996.
Time: 12:00 noon–1:00 p.m.
Place: National Institute on Aging, Gateway Building, Room 2C212, Bethesda, Maryland 20892.
Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.
Purpose/Agenda: To review a grant application.

Name of SEP: National Institute on Aging Special Emphasis Panel (Telephone Conference Call).
Date: May 30, 1996.
Time: 12:00 noon–1:00 p.m.
Place: National Institute on Aging, Gateway Building, Room 2C212, Bethesda, Maryland 20892.
Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.
Purpose/Agenda: To review a grant application.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: National Institute on Aging Special Emphasis Panel (Telephone Conference Call).
Date: June 11, 1996.
Time: 1:00 noon–2:30 p.m.
Place: National Institute on Aging, Gateway Building, Room 2C212, Bethesda, Maryland 20892.
Contact Person: Maria Mannarino, M.D., Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.
Purpose/Agenda: To review a grant application.

Name of SEP: National Institute on Aging Special Emphasis Panel (Telephone Conference Call).
Date: June 18, 1996.
Time: 1:00 noon–2:00 p.m.
Place: National Institute on Aging, Gateway Building, Room 2C212, Bethesda, Maryland 20892.
Contact Person: Maria Mannarino, M.D., Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.
Purpose/Agenda: To review a grant application.

Name of SEP: National Institute on Aging Special Emphasis Panel.
Date: June 18–20, 1996.
Time:
June 18—6:00–10:00 p.m.
June 19—8:00 a.m. to 6:00 p.m.
June 20—8:00 a.m. to adjournment
Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.
Purpose/Agenda: To review cooperative agreement applications.

Name of SEP: National Institute on Aging Special Emphasis Panel (Telephone Conference Call).
Date: August 1, 1996.
Time: 12:00 noon–4:00 p.m.
Place: National Institute on Aging, Gateway Building, Room 2C212, Bethesda, Maryland 20892.
Contact Person: Arthur D. Schaerdel, DVM, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.
Purpose/Agenda: To review a grant application.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: May 14, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12613 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: to review individual grant applications.
Name of SEP: Behavioral and Neurosciences.
Date: May 24, 1996.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 5172, Telephone Conference.
Contact Person: Dr. Leonard Jakubczak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5172, Bethesda, Maryland 20892, (301) 435–1247.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.
Date: June 14, 1996.
Time: 8:00 a.m.
Place: Washington Dulles Airport Marriott, Chantilly, VA.
Contact Person: Dr. Harish Chopra, Scientific Review Administrator, 6701 Rockledge Drive, Room 5112, Bethesda, Maryland 20892, (301) 435–1169.

Name of SEP: Clinical Sciences.
Date: June 17–18, 1996.
Time: 9:00 a.m.
Place: Bethesda Marriott, Bethesda, MD.
Contact Person: Dr. Ronald Suddendorf, Scientific Review Administrator, 6000 Executive Blvd., Suite 409, Bethesda, Maryland 20892, (301) 443–2926.

Name of SEP: Clinical Sciences.
Date: June 19–21, 1996.
Time: 9:00 a.m.
Place: Double Tree Hotel, Rockville, MD.
Contact Person: Dr. Antonio Noronha, Scientific Review Administrator, 6000 Executive Blvd., Suite 409, Bethesda, Maryland 20892, (301) 443–7722.

Name of SEP: Clinical Sciences.
Date: June 19, 1996.
Time: 8:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Gopal Sharma, Scientific Review Administrator, 6701 Rockledge Drive, Room 4112, Bethesda, Maryland 20892, (301) 435–1783.

Name of SEP: Clinical Sciences.
Date: June 26–28, 1996.
Time: 8:00 a.m.
Place: Pooks Hill Marriott, Bethesda, MD.
Contact Person: Dr. Jules Selden, Scientific Review Administrator, 6701 Rockledge Drive, Room 4108, Bethesda, Maryland 20892, (301) 435–1785.

Name of SEP: Biological and Physiological Sciences.
Date: July 8, 1996.
Time: 1:30 p.m.
Place: NIH, Rockledge 2, Room 6168, Telephone Conference.
Contact Person: Dr. Syed Amir, Scientific Review Administrator, 6701 Rockledge Drive, Room 6168, Bethesda, Maryland 20892, (301) 435–1043.

Name of SEP: Chemistry and Related Sciences.
Date: July 9, 1996.
Time: 8:00 a.m.
Place: Embassy Suites, Washington, DC.
Contact Person: Dr. Donald Schneider, Scientific Review Administrator, 6701 Rockledge Drive, Room 5104, Bethesda, Maryland 20892, (301) 435–1165.

Name of SEP: Biological and Physiological Sciences.
Date: July 10–11, 1996.
Time: 8:30 a.m.
Place: Double Tree Hotel, Rockville, MD.
Contact Person: Dr. Dennis Leszczynski, Scientific Review Administrator, 6701

Rockledge Drive, Room 6170, Bethesda, Maryland 20892, (301) 435–1044.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Date: May 14, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–12614 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 61 FR 14804, April 3, 1996) is amended to reflect the reorganization of the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) as follows: (1) Abolish the Office of Program Planning and Evaluation (HNK12); (2) abolish the Office of Disease Prevention and Technology Transfer (HNK15); (3) establish the Office of Scientific Program and Policy Analysis (HNK19); and (4) revise the functional statements for the Office of Administrative Systems Technology (HNK16) and the Division of Extramural Activities (HNK7).

Section HN–B, Organization and Functions is amended as follows: Under the heading National Institute of Diabetes and Digestive and Kidney Disease (HNK), delete the titles and functional statements in their entirety for the Office of Program Planning and Evaluation (HNK12) and the Office of Disease Prevention and Technology Transfer (HNK15) and insert the following:

Office of Scientific Program and Policy Analysis (HNK19). (1) Advises the Institute Director concerning emerging scientific and program policy issues of significance to the Institute and recommends options for their resolution; (2) develops and executes a program for the planning, assessment, and analysis of the Institute's policies, programs, and research accomplishments; (3) provides technical leadership, guidance, and analytic methods for program development and program planning, evaluation, and analysis related to the disease categories and relevant disciplines within the Institute's mission; (4) directs a program for coordination, review, analysis and presentation of Institute policies, programs, and research advances related to health promotion, disease prevention, technology assessment/transfer, consensus development, clinical trials, women's health issues and international activities; (5) assesses the total Institute program in terms of actual accomplishments vs. plans and recommends programmatic actions to correct discrepancies; (6) directs the compilation and analysis of program data and statistics for special studies and advises the Institute Director and his immediate staff concerning resultant operational and policy implications; and (7) in carrying out the above functions, collaborates with other institutes, the Department, and outside organizations.

Office of Administrative Systems Technology (HNK16). (1) Provides staff assistance to Institute officials in developing policies and strategies relating to planning, implementation and maintenance of automated administrative systems; (2) designs and conducts studies to determine both system needs and improve efficiency of retrieval and storage of administrative information; (3) serves as a resource for current technological advances and trends in both systems hardware and software; (4) provides expertise in systems programming and staff training; (5) tests new systems technology on a limited basis for particular Institute applications; (6) coordinates Information Resources Management (IRM) activities which include preparation of the Institute's Automated Data Processing Plan, management of the system security program, and maintenance of the system hardware inventory; (7) provides an Institute focus for advice and assistance on system configurations, vendor support and procurement procedures and clearances; (8) provides staff assistance for development of general administrative policies and procedures, conducts management studies as needed, and advises on organizational issues; (9) advises the Director and Institute staff on matters relating to the Privacy Act and the Freedom of Information Act; (10) assists on matters related to Institute patenting and technology transfer programs; (11) serves as liaison relating to the above functions with appropriate divisions and other organizations at the NIH as well as components within PHS and the Department.

Division of Extramural Activities (HNK7). (1) Advises the Institute Director concerning Institute extramural program policies related to research contracts, grants, and training programs; (2) identifies areas for increased efforts and advises the three categorical programs of the development of funding levels; (3) provides scientific merit review of applications for special grant programs and research contract proposals; (4) provides Institute programs with grant and contract management and processing services; (5) maintains a system for operational control of funds for numerous individual program budgets; (6) provides report and statistics related to Institute grant and contract programs through operational and technical support activities in program analysis; (7) represents the Institute on overall NIH extramural and collaborative program policy committees and coordinates such policy within the Institute; (8) coordinates the presentation of Institute research grant and training programs to the National Diabetes and Digestive and Kidney Diseases Advisory Council; (9) coordinates program planning in the extramural activities program area and assesses progress toward objectives within the broad field represented by the categorical diseases programs; (10) designs and executes internal evaluations of the NIDDK committee management function which relates to multiple independent scientific advisory groups; and (11) serves as Institute liaison with NIH and HHS offices performing committee management functions.

Dated: May 8, 1996.

Harold Varmus,

Director, NIH.

[FR Doc. 96–12615 Filed 5–17–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

List of Eligible Programs for Inclusion in Fiscal Year 1997 Annual Funding Agreements To Be Negotiated by the Bureau of the Department of the Interior Other Than the Bureau of Indian Affairs and the Self-Governance Tribes

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists programs or portion of programs that are eligible for inclusion in Fiscal Year 1997 annual funding agreements with Self-Governance Tribes and lists programmatic targets for each of the non-BIA bureaus, pursuant to Section 405(c)(4) of the Tribal Self-Governance Act.

DATES: Eligibility for inclusion in Fiscal Year 1997 annual funding agreements expires on September 30, 1996.

ADDRESSES: Inquires or comments regarding this notice may be directed to the Office of Self-Governance, 1849 C Street, NW, 2548 MIB, Washington, DC 20240. Telephone (202) 219–0240.

SUPPLEMENTARY INFORMATION:

I. Background

The Indian Self-Determination Act Amendments of 1994 (P.L. 103–413, hereinafter referred to as the ''Self-Governance Act'' or the ''Act'') instituted a permanent Tribal Self-Governance Program at the Department of the Interior (DOI). Under the Self-Governance Program, certain programs, functions, services and activities or portions thereof in Interior bureaus other than the Bureau of Indian Affairs (hereinafter referred to as ''non-BIA'') are eligible to be planned, conducted, consolidated, and administered by a Self-Governance tribal government.

Under Section 405(c) of the Self-Governance Act, the Secretary of the Interior is required to publish annually (1) a list of non-BIA programs, services, activities, and functions or portions thereof, that are eligible for inclusion in agreements negotiated under the Self-Governance Program and (2) programmatic targets for these bureaus.

Under the Self-Governance Act, two types of non-BIA programs are eligible for Self-Governance funding agreements. First, pursuant to Section 403(b)(2) of the Act, any non-BIA program, service, function or activity that is administered by Interior that is ''otherwise available to Indian tribes or Indians'' is eligible to be administered by a tribal government through a Self-Governance agreement. Section 403(b)(2) specifies that ''nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions and activities, or portions thereof, unless such preference is otherwise provided for by law.'' Second, under Section 403(c) of the Act, other programs, services, functions, and activities, or portions thereof, that are of ''special geographic, historical, or cultural significance'' to a Self-Governance Tribe may be included in a Self-Governance Agreement.

II. Eligible Programs of the Department of the Interior Non-BIA Bureaus

Below is a listing by bureau of the type of non-BIA programs, or portions thereof, that may be eligible for Self-Governance annual funding agreements because they are either ''otherwise available to Indians'' and not precluded by any other law from being contracted out or may have ''special geographic, historical, or cultural significance'' to a participating tribe. This summary is a general listing of the types of programs that are the bureaus' best estimate of those that are eligible for negotiation at the request of the Self-Governance tribe. The listing is not intended to be exhaustive, especially in terms of programs, services, functions or activities that may have a ''special geographic, historical, or cultural significance'' to a participating tribe.

The listing also provides a point of contact for each non-BIA bureau.

A. Eligible Programs of the Bureau of Land Management (BLM)—Aspects of the following programs for functions are potentially eligible for negotiations:

- Tribal Mineral Resources.
- Field Survey Related to Tribal Lands.
- Resource Monitoring, Maintenance, and Rehabilitation.

BLM initial point of contact for questions regarding Self-Governance is Dr. Marilyn Nickels, 1849 C Street, NW, (204–LS), Washington, D.C. 20240; telephone (202) 452–0330.

B. Eligible Programs of the Bureau of Reclamation (Reclamation)— Aspects of the following programs or functions are potentially eligible for negotiations:

- Water Resources Management: hydroelectric power generation, municipal and industrial water supply systems, flood control, outdoor recreation, fish and wildlife habitant enhancement, and research.
- Construction: construction of municipal and industrial systems, safety of dams, operation and maintenance of facilities, and management of water resources projects and associated facilities.

Reclamation initial point of contact for questions regarding Self-Governance is Dr. Barbara McDowell, Native American Affairs Office, Bureau of Reclamation (W–6100), 1849 C Street, NW, Washington, D.C. 20240–0001; telephone (202) 208–4733.

C. Eligible Programs of the Fish and Wildlife Service (FWS) Aspects of the following programs or functions are potentially eligible for negotiations:

- Refuge Operations and Management: weed control, habitat management, maintenance, wildlife surveys/studies, visitor services/visitor center operations, acquisition, appraisals, refuge management planning, wetland restoration projects, land surveys, and building site restoration.
- Ecological Services: prelisting (conservation agreements development/management), recovery: development of recovery plans, bald eagle surveys, and wildlife surveys.
- Cultural Resources: survey work, cultural resource planning (on as-needed basis), and archaeological surveys.
- Fisheries: cooperative fishing management and restoration agreements, fish collection (site-specific), fish tagging (site-specific).

FWS initial point of contact for questions regarding Self-Governance is Duncan Brown, Native American Liaison, Fish and Wildlife Service (MS 3012), 1849 C Street, NW, Washington, D.C. 20240–0001; telephone (202) 208–4133.

D. Eligible Programs of the Minerals Management Service (MMS) Aspects of the following programs or functions are potentially eligible for negotiations:

- Royalty Management Program: royalty internship program, online monitoring of royalties and accounts, audit of royalty programs, verification of royalty payments, royalty reporting, accounting, data management, and royalty management for allottee leases.
- Offshore Minerals Management: environmental assessments, environmental impact statements, and environmental studies.

MMS initial point of contact for questions regarding Self-Governance is Joan Killgore, Royalty Liaison Office, Minerals Management Service, 1849 C Street, NW, Washington, D.C. 20240–0001; telephone (202) 208–3512.

E. Eligible Programs of the National Park Service (NPS) Aspects of the following programs or functions are potentially eligible for negotiations:

- On-Going Programs and Activities: archaeological surveys, cultural

resource management projects, ethnographic studies, erosion control, fire protection, hazardous fuel reduction, housing construction and rehabilitation, gathering baseline subsistence data (Alaska), janitorial services, maintenance, natural resource management projects, range assessment (Alaska), reindeer grazing (Alaska), road repair, solid waste collection and disposal, and trail rehabilitation.

- Special Programs: Beringia research and Elwha River restoration.

NPS initial point of contact for questions regarding Self-Governance is Dr. Patricia Parker, American Indian Liaison Office, National Park Service (MS 3410–MIB), PO Box 37127, Washington, D.C. 20013–7127; telephone (202) 208–5475.

F. Eligible Programs of the Office of Surface Mining Reclamation and Enforcement (OSM) Aspects of the following programs or functions are potentially eligible for negotiations:

- Regulatory Program.
- Abandoned Mine Land Reclamation Program.

OSM initial point of contact for questions regarding Self-Governance is Maria Mitchell, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW (MS 210–SIB), Washington, D.C. 20240; telephone (202) 208–2727.

G. Eligible Programs of the U.S. Geological Survey (USGS) Aspects of the following programs or functions are potentially eligible for negotiations:

- Mineral, Environmental, and Energy Assessments.
- Earthquake Hazard Reduction Program.
- Water Resources Data Collection and Investigations.
- Biological Resources Inventory, Monitoring, Research, and Information and Transfer Activities.

Biological resources activities described above are those of the National Biological Service (NBS), which will be merged with the USGS on or before October 1, 1996. NBS will be renamed the Biological Resources Division of USGS, and will continue its programmatic activities in a substantially unchanged manner.

USGS initial point of contact for questions regarding Self-Governance is Sue Marcus, American Indian/Alaska Native Liaison, U.S. Geological Survey (MS 105), National Center, Reston, VA 22092, telephone 703–648–4437.

III. Programmatic Targets

Each of the non-BIA bureaus will successfully negotiate at least one annual funding agreement with a Self-Governance Tribe for Fiscal Year 1997.

Dated: May 10, 1996.

Glynn D. Key,

Counselor to the Secretary, Office of the Secretary.

[FR Doc. 96–12363 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[NV–030–96–1220–00]

Temporary Closure of Public Lands: Nevada; Carson City District

AGENCY: Bureau of Land Management, Interior Department.

ACTION: Temporary closure of certain public lands in Churchill, Lyon and Douglas Counties on and adjacent to three Off Highway Vehicle race courses:

June 22, 1996: Top Gun 250 Desert Race

July 27, 1996: Fallon 250 at Night Desert Race

September 1, 1996: Yerington to Fallon and Back Desert Race

SUMMARY: The Carson City District announces the temporary closure of selected public lands under BLM administration. This action is being taken to provide for public safety and to protect adjacent resources during the official running of the above named Off Highway Vehicle Races.

EFFECTIVE DATES: June 22, July 27 and September 1, 1996.

FOR FURTHER INFORMATION CONTACT: Fran Hull, Outdoor Recreation Planner, Carson City District, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89706, Telephone: (702) 885–6000.

SUPPLEMENTARY INFORMATION: Valley Off-Road Racing Association has been authorized to conduct these race events across public lands under permit number NV–030–9610. A map of each closure may be obtained from Fran Hull at the contact address. The event permittee is required to clearly mark and monitor the event route during the closure periods. Spectators shall remain in safe locations as directed by event officials and BLM personnel.

Spectator and support vehicles are restricted to existing access roads. Driving cross-country is prohibited without specific authorization from BLM. Persons camping on public lands in conjunction with the event must be a minimum of fifty yards away from the race course centerline.

Specific Race Information

1. Top Gun 250 Desert Race: This course will be in effect from 6:00 a.m. until 6:00 p.m. on Saturday, June 22, 1996 during the conduct of a multiple-lap OHV race on roads and washers near Fallon, Nevada in Churchill and Lyon Counties. Public lands affected are located within T16N R25E; T16N 26E; T16N R27E; T16N R28E; T16N R29E; T17N R26E; T17N R27E, M.D.M. Public lands to be closed include the race route and adjacent lands identified with colorful flagging, paper directional arrows and race related warning signs. Portions of Simpson Pass and Wildhorse Basin Roads between Hooten Well and Top Gun Race Way are included within the Closure area. Spectators are welcome at the Start/Finish area at Top Gun Race Way located on Highway 95 south of Fallon and certain Check Points selected by race and BLM officials.

2. Fallon 250 at Night Desert Race: This closure will be in effect from noon until midnight on Saturday, July 27, 1996 during the conduct of a multiple-lap OHV race on roads and washes near Fallon, Nevada in Churchill County. Public lands affected are located within T15N R31E; T15N R32E; T16N R30E; T16N R31E; T16N R32E; T17N R30E; T17N R31E, M.D.M Public lands to be closed include the race route and adjacent lands identified with colorful flagging, paper directional arrows and race related warning signs. Portions of Simpson Pass and Four Mile Canyon Roads between Salt Wells and Sand Springs are included within the Closure area. Spectators are welcome at the Start/Finish area near Sand Mountain Recreation Area located east of Fallon on Highway 50 and certain Check Points selected by race and BLM officials.

3. Yerington to Fallon and Back Desert Race: This closure will be in effect from 6:00 a.m. until 10:00 p.m. on Sunday, September 1, 1996 during the conduct of a point-to-point OHV race on roads and washes between Yerington and Fallon, Nevada in Lyon and Churchill Counties. Public lands affected are located within T13N R24E; T13N R25E; T14N R24E; T15N R24E; T16N R24E; T16N R24E through 31E; T17N R30E; T17N R31E and T18N R30E, M.D.M. Public lands to be closed include the race route and adjacent lands identified with colorful flagging, paper directional arrows and race related warning signs. Portions of Singatse Pass, Churchill Canyon, Adrian Valley, and Eightmile Flat Roads are included within the Closure area. Spectators are welcome at the Yerington and Fallon start/finish areas in addition to certain Check Points as directed by event officials and BLM personnel.

The above restrictions do not apply to race officials, law enforcement and agency personnel monitoring the event.

Authority: 43 CFR 8364 and 43 CFR 8372.

Penalty

Any person failing to comply with the closure order may be subject to the penalties provided in 43 CFR 8360.7.

Dated: May 6, 1996.

James M. Phillips,

Assistant District Manager, Non-Renewable Resources.

[FR Doc. 96–12525 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–HC–M

[NV–931–1020–001]

Northeastern Great Basin Resource Advisory Council Meeting Location and Time

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Councils' Meeting Location and Time.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), Council meetings will be held as indicated below. The agenda for each meeting includes approval of minutes of the previous meeting, continuation of Council orientation, discussion of Standards and Guidelines for management of the public lands within the jurisdiction of the Council 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 also have 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 meeting, or need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the District Manager at the Elko District Office, 3900 E. Idaho Street, Elko, NV 89803, telephone 702–753–0200.

DATES, TIMES: The time and location of the meeting is as follows: Northeastern Great Basin Resource Advisory Council, BLM Office, 3900 E. Idaho Street, Elko, NV 89803; June 1, starting at 9:00 a.m.; public comments will be June 1 at 10:00 a.m. and at 1:00 p.m.

FOR FURTHER INFORMATION CONTACT: Jeff Weeks, Team Leader for the Northeastern Resource Advisory Council, Battle Mountain Office, telephone 702–635–4000.

SUPPLEMENTAL 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.

Dated: May 10, 1996.

Gerald M. Smith,

District Manager, Battle Mountain.

[FR Doc. 96–12585 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–HC–M

[MT–063–05–1610–00]

Availability of the Final Sweet Grass Hills Resource Management Plan Amendment and Environmental Impact Statement, Liberty and Toole Counties, MO

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of availability of the final Sweet Grass Hills resource management plan amendment and environmental impact statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4327) the Bureau of Land Management (BLM) has prepared a Final EIS on the final amendment and environmental impacts statement (EIS) addresses future management options for land tenure adjustment, off-road vehicle use, oil and gas leasing, and locatable mineral development for lands and minerals administered by the Bureau of Land Management (BLM) in the Sweet Grass Hills in Toole and Liberty Counties, Montana, and amends the West HiLine Resource Management Plan (1988 and 1992). This includes approximately 7,717 surface acres, 19,765 acres of all mineral estate, and 1,644 acres of only oil and gas estate. These lands are administered by the BLM through the Great Falls Resource Area. The proposed alternative and three other alternatives have been developed to provide management options for the Sweet Grass Hills.

DATES: A record of decision will be prepared no earlier than 30 days after the Notice of Availability for the Final EIS is published in the Federal Register by the Environemntal Protection Agency.

ADDRESSES: Copies of the Final EIS are available from the Bureau of Land Management, Great Falls Resource Area, 812 14th Street North, Great Falls Montana 59401 or the Lewistown District Office, P.O. Box 1160, Lewistown, Montana 59457–1160. Public reading copies will be available for review at the following locations: Bureau of Land Management, Office of External Affairs, Main Interior Building, Room 5600, 18th and C Streets NW, Washington, DC; Bureau of Land Management, External Affairs Office, Montana State Office, 222 North 32nd Street, Billings, Montana; Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana; and Great Falls Resource Area, 812 14th Street North, Great Falls, Montana.

FOR FURTHER INFORMATION CONTACT: Tad Day, Team Leader, Great Falls Resource Area, 812 14th Street North, Great Falls, Montana 59401, (406) 727–0503.

SUPPLEMENTARY INFORMATION: The Sweet Grass Hills are significant because of their importance as a religious and cultural use area for Native Americans; they are an integral part of the peregrine falcon reintroduction area; they contain high value recreational lands; and they support diverse wildlife populations. In August 1993, the BLM segregated the Federal mineral estate in the Sweet Grass Hills for a two-year period which closed the area to the location of new mining claims until August 1995. The BLM also began amending the West HiLine Resource Management Plan to reevaluate current management decisions for the Sweet Grass Hills.

About 500 copies of the Draft EIS were distributed to the public and other federal and state agencies in February 1995. During the 90-day public comment period, the BLM held four public meetings to receive oral comments. In addition to oral comments, the BLM received 397 letters on the Draft EIS. All comments, written and oral, were reviewed and considered in preparation of the Final EIS. Comments that presented new data, questioned facts or analyses, or raised questions or issues bearing directly upon the alternatives or environmental analysis, are responded to in the Final EIS. The Final EIS incorporates comments and suggestions made on the Draft EIS during the public review period. Changes were made to the preferred alternative in the Draft EIS including: all Federal minerals (19,765 acres) would be recommended for a 20 year term withdrawal and all BLM land would remain in public ownership.

The amendment to the West HiLine Resource Management Plan will provide specific direction concerning locatable mineral development and will recommend whether all of the area should be closed to mining claim location. If the record of decision

recommends closure, the BLM would begin processing a 20-year term withdrawal.

Dated: May 10, 1996.

David L. Mari,

District Manager.

[FR Doc. 96–12526 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–84–P

Dayton Aviation Heritage Commission

AGENCY: National Park Service, Interior Department.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Dayton Aviation Heritage Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE, TIME, AND ADDRESSES: Monday, June 24, 1996; 2 to 4 p.m., Innerwest Priority Board conference room, 1024 West Third Street, Dayton, Ohio 45407.

AGENDA: This business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons accommodated on a first-come, first-served basis. The Chairman will permit attendees to address the Commission, but may restrict the length of presentations. An agenda will be available from the National Park Service, Midwest Region, 1 week prior to the meeting.

FOR FURTHER INFORMATION CONTACT: William Gibson, Superintendent, Dayton Aviation, National Park Service, P.O. Box 9280, Wright Brothers Station, Dayton, Ohio 45409, or telephone 513–225–7705.

SUPPLEMENTARY INFORMATION: The Dayton Aviation Heritage Commission was established by Public Law 102–419, October 16, 1992.

Dated: May 6,1996.

William W. Schenk,

Field Director, Midwest Field Area.

[FR Doc. 96–12562 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–70–P

Mississippi River Coordinating Commission Meeting

AGENCY: National Park Service, Interior Department.

ACTION: Notice of Final meeting

SUMMARY: This notice announces an upcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE, TIME: Thursday, June 20, 1996, 10 a.m. to 11:30 a.m.

ADDRESSES: Holiday Inn Metrodome, 1500 Washington Avenue South, Minneapolis, Minnesota.

The agenda item for the meeting is consideration of an amendment to the Mississippi National River and Recreation Area's comprehensive management plan to provide for partnerships in education programs and facilities within the city of Saint Paul. A Commission vote on the Proposed amendment is expected. Public statements about this topic will be taken.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by PL 100–696, November 18, 1988.

FOR FURTHER INFORMATION CONTACT: Superintendent JoAnn Kyral, Mississippi National River and Recreation Area, 175 East Fifth Street, Suite 418, St. Paul, Minnesota 55101 or telephone 612–290–4160.

Dated: May 6, 1996.

William W. Schenk

Field Director, Midwest Field Area.

[FR Doc. 96–12560 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–70–P

Mississippi River Corridor Study Commission

AGENCY: National Park Service, Interior Department.

ACTION: Notice of final meeting.

SUMMARY: This notice sets the schedule for the forthcoming final meeting of the Mississippi River Corridor Study Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE, TIME, AND ADDRESS: Monday, May 20, 1996; 2 p.m. to 6 p.m., Old State Capital, 100 North Boulevard at River Road, Baton Rouge, Louisiana. This meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons accommodated on a first-come, first-served basis. As this is the final meeting, there are no agenda items, only approval of the previous meeting minutes. The report will be signed by each commission member and distribution will be made to the President of the United States, the Speaker of the House of Representatives, the President of the Senate and the Governors of each of the following states: Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin.

FOR FURTHER INFORMATION CONTACT: Alan M. Hutchings, Assistant Field Director, Planning, Legislation, and WASO Coordination, National Park Service, Midwest Field Area, 1709 Jackson Street, Omaha, Nebraska 68102, or call 402–221–3082.

SUPPLEMENTARY INFORMATION: The Mississippi River Corridor Study Commission was established by Public Law 101–398, September 29, 1990. This commission will expire 90 days after submitting the final report.

Dated: May 7, 1996.

William W. Schenk,

Field Director, Midwest Field Area.

[FR Doc. 96–12561 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–70–P

National Park Service

Mojave National Preserve Advisory Commission; Notice of Meetings

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Mojave National Preserve Advisory Commission will be held June 12 , 1996; assemble at 1:00 PM at the National Park Service Information Center in Baker California; travel by private vehicle to Kelso Depot, Kelso, California; and June 13, 1966, at 9:30 AM, at the National Park Service Visitor Center at Hole-In-The-Wall, Mojave National Preserve.

The agenda: Provide administrative information concerning Advisory Commission process; update on Northern and Eastern Mojave Planning Process; discussion of issues and Advisory Commission role in planning.

The Advisory Commission was established by PL #03–433 to provide for the advice on the development and implementation of the General Management Plan.

Members of the Commission are:

Micheal Attaway
Irene Ausmus
Rob Blair
Peter Burk
Dennis Casebier
Donna Davis
Nathan 'Levi' Esquerra
Gerald Freeman
Willis Herron
Eldon Hughes
Claudia Luke
Clay Overson
Norbert Riedy
Marcia Turoci
Mal Wessel

This meeting is open to the public.

Mary G. Martin,

Superintendent, Mojave National Preserve.

[FR Doc. 96–12563 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Reclamation

Proposed Long-Term Water Service Contract Renewal, Sargent and Farwell Units, Middle Loup Division, Pick-Sloan Missouri Basin Program, NE

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information/scoping meetings.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) will prepare a draft environmental assessment (EA) on the proposed renewal of the long-term water service contract for the Loup Basin Reclamation District which provides service to the Sargent and Farwell Irrigation Districts in the Middle Loup River Basin (Basin) in Nebraska. The existing water service contract will expire in December of 1998.

The purpose of this action is to provide for the continued beneficial use of federally developed water within the Basin. Reclamation is proposing to renew the long-term water service contract for the reclamation district in accordance with current law and policy while examining all reasonable alternatives to balance contemporary surface water needs within the Basin.

Reclamation has scheduled a series of public information/scoping meetings in connection with the development of a Resource Management Assessment (RMA) and the draft EA.

DATES: The schedule for the public information/scoping meetings is:

- May 28, 7:00 p.m., Sargent, NE, Palladium, 105 N. 2nd Street.
- May 29, 7:00 p.m., Loup City, NE, Middle School Gymnasium, 800 N. 8th Street.
- May 30, 7:00 p.m., St. Paul, NE, Public School, 1305 Howard Avenue.
- May 31, 1:00 p.m., Grand Island, NE, Holiday Inn Mid Town, 2503 S. Locust Street.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Manring, Basin Study Coordinator, Bureau of Reclamation, Nebraska-Kansas Area Office, PO Box 1607, Grand Island, NE 68802–1607; telephone: (308) 389–4557.

SUPPLEMENTARY INFORMATION: Reclamation constructed Milburn and Arcadia Diversion Dams, Sherman Dam and Reservoir, and associated canal and drainage systems in the Basin in the 1950's and 1960's pursuant to the Pick-Sloan Missouri Basin Program of the Flood Control Act of 1944.

Prior to initiating construction on the individual projects, Reclamation negotiated and entered into a long-term water service contract with the reclamation district. The initial long-term water service contract which was issued for a 40-year term, became effective upon completion of the respective projects, and will expire in December of 1998.

The location of the reservoir and irrigation districts within a common watershed provided Reclamation an opportunity to evaluate the direct, indirect, and cumulative effects of long-term water service contract renewal from a watershed perspective. Reclamation will initiate its watershed analysis by preparing the RMA to identify water-related resources within the Basin, document their historic and existing conditions, identify resource trends and/or predict future conditions, propose goals and objectives for resource management, and provide a framework for development of the range of alternatives necessary for the comprehensive NEPA compliance document. Much of the information gathered for, and incorporated into, the RMA will be used to prepare the draft EA.

An extensive range of management scenarios will be formulated for the RMA that are unconstrained by existing law or regulation. Input from the public is encouraged to help define different management scenarios. The initial range of management scenarios will include over 25 options and vary from no change from current management to:

- optimizing deliveries of water for irrigation at the expense of other beneficial uses,
- optimizing reservoir management for fisheries and recreation at the expense of irrigation,
- restoring the natural hydrograph to the degree possible, and others.

All of the preliminary management scenarios will be evaluated in the RMA process. It should be recognized that some of the management scenarios ultimately identified in the RMA may include actions beyond Reclamation's authority to implement. The RMA process will conclude with the identification of resource management goals and objectives and a reduced range of feasible management scenarios. Further screening, public input, and evaluation during the environmental compliance process will produce an ultimate range of reasonable alternatives that will be considered and evaluated in detail in the EA. Should the EA impact analysis process not result in a Finding of No Significant Impact (FONSI), the NEPA compliance effort will be elevated to an Environmental Impact Statement (EIS). Both the RMA and NEPA compliance documents will assess potential impacts to Indian Trust Assets.

Anyone interested in additional information concerning the environmental compliance or water service contract renewal processes, having suggestions regarding significant environmental issues or management scenarios, or having input about concerns or issues related to Indian Trust Assets should contact Ms. Manring at the above address.

Meetings have been scheduled to inform the public of the status of contract renewal, to allow for public input on the development of preliminary management scenarios to be evaluated in the RMA process, to inform the public of significant issues identified to date, to identify additional significant issues that should be analyzed in the draft EA, and to identify issues related to Indian Trust Assets. The RMA and draft EA are expected to be completed and available for review and comment in mid 1997.

Individuals requiring special assistance at these meetings should make their needs known in advance to Lee Loseke, Bureau of Reclamation, Nebraska-Kansas Area Office, at (308) 389–4625.

Dated: May 14, 1996.

Robert Gyllenborg,

Area Manager.

[FR Doc. 96–12591 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

Privacy Act of 1974, Systems of Records: Employees' Payroll Records

AGENCY: Overseas Private Investment Corporation, IDCA.

ACTION: Request for comments.

SUMMARY: Pursuant to 5 U.S.C., 522a(e)(4) of the Privacy Act of 1974, the Overseas Private Investment Corporation (the ''Corporation'') hereby amends the system of records titled OPIC 23, Employees' Payroll Records. On July 7, 1996, the Corporation will convert its existing personnel and payroll systems to the integrated, automated payroll and personnel system maintained by the Denver Administrative Services Center, U.S. Bureau of Reclamation, U.S. Department of Interior. Therefore, the Corporation is updating and republishing an existing system of records, OPIC 23. This system of records, OPIC 23, was originally

published at 41 FR 51570, November 22, 1976.

DATES: Comments must be received within 30 calendar days of this notice (June 10, 1996). This updated system will become effective on July 7, 1996, unless otherwise published in the Federal Register.

ADDRESSES: Written comments on the updated system may be addressed to the Director, Human Resources Management, Overseas Private Investment Corporation, 1100 New York Avenue, NW, Washington, DC 20527.

FOR FURTHER INFORMATION CONTACT: Stephanie Wrightson, Human Resources Management, Overseas Private Investment Corporation, 1100 New York, Avenue, NW, Washington, DC 20527; 202/336–8531.

Summary of System

OPIC 23

SYSTEM NAME:

Employees' Payroll Records.

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

a. Human Resources Management Overseas Private Investment Corporation 1100 New York Avenue, NW Washington, DC 20527

b. U.S. Bureau of Reclamation Administration Service Center Payroll Operations Division, Mail Stop D–2600 7301 West Mansfield Avenue Lakewood, CO 80235–2230

c. For Retired Personnel Files: National Archives and Records Administration National Personnel Records Center (Civilian Personnel Records Center) 111 Winnebago Street St. Louis, MO 63118

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Corporations's system consists of four files. Official personnel files held by the Corporation are governed by the U.S. Office of Personnel Management regulations found in Parts 293 and 297 of Title 5 of the Code of Federal Regulations (CFR). The four categories of Corporation files are described below:

a. Official personnel file—This file consists of the employees' Standard Form 50's and copies of benefits election forms. This is a manual file.

b. Service history file—These records contain name, Social Security number, birth date, effective date, nature of action, pay plan, grade and salary related to personnel actions for OPIC service prior to July 7, 1996. These are automated records.

c. Payroll file—This system consists of documents related to employees' pay and related payroll deductions that are not properly filed in the official personnel file. These files may contain copies of income tax forms, savings bond elections, net deposits and allotments, union dues elections, Corporation benefits elections, and legal process related to garnishments. This is a manual file.

d. Time and attendance reports—This system consists of credit hour records, biweekly summaries of hours worked and leave taken, flextime records, leave applications, authorized premium pay, danger pay requests, and corrections. This information is maintained in an automated system, in supporting documentation, and on microfiche.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12107, dated December 28, 1978 and 5 C.F.R. Parts 293 and 297.

PURPOSE(S):

These records are used to establish and maintain employee qualifications, benefits and pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are transmitted by the Corporation directly to the Denver Administrative Services Center, U.S. Bureau of Reclamation, U.S. Department of Interior which in turn transmits them to the following:

(a) To the Treasury Department for payroll purposes.

(b) To the Treasury Department for issuance of savings bonds.

(c) To the U.S. Office of Personnel Management for retirement, health and life insurance purposes, and to carry out the Corporation's Government-wide personnel management functions.

(d) To the National Finance Center, U.S. Department of Agriculture for the Thrift Savings Plan and Temporary Continuation of Coverage.

(e) To the Social Security Administration for compliance with the Federal Insurance Compensation Act.

(f) To the Internal Revenue Service for taxable earnings and withholding purposes.

(g) To the Combined Federal Campaign for charitable contribution purposes.

(h) To the American Federal of Government Employees for union dues.

(i) To state and local government tax entities for income tax purposes.

(j) To the Attorney General of the United States or an authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as a legal representative of the Executive Branch agencies.

(k) To the Internal Revenue Service for audit and inspection and investigation purposes.

(l) For employment verifications as authorized in writing by the current or former employee.

(m) To judgment holders for the purposes of garnishments.

(n) To arbitrators pursuant to a negotiated labor agreement or to Equal Employment Opportunity investigators given a contract to hear or investigate employee grievances or complaints of discrimination.

(o) To congressional offices in response to inquiries from congressional offices made at the request of individuals to whom the record pertains.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

No disclosure to consumer reporting agencies is made from these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Official personnel files, payroll files, and time and attendance reports are kept in file folders. Service history files prior to July 7, 1996, are maintained in an automated system.

RETRIEVABILITY:

Official personnel files and payroll files are filed alphabetically by surname. Time and attendance reports are filed by date, type of report, and then by surname. Service history files are retrieved from the automated system by surname or Social Security number.

SAFEGUARDS:

All manual records are stored in a key-locked metal file cabinet. The doors to OPIC's offices in which these cabinets are located are locked outside of business hours or anytime the office is not staffed. Access to the service history files requires a user identification number and password.

RETENTION AND DISPOSAL:

(i) The official personnel file is retained until the end of the first thirty days following the date of the individual's separation from the Corporation if the individual is not thereafter employed by a Federal Agency. After the thirty days, records are sent to the National Archives and Records Administration, National

Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri. However, if following the separation from the Corporation, the individual is employed by a Federal Agency, records are maintained until that Federal Agency requests said records from the Corporation; (ii) Service history records are kept for three years following an employee's separation; (iii) Payroll records of the Corporation are maintained for four calendar years following the year in which the employee separates; and (iv) Time and attendance reports are maintained for six years after the year of the employee's separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Management, Overseas Private Investment Corporation, 1100 New York Ave., NW., Washington, DC 20527, Telephone (202) 336–8525.

NOTIFICATION PROCEDURE:

Requests by individuals concerning the existence of a record may be addressed to the systems manager above or presented in person at the Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527. The request shall be in writing, signed by the individual, with their full name, any aliases used, their place and date of birth, and their Social Security number.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed or presented in person to the same address as stated in the Notification section above. Requests should be accompanied by information sufficient to identify the individual pursuant to 22 CFR 707.21(b).

CONTESTING RECORD PROCEDURES:

Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification section above. Requests for amendments to records and requests for review of a refusal to amend a record must comply with the requirements of 22 CFR 707.22(b)–(e).

RECORD SOURCE CATEGORIES:

The individual concerned and OPIC employees acting in their official capacities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: May 15, 1996.

James R. Offutt,

Assistant General Counsel Department of Legal Affairs.

[FR Doc. 96–12399 Filed 5–17–96; 8:45 am]

BILLING CODE 3210–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to CERCLA

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Consolidation Coal Co., et al,* Civil Action No. 89–2124, was lodged on May 6, 1996 with the United States District Court for the Western District of Pennsylvania. This proposed consent decree would resolve this cost recovery action under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. § 9607, for the Swissvale Auto Surplus Parts Company Site, a metal reclamation and reprocessing facility near Pittsburgh, for a payment of $1.5 million toward reimbursement of expenditures from the Superfund to conduct removal actions at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Consolidation Coal Co., et al,* DOJ Ref. # 90–11–3–334.

The proposed consent decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 7th and Grant Streets, Pittsburgh, PA 15219; the Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107; 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 $10.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–12575 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

In accordance with the Departmental Policy, 28 C.F.R. § 50.7 notice is hereby given that a consent decree in *United States* v. *Ralph Riehl, et al.,* Civil Action No. 89–226E, was lodged with the United States District Court for the Western District of Pennsylvania on May 3, 1996.

On October 16, 1989, the United States filed a complaint against the owners and operator of, and certain transporters to, the Millcreek Dump Superfund Site (the ''Site''), pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9607(a). In June 1992, the United States added certain ''generator'' defendants, including Alco Industries, Inc. (Alco), to the action. The consent decree is a ''cash-out'' decree which requires a payment of $325,000.00 and resolves the United States' cost claims against Alco and related corporate entities, for response costs incurred and to be incurred at the Millcreek Site.

The Department of Justice will accept written comments relating to this Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *Ralph Riehl, et al.,* DOJ No. 90–11–3–519. In accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d), commenters may request a public meeting in the affected area.

Copies of the proposed Consent Decree may be examined at the office of the United States Attorney, Western District of Pennsylvania, Federal Building and Courthouse, Room 137, 6th and State Streets, Erie, Pennsylvania, 15219; Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; 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 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. When requesting a copy of the proposed Consent Decree, please enclose a check in the amount of $7.25 (twenty-five cents per page reproduction costs) payable to the ''Consent Decree Library.''

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 96–12574 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that on May 9, 1996, a proposed consent Decree in *United States* v. *J.B. Stringfellow, Jr. et al.,* Civil Action No. 83–2501 (JMI), was lodged with the United States District Court for the Central District of California. The Complaint in this action was brought pursuant to, *inter alia,* the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.,* to recover costs incurred in connection with remedial activities at the Stringfellow Superfund Site in Riverside, California, and to obtain injunctive relief requiring the defendants to take further remedial actions at the Site.

Pursuant to the proposed Consent Decree certain third-party defendants determined to have been *de minimis* contributors of hazardous substances will resolve their liability to the United States, the State, and certain third-party plaintiffs in this action through a payment to the United States of $4,881,300, to be used exclusively for response actions in connection with the Stringfellow Superfund Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044. Comments should refer to *United States* v. *J.B. Stringfellow, Jr. et al.,* Civil Action No. 83–2501 (JMI), D.J. Ref. No. 90–11–2–24.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, Federal Building, Room 7516, 300 North Los Angeles Street, Los Angeles, California; Office of Regional Counsel, Environmental Protection Agency, 75 Hawthorn St., San Francisco, California; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library.

In requesting a copy, please enclose a check in the amount of $39.50 (25 cents per page reproduction cost) payable to the ''Consent Decree Library.''

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 96–12576 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Financial Services Technology Consortium, Inc., Electronic Check Project

Notice is hereby given that, on April 9, 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 Financial Services Technology Consortium, Inc.; Electronic Check Project 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: Novell, Inc., San Jose, CA; InraNet, Inc., Newton, MA; Global Concepts, Inc., Atlanta, GA and Bell Communications Research, Inc., Morristown, NJ have been added to the venture.

On August 10, 1995, the Financial Services Technology Consortium filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on January 31, 1996 (61 Fed. Reg. 3463). The last notification was filed on February 13, 1996. The Department of Justice published a notice in the Federal Register on April 10, 1996. (61 Fed. Reg. 15970).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–12578 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Financial Services Technology Consortium, Inc.

Notice is hereby given that, on March 11, 1996 and April 12, 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 Financial Services Technology Consortium, Inc., 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: Global Concepts, Inc., Atlanta, GA; Marquette Direct, Minneapolis, MN; NNT Data Communications, Palo Alto, CA; Oracle Corp., El Segundo, CA; and Bottomline Technologies, Inc., Portsmouth, NH have been added to the venture.

On October 21, 1993, the Financial Services Technology Consortium filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on December 14, 1993 (58 Fed. Reg. 65399).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–12579 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Financial Services Technology Consortium, Inc., Check Imagineing Project

Notice is hereby given that, on January 11, 1996 and April 9, 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 Financial Service Technology Consortium, Inc.; Check Imaging Project has filed written notification 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: RDM Corporation, Waterloo, Ontario, CANADA; and Polytechnic University, Brooklyn, NY have been added to the venture.

On May 2, 1995, the Financial Services Technology Consortium, Inc.; Check Imaging Project filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on June 20, 1995 (60 Fed. Reg. 33169–70).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–12580 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Network Management Forum

Notice is hereby given that, on March 5, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the Network Management Forum (''the Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to its membership. The additional 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 identities of the new members to the venture are as follows: CSC Intelicom, Inc., Rochester, NY; General Instrument Corporation, Hatboro, PA; and Motorola, Arlington Heights, IL are Corporate Members. AU-Systems, Stockholm, SWEDEN; Marben Products, Inc., San Jose, CA; Open Networks Engineering, Inc., Ann Arbor, MI; Securicor Wireless Networks, Inc., Redmond, WA; Telecom Solutions, San Jose, CA; Tertio Limited, London, ENGLAND; and X–CEL Communications Limited, Camberley, Surrey, ENGLAND are Associate Members. Air Force C4 Agency, Scott AFB, IL; Cintel, Santafe de Bogota, D.C., COLUMBIA; and Exallon Systems, Malmo, SWEDEN are affiliate Members.

No other changes have been made since the last notification filed with the Department, in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Form filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on December 8, 1988 (53 Fed. Reg. 49615).

The last notification was filed with the Department on November 30, 1995. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on February 12, 1996 (61 Fed. Reg. 5409).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–12581 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Salutation Consortium

Notice is hereby given that, on October 18, 1995, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Salutation Consortium, formerly the SmartOffice Industry Consortium, 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: Rios Systems Co., Ltd., Yokohama, JAPAN: and Casio Computer Co., Ltd., Tokyo, JAPAN have been added to the venture.

On March 30, 1995, the Salutation Consortium, under the name SmartOffice Industry Consortium, filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on June 27, 1995 (60 FR 33233).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–12577 Filed 5–17–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Migrant and Seasonal Farmworker Programs; Final Allocations

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration is publishing the estimated final allocation for Program Year (PY) 1996 (July 1, 1996–June 30, 1997) for the Migrant and Seasonal Farmworkers program (MSFW) authorized under Section 402 of the Job Training Partnership Act.

FOR FURTHER INFORMATION CONTACT: Mr. Charles C. Kane, Chief, Division of Seasonal Farmworker Programs. Telephone: (202) 219–5500 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: the allocations set forth in the appendix to this notice were computed according to the Program year 1994 allocation formula published at 59 FR 17577 (April 13, 1994). When the appropriation for the Department of Labor's 1996 fiscal year was enacted into law, it incorporated the prior agreement of the House and Senate Committees on an appropriation amount for the 402 Migrant and Seasonal Farmworker Program of $69,285,000. Grant plans should proceed on the basis of this amount. This amount is a decrease of $10,682,000 from the final (post-rescission) appropriation for PY 1995.

For PY 1996, the State-by-State allocation formula is being applied to $65,486,767. The remaining $3,798,233 of the estimated PY 1996 section 402 appropriation is being held in the section 402 national account to fund the housing program, the Hope, Arkansas, Migrant Rest Center, and other training and technical assistance projects.

Allocation Formula

To maintain programmatic stability during the continued downsizing of the Federal MSFW program, the State-by-State estimated allocations were determined by the same formula that was used to allocate MSFW funds in PY 1995.

Signed at Washington, DC, this 14th day of May, 1996.

Paul A. Mayrand,

Director, Office of Special Targeted Programs.

James DeLuca,

Grant Officer, Division of Acquisition and Assistance.

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION—MIGRANT AND SEASONAL FARMWORKERS
PY 1996 ALLOTMENTS TO STATES

	PY 1995 base	PY 95–PY 96 changes	PY 1996 total
National Total	79,967,000	(10,682,000)	69,285,000
Alabama	900,659	(128,136)	772,523
Alaska	0	0	0
Arizona	1,728,494	(245,911)	1,482,583
Arkansas	1,327,850	(188,912)	1,138,938
California	16,596,441	(2,361,160)	14,235,281
Colorado	916,228	(130,351)	785,877
Connecticut	234,338	(33,339)	200,999
Delaware	134,597	(19,149)	115,448
District of Columbia	0	0	0
Florida	5,267,924	(749,463)	4,518,461
Georgia	1,946,847	(276,976)	1,669,871
Hawaii	286,186	(40,715)	245,471
Idaho	998,028	(141,989)	856,039
Illinois	1,621,762	(230,727)	1,391,035
Indiana	889,035	(126,482)	762,553
Iowa	1,495,035	(212,697)	1,282,338
Kansas	793,746	(112,926)	680,820
Kentucky	1,538,507	(218,882)	1,319,625
Louisiana	905,433	(128,815)	776,618
Maine	372,392	(52,980)	319,412
Maryland	348,386	(49,565)	298,821
Massachusetts	399,270	(56,804)	342,466
Michigan	999,395	(142,183)	857,212
Minnesota	1,449,971	(206,286)	1,243,685
Mississippi	1,648,190	(234,486)	1,413,704
Missouri	1,244,947	(177,117)	1,067,830
Montana	758,883	(107,966)	650,917
Nebraska	881,379	(125,393)	755,986
Nevada	228,391	(32,493)	195,898
New Hampshire	128,075	(18,221)	109,854
New Jersey	455,017	(64,735)	390,282
New Mexico	681,004	(96,886)	584,118
New York	2,105,010	(299,478)	1,805,532
North Carolina	3,419,127	(486,436)	2,932,691
North Dakota	532,730	(75,791)	456,939
Ohio	1,029,322	(146,441)	882,881
Oklahoma	691,724	(98,411)	593,313
Oregon	1,237,183	(176,013)	1,061,170
Pennsylvania	1,389,307	(197,655)	1,191,652
Puerto Rico	3,342,718	(475,565)	2,867,153
Rhode Island	0	0	0
South Carolina	1,228,548	(174,784)	1,053,764
South Dakota	788,092	(112,121)	675,971
Tennessee	1,089,432	(154,992)	934,440
Texas	6,801,621	(967,660)	5,833,961
Utah	279,073	(39,703)	239,370
Vermont	242,426	(34,490)	207,936
Virginia	1,178,883	(167,719)	1,011,164
Washington	1,939,978	(275,999)	1,663,979
West Virginia	249,467	(35,491)	213,976
Wisconsin	1,398,134	(198,911)	1,199,223
Wyoming	229,661	(32,674)	196,987
Formula Total	76,348,846	(10,862,079)	65,486,767
TA/Housing	3,618,154	180,079	3,798,233

[FR Doc. 96–12605 Filed 5–17–96; 8:45 am]
BILLING CODE 4510–30–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303(a).

DATES: Request for copies must be received in writing on or before July 5, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Forest Service (N1–95–96–1). Case files for water supply projects and routine water quality tests.

2. Department of the Air Force (N1–AFU–96–5). Blood donor medical histories and blood bank agreements.

3. Department of the Air Force (N1–AFU–96–12). Fire protection records.

4. Department of Defense, Defense Logistics Agency (N1–361–96–1). Contractor and Individual Computer Access Records for routine administrative purposes

5. Department of Housing and Urban Development (N1–207–95–1). Nonsubstantive program subject files, calendars, and other records of daily activities of Assistant Secretaries and equivalent officials. Substantive records of these officials are designated for preservation.

6. Department of Justice, Drug Enforcement Administration (N1–170–94–1). Update to agency's comprehensive schedule.

7. Central Intelligence Agency (N1–263–93–01). Automated and textual records relating to the Foreign Broadcast Information Service (FBIS).

8. Tennessee Valley Authority (N1–142–9–19). TVA Principles and Practices, a manual created by Human Resources. Microfilm copy will be preserved.

Dated: May 8, 1996.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 96–12524 Filed 5–17–96; 8:45 am]
BILLING CODE 7515–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Polar Programs; Notice of Meeting

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

Name and Committee Code: Special Emphasis Panel in Polar Programs (#1209).

Date and Time: June 3, 1996; 8:00 to 5:00 PM.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 730, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Noel D. Broadbent, Program Director for Arctic Social Science, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1029.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Arctic Social Science proposals as part of the selection process for awards.

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

Dated: May 14, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–12530 Filed 5–17–96; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333]

James A. Fitzpatrick Nuclear Power Plant; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–

59 issued to New York Power Authority (the licensee) for operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego, New York.

The proposed amendment would allow reactor coolant system pressure tests to be performed while remaining in the Cold Shutdown Mode. The changes will also allow outage activities on other systems to continue. The changes, with minor exceptions, adopt Special Operations Section 3.10.1, ''Inservice Leak and Hydrostatic Testing Operation,'' from Standard Technical Specifications (STS), NUREG–1433. Minor exceptions are required to ensure consistency within FitzPatrick TS, reflect differences between FitzPatrick TS and STS, and ensure the same level of Emergency Core Cooling System redundancy afforded by STS during pressure testing. These exceptions will be eliminated when the FitzPatrick TS are converted to STS.

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

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

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of a leak in the reactor coolant pressure boundary during reactor coolant system pressure testing is not increased by considering the reactor to be in Cold Shutdown. Since the pressure tests are performed nearly water solid, at low decay heat values, and near Cold Shutdown conditions, the stored energy in the reactor core will be low. Under these conditions, the potential for failed fuel and a subsequent increase in coolant activity is minimized. In addition, secondary containment integrity will be maintained, in accordance with the Special Operations LCO [Limiting Conditions for Operation], and the secondary containment will be capable of handling any airborne radioactivity or steam leaks that could occur during the performance of hydrostatic or leak testing. The required pressure testing conditions provide adequate assurance that the consequences of a steam leak will be conservatively bounded by the consequences of the postulated main steam line break outside of primary containment. In the event of a large primary system leak, the reactor vessel would rapidly depressurize, allowing the low pressure core cooling systems to operate. The capability of these systems would be adequate to keep the core flooded under this low decay heat load condition. Small system leaks would be detected by leakage inspections before significant inventory loss occurred. Therefore, the consequences of an accident previously evaluated are not significantly increased.

2. Create the possibility of a new or different kind of accident from those previously evaluated.

The proposed changes do not introduce any new accident initiators or failure mechanisms since the changes do not involve any changes to structures, systems, or components, do not involve any change to the operation of systems, and alter procedures only to the extent that the 212 °F limit may be exceeded during reactor coolant system pressure testing with certain systems inoperable. There are no alterations to plant systems designed to mitigate the consequences of accidents. The only difference is that a different subset of plant systems would be utilized for accident mitigation than those utilized during the Hot Shutdown Mode. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from those previously evaluated.

3. Involve a significant reduction in the margin of safety.

Since pressure tests are performed nearly water solid, at low decay heat values, and near Cold Shutdown conditions, the stored energy in the reactor core will be low. Under these conditions, the potential for failed fuel and a subsequent increase in coolant activity is minimized. Since secondary containment integrity will be maintained, in accordance with the Special Operations LCO, the secondary containment will be capable of handling any airborne radioactivity or steam leaks that could occur during the performance of hydrostatic or leak testing. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

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

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

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

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

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

By June 19, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield

Library, State University of New York, Oswego, New York 13126. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

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

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

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

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

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

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

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Jocelyn A. Mitchell, Acting Project Directorate I–1: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019, attorney for the licensee.

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

For further details with respect to this action, see the application for amendment dated February 1, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 14th day of May 1996.

For the Nuclear Regulatory Commission.

Karen R. Cotton,

Acting Project Manager, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–12617 Filed 5–17–96; 8:45 am]

BILLING CODE 7590–01–P

Nuclear Safety Research Review Committee; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

The Nuclear Safety Research Review Committee (NSRRC) will hold its next meeting on June 27–28, 1996. The location of the meeting will be in rooms 1F7/9, One White Flint North (OWFN) Building, 11555 Rockville Pike, Rockville, MD. The meeting will be held from 9am to 5pm on both days.

The meeting will be held in accordance with the requirements of the Federal Advisory Committee Act (FACA) and will be open to the public. The NSRRC provides advice to the Director of the Office of Nuclear Regulatory Research (RES) on matters of overall management importance in the direction of the NRC's program of nuclear safety research. The main purposes of this meeting will be (1) to discuss the March 27, 1996 NSRRC briefing with the Commission and (2) to review and discuss the reports and recommendations of the Subcommittees on Research in Support of Risk-Based Regulation (PRA); Instrumentation and Control (I&C) and Human Factors; and Subcommittee on Accident Analysis.

Participants in parts of the discussion will include senior NRC staff and other RES technical staff as necessary.

Any inquiries regarding this notice or any subsequent changes in the status and schedule of the meeting, may be made to the Designated Federal Officer, Dr. Jose Luis M. Cortez (telephone: 301–415–6596), between 8:15 am and 5:00 pm.

Dated at Rockville, Maryland this 14th day of May, 1996.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

[FR Doc. 96–12611 Filed 5–17–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension: Rule 17a–13 SEC File No. 270–27 OMB Control No. 3235–0035

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension on the following rule:

Rule 17a–13(b) requires that at least once each calendar quarter, brokers and dealers physically examine and count all securities held and account for all other securities not in their possession, but subject to the broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a–13(c) provides that under specified conditions, the securities count, examination and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a–13 does not require filing a report with the Commission, the discrepancies must be reported on the form required by Rule 17a–5.

The information obtained from Rule 17a–13 is used as an inventory control device to monitor a broker-dealer's ability to account for all securities held, in transfer, in transit, pledged, loaned, borrowed, deposited or otherwise subject to the firm's control or direction. Discrepancies between the securities counts and the broker-dealer's records alert the Commission and the Self Regulatory Organizations (''SROs'') to those firms having problems in their back offices.

Because of the many variations in the amount of securities that broker-dealers are accountable for, it is difficult to develop a meaningful figure for the cost of compliance with Rule 17a–13. About fifteen percent of all registered brokers and dealers are exempt from Rule 17a–13. Another significant amount of firms have minimal obligations under the rule because they hold, or are owed few securities. The average amount of time consumed by complying with Rule 17a–13 is approximately 100 hours per year. It should be noted that most broker-dealers would engage in the activities required by Rule 17a–13 even if they were not required to do so.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 and Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: May 13, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–12597 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21959; International Series Release No. 980; File No. 812–10090]

The Chase Manhattan Bank, N.A. and Chemical Bank; Notice of Application

May 14, 1996.

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

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

APPLICANTS: The Chase Manhattan Bank, N.A. (''Chase'') and Chemical Bank (''Chemical'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an exemption from section 17(f) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would amend three prior orders granted to Chase that permit Chase subsidiaries in Malaysia, Mexico, and Russia to maintain in those countries certain assets of U.S. registered investment companies. The requested order would substitute the entity surviving the anticipated merger of Chase and Chemical as the party to which relief is granted. Chemical will survive the merger and change its name to ''The Chase Manhattan Bank.''

FILING DATE: The application was filed on April 18, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 10, 1996 by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, D.C. 20549. Applicants, c/o Daniel L. Goelzer, Esq., Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, 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 at the SEC's Public Reference Branch.

Applicants' Representations

1. Chase is a national banking association, regulated by the Comptroller of the Currency under the National Bank Act. At December 31, 1995, Chase had shareholders' equity in excess of $8.065 billion. Through its Global Securities Services division, Chase provides custody and related services to global institutional investors, including U.S. registered investment companies.

2. Chemical Bank is a banking institution, organized under the laws of the State of New York. It is regulated as a bank by the Superintendent of Banks of New York, and is a member bank of

the Federal Reserve System. At December 31, 1995, Chemical had shareholders' equity in excess of $8.18 billion. Through its Geoserve Securities Services division, Chemical provides custody and related services to global institutional investors, including U.S. registered investment companies.

3. On March 31, 1996, Chase's parent holding company, The Chase Manhattan Corporation, and Chemical's parent holding company, Chemical Banking Corporation, merged. Chemical Banking Corporation was the surviving entity in the merger, and it has changed its name to ''The Chase Manhattan Corporation.'' During July 1996, it is anticipated that Chase will be merged into Chemical (the ''Merger''). Chemical will survive the Merger, and will change its name to ''The Chase Manhattan Bank'' (New Chase'').

4. Chase-Malaysia, Chase-Mexico, and Chase-Russia (the ''Foreign Subsidiaries'') each are indirect subsidiaries of Chase and, after the Merger, each will become an indirect subsidiary of New Chase. Applicants state that, upon the Merger, New Chase will succeed by operation of law to the rights and obligations of Chase, including Chase's obligations under various custody agreements with certain U.S. registered investment companies and under subcustody agreements with each of the three Foreign Subsidiaries.

5. Applicants request an order under section 6(c) for an exemption from section 17(f) that would amend three orders previously granted to Chase (the ''Prior Orders'') [1] that permit Chase, and Chase's subsidiaries in Malaysia, Mexico, and Russia to provide certain foreign custody arrangements in those countries for the assets of investment companies registered under the Act, other than investment companies registered under section 7(d) of the Act (''U.S. Investment Companies'').[2]

Applicants request that New chase be substituted for Chase under the Prior Orders. The amendment will permit New Chase and its subsidiaries in Malaysia, Mexico,and Russia to continue to provide custody services in those jurisdictions to U.S. Investment Companies under the same terms and conditions as are set forth in the Prior Orders.

6. Each Prior Order requires, among other conditions, that Chase have in place two bilateral contractual arrangements, consisting of a Custody Agreement between Chase and the U.S. Investment Company (or its custodian), and a Subcustody Agreement between Chase and the applicable Foreign Subsidiary. Under the Custody Agreement, Chase undertakes to provide custody or subcustody services, and agrees to delegate certain of its duties and obligations as custodian to the Foreign Subsidiary. The Custody Agreement further provides that the delegation by Chase to the Foreign Subsidiary does not relieve Chase of any responsibility to the U.S. Investment Company or its custodian for any loss due to such delegation, and that Chase will be liable for any loss or claim arising out of or in connection with the performance by the Foreign Subsidiary of the custody services to the same extent as if Chase had itself provided the custody services under the Custody Agreement.

7. Under each Subcustody Agreement, Chase delegates to Chase-Malaysia, Chase-Mexico, and Chase-Russia, respectively, such of Chase's duties and obligations as would be necessary to permit the Foreign Subsidiary to hold assets in custody in Malaysia, Mexico, and Russia, respectively. Each Subcustody Agreement explicitly provides that (a) the Foreign Subsidiary is acting as a foreign custodian for assets that belong to a U.S. Investment Company pursuant to the terms of an exemptive order issued by the SEC and (b) the U.S. Investment Company or its custodian (as the case may be) that has entered into a Custody Agreement is entitled to enforce the terms of the Subcustody Agreement and can seek relief directly against the Foreign Subsidiary. Finally, each Subcustody Agreement provides that it is governed by New York law.

Applicants' Legal Conclusions

1. Section 17(f) of the Act requires every registered management investment company to place and maintain its securities and similar investments in the custody of certain entities, including ''banks'' having aggregate capital, surplus, and undivided profits of at least $500,000. A ''bank,'' as defined in section 2(a)(5) of the Act, includes (a) a banking institution organized under the laws of the United States; (b) a member of the Federal Reserve System; and (c) any other banking institution or trust company doing business under the laws of any State or of the United States, and meeting certain requirements. Therefore, the only entities located outside the United States which section 17(f) authorizes to serve as custodians for registered management investment companies are the overseas branches of U.S. banks.

2. Rule 17f–5 under the Act expands the group of entities that are permitted to serve as foreign custodians. Rule 17f–5(c)(2)(ii) defines the term ''Eligible Foreign Custodian'' to include a majority-owned direct or indirect subsidiary of a qualified U.S. bank or bank holding company that is incorporated or organized under the laws of a country other than the United States and that has shareholders' equity in excess of $100 million. Rule 17f–5(c)(3) defines the term ''Qualified U.S. Bank'' to include a banking institution organized under the laws of the United States or a member bank of the Federal Reserve System that has an aggregate capital, surplus, and undivided profit of not less than $500,000.

3. Chase is a Qualified U.S. Bank as defined in rule 17f–5, since it is a national bank and has aggregate capital, surplus, and undivided profits substantially in excess of the $500,000 minimum required by the rule. Chemical is a Qualified U.S. Bank under rule 17f–5, since it is a member of the Federal Reserve System and has capital substantially in excess of the $500,000 minimum. New Chase will also be a Qualified U.S. Bank after the Merger. The Foreign Subsidiaries are not U.S. banks and are not eligible foreign custodians, because each lacks the required $100 million in shareholders' equity, although each satisfies the other requirements for eligibility under rule 17f–5.

4. Section 6(c) of the Act provides, in relevant part, that the SEC may exempt any person or class of persons from any provision of the Act or from any rule thereunder, if such exemption is necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act.

5. Applicants believe that the requested amendment is necessary and appropriate in the public interest to permit U.S. Investment Companies for which Chase serves as custodian or

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[1] *Chase Manhattan Bank, N.A.,* (''Chase-Malaysia''), Investment Company Act Release Nos. 20647 (Oct. 21, 1994) (notice) and 20706 (Nov. 15, 1994) (order); *Chase Manhattan Bank, N.A.,* (''Chase-Mexico''), Investment Company Act Release Nos. 20694 (Nov. 9, 1994) (notice) and 20753 (Dec. 5, 1994) (order); and *Chase Manhattan Bank, N.A., (''Chase-Russia''), Investment Company Act Release Nos. 20969 (Mar. 28, 1995) (notice) and 21101 (May 31, 1995) (order).*

[2] The Prior Orders define ''assets'' to include foreign securities, cash, and cash equivalents. ''Foreign securities'' include securities issued and sold primarily outside the U.S. by a foreign government, a national of any foreign country, or a corporation or other organization incorporated or organized under the laws of any foreign country, and securities issued or guaranteed by the government of the U.S. or by any state or any political subdivision thereof or by any agency thereof or by any entity organized under the laws of the U.S. or of any state thereof which have been issued and sold primarily outside the U.S.

subcustodian to continue to use the arrangements currently in place under the Prior Orders after the Merger, and to permit new U.S. Investment Company customers for which New Chase may serve in such capacities to have access to such arrangements. Applicants contend that requiring current U.S. Investment Company customers of Chase to bear the substantial expense and effort of implementing alternative arrangements merely because of the Merger would be contrary to the best interests of investors and public policy. Absent an amendment, New Chase would be unable to offer these services in Malaysia, Mexico, and Russia to such U.S. Investment Companies under the Prior Orders.

6. Applicants believe that the assets to which the Prior Orders relate will be as effectively protected by New Chase as they have been by Chase. Following the Merger, New Chase will be required to assume liability under the Chase-Malaysia, Chase-Mexico, and Chase-Russia orders, to the same extent that Chase is required to do so under these orders. Applicants state that this application does not seek to change in any manner the terms and protections applicable to U.S. Investment Company assets held in custody by the Foreign Subsidiaries.

7. Applicants state that the purpose of section 17(f) is to ensure that U.S. Investment Companies hold securities in a safe manner that protects the interests of their shareholders. The purpose of rule 17f–5 is to relieve U.S. Investment Companies of the expense and inconvenience of transferring assets to the custody of a U.S. bank or other qualified custodian outside the jurisdiction in which the primary trading market for those assets is located and to reduce the risks inherent in maintaining assets outside the United States. Applicants state that the requested amendment would permit New Chase to continue offering custody services in Malaysia, Mexico, and Russia under the same terms and conditions as set forth in the Prior Orders and is, therefore, consistent with these purposes.

8. Applicants state that in granting the Prior Orders, the SEC determined that the arrangements which those orders permit satisfy the standards of section 6(c). Applicants believe that the substitution of New Chase for Chase as the party to which the terms and conditions of those orders apply in no way detracts from the continuing validity of the SEC's determinations. Therefore, applicants believe the requested order satisfies these standards.

Condition

Applicants agree that the order granting the requested relief shall be subject to the condition that, following the merger of Chase and Chemical, New Chase will comply with all of the terms and conditions set forth in the existing orders as if such orders had been granted to New Chase.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–12595 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–7316]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Commonwealth Energy System, Common Shares of Beneficial Interest, $4 Par Value)

May 14, 1996.

Commonwealth Energy System (''Company'' or ''System'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Boston Stock Exchange, Inc. (''BSE'').

The reasons alleged in the application for withdrawing the security from listing and registration include the following:

According to the Company, the Exchange charges the System an annual maintenance fee of $1,000 and listing fees for additional registered shares. The low volume of System shares traded on the BSE does not warrant continued listing on this exchange. Additionally, the System believes that its shareholders receive no significant economic benefit by maintaining its listing with the exchange. The System further believes that its continued listing on the NYSE and the PSE is sufficient to serve the needs of its shareholders throughout the continental United States and its political sub-division thereof.

Any interested person may, on or before June 5, 1996, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC, 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–12538 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–10751]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Star Multi Care Services, Inc., Common Stock, $0.001 Par Value)

May 14, 1996.

Star Multi Care Services, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Pacific Stock Exchange, Inc. (''PSE'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, since October 16, 1995 it has been listed on the Nasdaq National Market (''NMS'').

In making the decision to withdraw its Security from listing on the PSE, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its Security on the PSE and the NMS. The Company does not see any particular advantage in the dual trading of its Security and believes that dual listing would fragment the market for its Security.

Any interested person may, on or before June 5, 1996 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–12536 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–13242]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (The UniMark Group, Inc., Common Stock, $0.01 Par Value)

May 14, 1996.

The UniMark Group, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Pacific Stock Exchange, Inc. (''PSE'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, since its initial public offering in August 1994, the Company has changed its primary trading market from the Nasdaq Small-Cap Market to the Nasdaq National Market System (Nasdaq/NMS). Consequently, substantially all of the trading in the Company's securities is effectuated on the Nasdaq/NMS. Therefore, the Board of Directors believes that the Nasdaq/NMS provides the Company's stockholders with a well-established and liquid trading market to effectuate transactions in the Company's securities.

The Company believes the costs involved in maintaining the PSE as a secondary trading market for its securities outweighs the benefits to the Company's stockholders, particularly in light of the historic trading volume of the Company's securities on the PSE.

Any interested person may, on or before June 5, 1996 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–12537 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37198; File No. SR–CROE–96–11]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Listing and Trading of Options on the CBOE PC Index

May 10, 1996.

On March 7, 1996, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commisssion''), pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] a proposed rule change to list and trade options on the CBOE PC Index (''CBOE PC Index'' or ''Index''), a narrow-based, equal-weighted index comprised of eight of the largest personal computer manufacturing companies. Notice of the proposed rule change appeared in the Federal Register on March 27, 1996.[3] No comments were received on the proposal. This order approves the proposal, as amended.

I. Description of the Proposal

The purpose of the proposed rule change is to permit the Exchange to list and trade cash-settled, European-style stock index options on the CBOE PC Index, an equal-weighted index consisting of stocks of eight of the largest personal computer manufacturing companies. CBOE represents that each of these stocks are actively traded and believes that options on the Index will provide investors with a low-cost means to participate in the performance of the domestic PC industry or a means to hedge the risk of investments in that industry. The Exchange believes that the small number of Index components should facilitate replication of the Index for hedging purposes.

Index Design. As noted above, the CBOE PC Index consists of eight components, all of which trade on the New York Stock Exchange (''NYSE'') or Nasdaq.[4] In addition, the Exchange represents that all eight underlying component securities currently meet the Exchange's listing criteria for equity options contained in Exchange Rule 5.3 and are the subject of options trading on U.S. options exchanges.

As of February 6, 1996, the capitalization of the components ranged from a low of $363 million (AST Research) to a high of $65.26 billion (IBM). The total capitalization of the Index as of that date was $135.5 billion; the mean capitalization was $16.9 billion; and the median capitalization was $3.34 billion. Because the Index is equal-weighted, each component accounts for 12.5% of the weight of the Index at the time of rebalancing.

Calculation. The Index will be calculated by CBOE or its designee on a real-time basis using last-sale prices and will be disseminated every 15 seconds. The updated Index values will be displayed by the Consolidated Tape Association and over the facilities of the Options Price Reporting Authority (''OPRA''). If a component is not currently being traded on its primary market, the most recent price at which the share traded on such market will be used in the Index calculation. The value of the Index at the close on February 1, 1996 was 127.65.

The Index is equal-weighted and reflects changes in the prices of the component stocks relative to the Index base date, January 3, 1995 when the Index was set to 100.00. Specifically, each of the component securities is initially represented in equal-dollar amounts, with the level of the Index equal to the combined market value of the assigned number of shares for each of the Index components divided by the current Index divisor. The Index divisor is adjusted to maintain continuity in the Index at the time of certain types of changes. Changes which may result in divisor changes include, but are not limited to, quarterly re-balancing, special dividends, spin-offs, certain rights issuances, and mergers and acquisitions.

Maintenance. The Index will be maintained by CBOE and will be re-balanced after the close of business on Expiration Fridays on the March Quarterly Cycle. The Index will be reviewed regularly and CBOE may change the composition of the Index at any time to reflect changes affecting the components of the Index or the PC markets generally. If it becomes necessary to replace a component, every effort will be made to add a component

[1] 15 U.S.C. § 78s(b)(1) (1988 & Supp. V. 1993).

[2] 17 CFR § 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 36992 (March 20, 1996), 61 FR 13548.

[4] The components of the Index are: Apple Computer, AST Research, Compaq Computer, Dell Computer, Gateway 2000, Hewlett Packard, International Business Machines, and Micron Electronics.

that preserves the character of the Index. If no replacement is available, or if CBOE determines to decrease the number of component stocks, it will submit a proposed rule change pursuant to Section 19(b) of the Act prior to opening any new series of Index options for trading. Absent prior Commission approval, CBOE will not increase to more than ten the number of component stocks in the Index. Finally, if at any time any of the components are not options eligible,[5] the Exchange will submit a rule change pursuant to Section 19(b) of the Act prior to opening any new series of Index options for trading.

Index Option trading. The Exchange proposes to base trading in options on the CBOE PC Index on the full value of that index. The Exchange may list full-value long-term index option series (''LEAPS®''), as provided in Rule 24.9. The Exchange also may provide for the listing of reduced-value LEAPS, for which the underlying value would be computed at one-tenth of the value of the Index. The current and closing index value of any such reduced-value LEAP will, after such initial computation, be rounded to the nearest one-hundredth.

Exercise and Settlement. CBOE PC Index options will have European-style exercise and will be ''A.M.-settled index options'' within the meaning of the Rules in Chapter XXIV, including Rule 24.9, which is being amended to refer specifically to CBOE PC Index options. The proposed options will expire on the Saturday following the third Friday of the expiration month and the last day for trading in an expiring series will be the second business day (ordinarily a Thursday) preceding the expiration date.

Exchange Rules Applicable. Except as modified herein, the Rules in Chapter XXIV will be applicable to CBOE PC Index options. Index option contracts based on the CBOE PC Index will currently be subject to a position limit of 9,000 contracts on the same side of the market.[6] Ten reduced-value options will equal one full-value contract for such purposes.

CBOE represents that it has the necessary systems capacity to support new series that would result from the introduction of options on the Index and has also been informed that OPRA has the capacity to support such new series.[7]

Surveillance. The surveillance procedures currently used to monitor the trading of options on other Exchange-listed indexes will be used to monitor the trading of options on the CBOE PC Index. The Exchange has access to trading activity in the underlying securities, all of which trade on either the NYSE or Nasdaq, via the Intermarket Surveillance Group (''ISG'') Agreement.

II. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[8] Specifically, the Commission finds that the trading of CBOE PC Index options, including full-value and reduced-value long-term Index options, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with an additional means to hedge exposure to market risk associated with stocks in the personal computer industry.[9]

The trading of options on the Index and on a reduced-value Index, however, raises several issues relating to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the CBOE has addressed these issues adequately.

A. *Index Design and Structure.* The Commission believes it is appropriate for the Exchange to designate the Index as a narrow-based index for purposes of index options trading. The Index is comprised of 8 stocks intended to track the personal computer manufacturing sector of the stock market. The Commission also finds that the reduced-value Index is a narrow-based index because it is composed of the same component securities as the Index, and merely dividing the Index value by ten will not alter its basic character. Accordingly, the Commission believes that it is appropriate for the CBOE to apply its rules governing narrow-based index options to trading in the Index options and long-term full-value and reduced-value Index options.

The Commission also believes that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index. First, the stocks that comprise the Index are actively traded, with a mean and median average monthly trading volume for the period between August 1995 and February 1996 of 2.09 million and 2.45 million shares, respectively. Second, the market capitalizations of the stocks in the Index are very large, ranging from a high of $65.26 billion to a low of $363 million as of February 2, 1996, with the mean and median being $16.9 billion and $3.3 billion, respectively. Third, because the index is equal dollar-weighted, as described above, no one particular stock or group of stocks dominates the Index. Specifically, as of February 6th, each stock accounted for 12.5% of the Index's total value and the percentage weighting of the five highest weighted stocks in the Index accounted for 62.5% of the Index's value.

Fourth, the proposed maintenance criteria will serve to ensure that: (1) the Index remains composed of liquid highly capitalized securities; and (2) the Index is not dominated by one or several securities that do not satisfy the Exchange's options listing criteria. Specifically in considering changes to the composition of the Index, CBOE will submit a rule change prusuant to Section 19(b) of the Act prior to the opening of any new series of Index options if at any time any of the components are not options eligible.[10] Finally, the Commission believes that the existing mechanisms to monitor trading activity in the component stocks of the Index, or options on those stocks, will help deter as well as detect any illegal activity.

B. *Customer Protection.* The Commission beleives that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Index options (including full-value and reduced-value long-term Index options), can commence on a national securities

[5] Options eligibility requirements include, among other criteria, public float, minimum holder, trading volume, and share price requirements. *See* CBOE Rules 5.3 and 5.4.

[6] CBOE recently increased its position limit tiers applicable to narrow-based index options from 5,000, 7,500, and 10,500 contracts on the same side of the market to 6,000, 9,000, and 12,000 contracts, respectively.

[7] *See* Letter from Joe Corrigan, OPRA, to Eileen Smith, CBOE, dated February 21, 1996.

[8] 15 U.S.C. § 78f(b)(5) (1988).

[9] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options on the Index will provide investors with a hedging vehicle that should reflect the overall movement of the stocks representing companies in the networking sector in the U.S. stock markets.

[10] *See supra* note 5.

exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) the special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index long-term full-value and reduced-value options will be subject to the same regulatory regime as the other standardized index options currently traded on CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Index options and full-value or reduced-value Index long-term options.

C. *Surveillance.* The Commission believes that a surveillance sharing agreement between an exchange proposing to list a stock index derivative product and the exchange(s) trading the stocks underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the stock index product less readily susceptible to manipulation.[11] In this regard, the Commission notes that the CBOE, NYSE, and NASD are all members of the ISG. The Commission believes that this arrangement ensures the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Index options and full-value and reduced-value long-term Index options less readily susceptible to manipulations.[12]

D. Market Impact. The Commission believes that the listing and trading of Index options, including full-value and reduced-value Index LEAPS on the CBOE, will not adversely affect the underlying securities markets. First, because of the equal-weighting method that will be used, no one security or group of securities represented in the Index will dominate the weight of the Index immediately following a quarterly rebalancing. Second, the Index maintenance criteria ensure that the Index will be comprised solely of securities that satisfy the Exchange's listing standards for standardized options trading, and that one or a few stocks do not dominate the Index. Third, the currently applicable 9,000 contract position and exercise limits will serve to minimize potential manipulation and market impact concerns. Fourth, the risk to investors of contra-party non-performance will be minimized because the Index options and Index long-term options will be issued and guaranteed by the Options Clearing Corporation just like any other standardized option traded in the United States.

Lastly, the Commission believes that settling expiring Index options (including full-value and reduced-value long-term Index options) based on the opening prices of component securities is reasonable and consistent with the Act. As has been noted previously, valuing index options for exercise settlement on expiration based on opening rather than closing prices of Index component securities may help to reduce adverse effects on markets for such securities.[13]

It therefore is ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–CBOE–96–11) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–12594 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[11] *See* Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849.

[12] *See, e.g.,* Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (order approving the listing of index options and index LEAPS on the CBOE Biotech Index).

[13] *See* Securities Exchange Act Release No. 30944 (July 21, 1992), 57 FR 33376 (July 28, 1992).

[14] 15 U.S.C. § 78s(b)(2) (1988).

[15] 17 CFR § 200.30–3(a)(12).

[Release No. 34–37208; File No. SR–DTC–95–27]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Implementing the Initial Public Offering Tracking System

May 13, 1996.

On January 2, 1996, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–DTC–95–27) under Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] seeking to implement the Initial Public Offering (''IPO'') Tracking System. On January 31, 1996, DTC amended the proposed rule change.[2] Notice of the proposal was published in the Federal Register on March 6, 1996.[3] On march 7, 1996, DTC filed a second amendment to the proposed rule change.[4] The Commission received one comment letter in response to the filing.[5] For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

DTC is implementing its IPO Tracking System to allow lead managers (also referred to as managing underwriters) and syndicate members[6] of equity underwritings to monitor ''flipping'' [7] of new issues. Currently, many IPOs are distributed entirely in physical, certificated form outside the depositories so that tracking may be accomplished by using certificate numbers to monitor the movements of the securities. DTC's IPO Tracking System provides a means for lead managers to track IPOs in a book-entry environment and thus eliminates the need to distribute newly underwritten equity securities through the use of physical certificates.

Currently, securities to be listed on an exchange or quoted through the Nasdaq Stock Market (''Nasdaq'') must be made depository eligible.[8] Furthermore, the

[1] 15 U.S.C. 78(b)(1) (1988).

[2] Memo from Richard B. Nesson, Executive Vice President and General Counsel, DTC, to Christine Sibille, Commission (January 31, 1996).

[3] Securities Exchange Act Release No. 36897 (February 27, 1996), 61 FR 8992.

[4] Letter from Richard B. Nesson, Executive Vice President and General Counsel, DTC, to Christine Sibille, Senior Counsel, Division of Market Regulation, Commission (March 4, 1996). The amendment provides that DTC will provide thirty days notice prior to implementing the IPO Tracking System. Because the amendment did not change the substance of the filing, the Commission did not republish the proposed rule change for comment.

[5] Letter from Carl H. Hewitt, Managing Director and General Counsel, Spear, Leeds & Kellogg, to Commission (May 3, 1996).

[6] Syndicate members are a group of broker-dealers that agree to purchase a new issue of securities from an issuer under an underwriting agreement. The selling group is a group of broker-dealers that market the new issue to the public. Selling group broker-dealers may purchase from a syndicate member or may be a syndicate member.

[7] Flipping occurs when a syndicate's lead manager is supporting the IPO with a stabilization bid (*i.e.,* the lead manager is purchasing shares in the secondary market in order to keep the price of the issue from dropping below its initial offering price), and securities of the IPO that had been distributed to investors are sold by those investors in the secondary market and are purchased by a syndicate member. The lead manager may wish to identify flipped transactions so that underwriting concessions (*i.e.,* the discount from the offering price received by syndicate members) can be recovered from the appropriate syndicate members.

[8] Under the rules of most national securities exchanges and the National Association of Securities Dealers (''NASD''), in order to be listed for trading on a national securities exchange or to

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NASD and most exchanges have rules which require transactions in depository eligible securities between financial intermediaries and between a financial intermediary and a customer with delivery versus payment privileges to be settled by book entry.[9] Due to the need to distribute new issues in physical form (*i.e.*, without using book entry movements) for tracking purposes, these rules provide that prior to the availability of a flipping tracking system a managing underwriter can delay the date a security is deemed depository eligible for up to three months after trading has commended in the security. Once a flipping tracking system becomes available, managing underwriters will no longer have the option to delay an issue's depository eligible date and will be unable to distribute Nasdaq quoted or exchange listed new issues in physical certificate form outside the depositories. DTC will provide notice of the IPO Tracking system's availability date at least thirty calendar days prior to its availability.[10]

Under DTC's proposed rule change, the lead manager will be required to notify DTC of its decision to use the IPO Tracking System to track an issue by 4:00 p.m. two days prior to the date of the initial distribution of securities (''closing date''). On the closing date, DTC's underwriting department will place the IPO shares in the IPO control account of the lead manager.[11] Allocation of these shares by the lead manager depends upon the nature of the ultimate buyer (*i.e.*, retail or institutional).

Retail Trade

For a retail distribution, the lead manager moves the securities from its IPO control account directly to the IPO control account of the selling group broker-dealer for the retail customer.[12] While broker-dealers are not required to provide customer level detail, selling group broker-dealers may populate the IPO database with information for retail accounts (*e.g.*, internal customer identification numbers) either directly into the IPO Tracking System by using the ''Add Customer-Level Detail'' function or into the IPO Tracking System through submissions of daily formatted trade files. Broker-dealers also may change such information using the IPO Customer Level Adjustment function.

Upon the subsequent sale of a position that was established in the initial distribution, the selling group broker-dealer releases the shares from its IPO control account to its free account by using the IPO release capability through DTC's participant terminal system (''PTS''), computer-to-computer facilities (''CCF''), or main frame dual host (''MDH''). The release instructions must include number of shares, trade date, and price. If the broker-dealer has previously assigned a customer internal account number to the IPO shares, the release instructions must include such number which must match a previously established IPO database entry or the transaction will be rejected. Upon DTC's acceptance of the release instructions, the shares are moved from the broker-dealer's IPO control account to its free account. It is this movement that marks the activity as a flip. All deliveries and Continuous Net Settlement (''CNS'') short positions are satisfied from the participant's free account.

Institutional Trade

For an institutional customer, the lead manager moves the shares from its IPO control account directly into the selling group broker-dealer's IPO account at DTC by using an initial distribution deliver order (''DO''). The selling group broker-dealer then distributes the institutional portion of the initial distribution to the institution's custodian, which is either an agent bank or prime broker,[13] through DTC's Institutional Delivery (''ID'') system or by submitting a DO with an ID agent bank identifier.[14] The DO or ID confirm will contain the Agent Internal Account (''AIA'') number and the Broker Internal Account (''BIA'') number,[15] which will be stored in the IPO database.

Agents banks do not have IPO control accounts; therefore, all activity into and out of the agent banks' free accounts is monitored to keep track of customer purchases and sales. When an ID confirm is generated for a sale in a tracked issue, DTC matches the AIA number on the confirm against the AIA number in the IPO database. A warning message is produced on the confirmation and on the affirmed confirmation when an AIA number does not match any AIA number contained in the IPO database. Similarly, settlement authorization or DO processing is prohibited if a match to an AIA number in the IPO database is not found.[16] In order to settle the transaction, the agent bank must either change the AIA number in the IPO database using the IPO Customer-Level Adjustment function or submit a DO with an AIA number that matches the IPO database.

Unlike agent banks, prime brokers will have IPO control accounts at DTC. Shares from an initial distribution are moved into the prime broker's IPO control account, and the IPO database is updated with AIA and BIA numbers from the ID trade confirmation. The IPO Tracking System automatically releases IPO positions to the prime broker's free account for affirmed ID trades of secondary market transactions when the AIA number on the confirmation matches an AIA number contained in the IPO database. It is the release of the IPO position that results in a report of a flip.

When an institutional customer has positions in the same security purchased both in an IPO and in the secondary market, the system uses the secondary market position to complete a delivery before using shares received during the initial distribution. Also, when a customer has received shares from multiple broker-dealers and subsequently sells such shares, the system assigns the ''flipped'' shares on a prorated basis among the selling group members servicing that customer.

Correspondent Relationships

When an introducing broker (*ie.*, not a DTC participant) is acting as a selling group member, its shares are held by its designated clearing agent, which may be a broker-dealer or agent bank. When

be eligible for inclusion in the Nasdaq and issuer must represent that the CUSIP number identifying the security to be listed of such exchange or to be eligible for inclusion in Nasdaq is included in the file of eligible issues maintained by a securities depository registered as a clearing agency under Section 17A of the Act. *E.g.*, New York Stock Exchange (''NYSE'') Rule 227 and NASD Uniform Practice Code Section 11. Securities Exchange Act Release No. 35798 (June 1, 1995), 60 FR 30909.

[9] Securities Exchange Act Release No. 32455 (June 11, 1993), 58 FR 33679. *E.g.*, NYSE Rule 226, NASD By-laws, Schedule D, Part II, Section 1(c)(23) and Uniform Practice Code Section 11.

[10] *Supra* note 3.

[11] IPO control accounts are restricted accounts established for DTC participant broker-dealers in which their IPO shares are kept separate from other shares held by the participants and from which limited account movements may be made without a ''flip'' being reported. These unreported movements include: (i) the movement of shares from the lead manager (or comanager when there are shares to be distributed to foreign brokers) to a DTC participant and (ii) the movement of shares from a DTC participant to a custodian for an institution.

[12] Share movements out of the selling group broker-dealer's IPO control account will be reported as a flip.

[13] A prime broker is a broker-dealer that acts as custodian for institutional customers and uses DTC's ID system (*i.e.*, the prime broker acts as an agent bank).

[14] Alternatively, the lead manager may deliver directly to the custodian of the selling group member's institutional client. This process is referred to as directed concessions.

[15] The AIA number is the internal number used by the custodian to identify the institutional client. The BIA number is the internal account number that the selling group broker-dealer uses to identify the institutional client.

[16] As a result, the transaction is marked as a fail.

distribution these shares, the lead manager identifies the transaction as a correspondent delivery by entering the Correspondent Account (''CA'') number on the DO.[17] The IPO Tracking System captures the CA number from the delivery to the clearing agent. The CA number is stored in the IPO database with the clearing agent's participant number to fully identify a correspondent (*i.e.,* the introducing broker) as a selling group member.[18] Subsequent share movements for correspondents, either sales or account transfers, require use of the CA number and are subject to the same release rules that apply to direct DTC participants.

Physical Certificates

DTC does not accept deposits of physical certificates in tracked issues. Participants may request a physical certificate through a withdrawal-by-transfer (''WT'') request, which will be processed beginning on the first settlement day of the issue.[19] For shares held by agent banks, the bank must input into the automated WT system the AIA, CA, and ID agent bank numbers. If the numbers entered do not match those in the IPO database, the WT request will be rejected. If a WT request exceeds the position in the agent bank's account, the request will be rejected, and an error message will be generated. The IPO Tracking System will process WT requests first using shares which were not part of the initial distribution and then using shares which were part of the initial distribution provided there is sufficient position.

For shares held by broker-dealers, the WT request must include the customer identification number. DTC will process WT requests using shares in the IPO control account with a matching customer number. When there is a customer number match in the IPO database, DTC generates a release from the IPO account and reports it on the lead manager's and selling group member's reports as a WT even if the WT is not processed. The released IPO shares are combined with free account shares, and the WT is processed from the free account. If the broker-dealer's IPO control account does not contain shares with a matching customer number, the WT is processed using shares from the free account provided there is sufficient position.

Stock Loan

Participants may process stock loan DOs using stock loan reason codes. Participants do not have to enter individual account numbers (*e.g.,* AIA numbers) to match the IPO database. For brokers, IPO tracked shares do not have to be released by participants to execute stock loans because the IPO system automatically releases these shares. Stock loans will be reported to the lead manager as separate items from flipped shares.

Customer Account Transfer

When a customer account includes shares in a tracked issue, the transfer of such shares cannot occur through the National Securities Clearing Corporation's (''NSCC'') normal Automated Customer Account Transfer (''ACAT'') system processing. While the initial processing at NSCC will remain the same, at the end of the settlement process NSCC will issue a trade-for-trade ticket for shares in a tracked issue, and the shares will not be delivered through NSCC's Continuous Net Settlement System.[20] Instead, customer shares in a tracked issue must be processed by DTC's new IPO customer account transfer function. The function allows the deliverer (*i.e.,* the broker-dealer or agent bank) to enter the customer internal account number associated with the shares to be delivered, its participant number, and customer internal account number of the broker-dealer to which the shares are to be delivered. The shares are then moved from the IPO control account of the delivering broker-dealer to the IPO control account of the receiving broker-dealer.

Reclamation

Initial distribution deliveries (*i.e.,* deliveries from the lead manager to a selling group member) that are reclaimed and matched will return to the account from which they originated (*i.e.,* the lead manager's IPO control account). Reclamations done for shares which were released from a selling group broker-dealer's IPO control account or a prime broker's IPO control account to a free account to satisfy an obligation on the secondary market will be returned to the delivering participant's free account, and such shares will still be registered as flipped. When a reclamation occurs for an agent bank, the reclaimed DO will be matched to the original delivery, and the information in the IPO database will be reversed (*i.e.,* no flip will be registered).

Oversubscription

Generally, when an issue is oversubscribed the lead manager will purchase securities in the secondary market. These shares will reside in the lead manager's free account. The lead manager will have the option of delivering oversubscribed shares from its free account to selling group members' IPO control accounts or to its IPO control account for its own customers' shares.

Memo Segregation

Participants may enter memo segregation instructions with share quantities that represent the combined total of their free and IPO shares.[21] As DTC processes DOs, the share quantity of the memo segregation instruction will be subtracted from the combined share total of the free account and the IPO account and then compared against the quantity on the DO to determine if the delivery can take place. The shares to be delivered will be removed from the participant's free account.

Termination of Tracking

During the tracking period, the lead manager and selling group members are able to obtain information on the flipping of shares through hard copy or machine readable daily reports or through a new PTS inquiry function.[22] DTC discontinues tracking an IPO on the earlier of the business day following DTC's receipt of a termination request from the managing underwriting or 120 calendar days from the date trading commenced. Once IPO tracking is discontinued, any shares remaining in a broker-dealer's IPO control account are moved to its free account.[23]

[17] The CA number is the clearing firm's internal number for the introducing broker.

[18] When the ultimate purchaser is a retail customer, clearing agents may enter customer-level details into the IPO database on behalf of correspondents. When the ultimate purchaser is an institution, clearing agents are able to use the ID system or a properly identified DO to deliver shares as part of the initial distribution to a custodian.

[19] A WT is used when participants need to withdraw physical stock or registered bond certificates from DTC registered in a name other than DTC's nominee name, Cede & Co. DTC permits participants to withdraw securities in round lots, odd lots, or mixed lots registered in a name designated by the participant.

[20] For a complete description of customer account transfers of IPOs in the ACAT system, refer to Securities Exchange Act Release No. 36931 (March 6, 1996), 61 FR 10050 [File No. SR–NSCC–96–05] (notice of filing of proposed rule change modifying the ACAT service to facilitate the transfer of shares being tracked in the IPO Tracking System).

[21] The memo segregation function creates a memo position within the participant's account enabling participants to protect customer securities.

[22] The lead manager's report combined with market conditions will assist the lead manager in determining when to instruct DTC to discontinue IPO tracking.

[23] DTC will automatically release the shares from the IPO control account to the participant's memo segregation account at the close of the tracking period when requested in writing as a standing instruction by individual participants that use the memo segregation service. Without this standing

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At the close of the tracking period the lead manager receives a final report detailing the selling group members (including the clearing agents) whose customers have flipped. The report includes sale price, trade date, and number of shares as well as the clearing agent's participant number and the CA number. The report also shows: (1) Outstanding CNS short positions for selling group members long in the IPO control account, (2) a total aggregate of all open CNS commitments, (3) WT transfers, and (4) outstanding stock loans by agent banks or broker-dealers. The lead manager's report does not include customer level detail information (*i.e.*, BIA numbers, AIA numbers, or customers internal account numbers).

Selling group members and lead managers, as part of the syndicate, receive a report of their institutional or retail customers' sale transactions.[24] Such report includes the original BIA number, the identity of any prime brokers or agent banks, and the AIA numbers or the customer internal account numbers. This provides sufficient information for selling group members to identify the clients that have potentially flipped shares during the tracking period.

II. Comment Letter

The Commission received one comment letter in response to the proposed rule change.[25] The commenter believes that the proposal is too broad because the IPO Tracking System will allow tracking of all new issues regardless of whether the issues are subject to a stabilization bid. The commenter is concerned that DTC's IPO Tracking System will encourage syndicates to monitor secondary market sales of all IPOs. The commenter believes such use of the IPO Tracking System will place a burden on the marketplace by restricting trading in the secondary market and will infringe upon the anonymous nature of trading.

III. Discussion

The Commission believes that DTC's proposal is consistent with Section 17A of the Act[26] and specifically with Sections 17A(b)(3) (A) and (F) thereunder.[27] Sections 17A(b)(3) (A) and (F) require that a clearing agency be organized and its rules be designed to facilitate and to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of DTC or for which it is responsible. By facilitating a lead manger's ability to track flipping of IPOs in a book-entry environment, DTC's IPO Tracking System should further efficiencies and safety in the clearance and settlement of securities transactions by reducing the number of transactions that are settled outside the national clearance and settlement system.

Book-entry settlement of securities transactions has been a goal since Congress enacted the Securities Acts Amendments of 1975.[28] In Section 17A(e),[29] Congress directed the Commission to use its authority to end the physical movement of securities certificates in connection with the settlement among brokers and dealers of transactions in securities. Since 1975, substantial progress has been made in reducing the flow of physical certificates for settlement of interdealer and institutional securities transactions.[30] Approval of the present rule change should further aid in the efficiencies of the clearance and settlement system because the IPO Tracking System should reduce costs, risks, and delays associated with the physical delivery of certificates.

The one commenter has suggested that the IPO Tracking System is overly broad. It is true that the IPO Tracking System may facilitate the tracking of more issues than the method currently used. However, the increase in the amount of information available to the lead manager does not, in itself, create the problems cited by the commenter. Any use of the IPO Tracking System would need to be consistent with federal securities laws in effect at that time, including, if adopted, recent proposals designed to address concerns about post-offering activities by underwriters.[31] Therefore, the Commission does not believe that the gathering of information by the IPO Tracking System will be detrimental to public policy.

The commenter also stated that the IPO Tracking System prevents anonymity in the securities market. The Commission believes that the IPO Tracking System generally does not provide any more information than is obtained through the current method of tracking with physical certificates. In a retail trade, the selling group broker-dealer is not required to populate the IPO datebase with retail customer information. In instances where customer information is provided either in a retail or institutional trade, only the selling group broker-dealer, and not the lead manager, will receive reports identifying the customer. This process mirrors the flow of information in physicial tracking where a lead manager can identify the selling group broker-dealer by the certificate number, and the selling group broker-dealer can identify its customer by the certificate number. Further, the Commission disagrees that the proposal will restrict secondary market sales. The system may in practice actually make it easier for retail customers to resell through any broker-dealer because an investor can immediately request issuance of physical certificates in her name or request a transfer to another broker-dealer through the ACAT service, which generally provides a more expedient method to transfer an account because the transfer is conducted through book entry movements. Finally, the Commission believes the efficiencies of the IPO Tracking System outweigh the potential for misuse of the system and finds the system to be an effective alternative to the present method of tracking IPO shares in certificate form.

Furthermore, the IPO Tracking System will not impede an investor's ability to obtain physical certificates through a WT transaction. The modifications to the automated WT system allow participants to withdraw physical certificates of tracked issues without causing the withdrawals to show as flipped transactions.[32] Similarly, investors will be able to loan or to pledge stock or to transfer their accounts between broker-dealers during the tracking period.

instruction, DTC will release shares residing in the IPO control account directly into the participant's free account at the end of the tracking period.

[24] Syndicate members will not see information regarding customers of their selling group broker-dealers.

[25] *Supra* note 5.

[26] 15 U.S.C. 78q–1 (1988).

[27] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

[28] Pub. L. No. 94–29, 89 Stat. 97 (1975) (codified at 15 U.S.C. 77–80h [1988]).

[29] 15 U.S.C. 78q–1(e) (1988).

[30] *E.g.*, Securities Exchange Act Release Nos. 22021 (September 23, 1983), 48 FR 45167 (order granting full registration to nine clearing agencies); 19698 (April 15, 1983), 48 FR 17604 (order implementing DTC;'s Fast Automated Securities Transfer program); 30283 (January 23, 1992), 57 FR 3658 (order implementing DTC's Deposit/Withdrawal at Custodian program); 30505 (March 20, 1992), 57 FR 10683 (order eliminating DTC's Certificate on Demand service for most corporate issues); 31645 (December 23, 1992), 57 FR 62407 (order approving rule change requiring that most interdealer transactions in municipal securities be settled by book-entry through a depository); 32455 (June 11, 1993), 58 FR 33679 (order approving uniform book-entry settlement rules); and 35798 (June 1, 1995), 60 FR 30909 (order approving depository eligibility requirements).

[31] Securities Exchange Act Release No. 37094 (April 11, 1996), 61 FR 17108.

[32] The system will report the withdrawal of a certificate to the lead manager which may request further clarification from the selling group broker-dealer as to the nature of the transaction.

However, the Commission notes that while a delivery reclaimed by an agent bank on behalf of an institution will be matched to the original delivery and the reclamation will not be recorded as a flip, a reclamation done for shares delivered from a selling group broker-dealer's IPO control account will be registered as flipped. This distinction could possibly result in discrimination between retail customers, who typically hold through broker-dealers, and institutional customers. The Commission understands that this distinction is a result of systems limitations.[33] The Commission urges DTC to monitor this situation once the system is operational to determine whether the limitation has a discriminatory effect. If so, DTC should consider systems modifications to address this concern.

IV. Conclusion

The Commission finds that DTC's proposal is consistent with the requirements of the Act and particularly with Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–95–27) be and hereby is approved. As stated, DTC has agreed to notify self-regulatory organizations and managing underwriters at least thirty calendar days prior to the general availability of the IPO Tracking System.[34]

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[35]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–12540 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37211; International Series Release No. 978; File No. SR–NYSE–96–05]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Listing Standards

May 14, 1996.

On March 18, 1996, the New York Stock Exchange, Inc. (''NYSE'' 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 that would permit companies domiciled in Canada, Mexico, and the United States (''North America'')[3] to include holders and trading volume in North America toward meeting the stockholder and trading volume requirements for listing on the Exchange pursuant to the domestic listing criteria.

The proposed rule change was published for comment in Securities Exchange Act Release No. 37055 (Apr. 1, 1996), 61 FR 15546 (Apr. 8, 1996). No comments were received on the proposal.

Under the current NYSE rules, companies applying to list on the Exchange must meet the applicable listing criteria. For equity listings, there are two different standards: domestic criteria, which are available to all companies, (''domestic standards'') and criteria available solely to non-U.S. companies (''worldwide standards''). Non-U.S. companies may elect to qualify for listing under the Exchange's domestic numerical standards or worldwide numerical standards. Non-U.S. companies, however, must meet all of the criteria within the standard under which they seek to qualify for listing.

Paragraph 102.01 of the NYSE's *Listed Company Manual* (''Manual'') sets forth the standards for domestic companies that want to list their equity securities on the Exchange. These standards require applicants to satisfy certain minimum numerical criteria.[4] Under these requirements for listing, the company must have, among things, (a) 2,000 round-lot holders; (b) 2,200 total stockholders, together with an average monthly trading volume of 100,000 shares for the most recent six months; or (c) 500 total stockholders, together with an average monthly trading volume of 1,000,000 shares for the most recent 12 months.[5] The domestic criteria require that these standards be met only through holders and trading volume occurring in the U.S.

The Exchange proposes to amend these initial listing standards to provide that for listing applications from North American companies the Exchange will include all North American holders and North American trading volume in applying the minimum stockholder and trading volume requirements in Paragraph 102.01 of the Manual. The Exchange believes that with continuing integration of the North American market, this market should be viewed as a whole in reviewing a company's eligibility for listing. Moreover, the Exchange believes that this will foster internationalization of the securities markets by enhancing the access of U.S. investors to the trading of Canadian and Mexican securities.

Pursuant to the proposed rule change, the Exchange would look at the number of beneficial holders resident in North America in applying the initial listing criteria of Paragraph 102.01 to North American companies. In computing trading volume, the Exchange will look to the reported volume (i) on U.S. stock exchanges, (ii) in the U.S. over-the-counter market, and (iii) on Canadian or Mexican stock exchanges.[6] The total volume reported from these sources must satisfy the NYSE's initial listing standards. For American Depositary Receipts (''ADRs'') to be listed on the NYSE, volume in the ordinary shares would be adjusted to be on an ADR-equivalent basis.[7] Finally, the proposed rule change would make conforming changes to Paragraph 103.00 of the Manual, which establishes alternate initial listing criteria for non-U.S. companies.

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

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[33] Because all movements out of an agent bank's account are monitored, DTC is able to determine exactly which shares are reclaimed. In contrast, shares are removed from a broker-dealer's free account without regard to their origin.

[34] *Supra* note 3.

[35] 17 CFR 200.30–3(a)(12) (1995).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For purposes of this rule, a company is ''domiciled'' in the country under the laws of which it is organized.

[4] In deciding whether to approve the listing of an equity security, the NYSE also takes qualitative factors into consideration. These factors include whether the company is a going concern or a successor thereto, the degree of national interest in the company, the character of the market for its products, its relative stability and position in its industry.

[5] In determining the number of holders for the above distribution standards, the NYSE considers both beneficial and record owners.

[6] According to the NYSE, the NYSE would consider an ''exchange'' to be a trading market that is regulated as a stock exchange by home-country regulators. The NYSE believes that the Bolsa Mexicana de valores is the only market in Mexico that would be considered an ''exchange'' for this purpose. In Canada, the NYSE believes that there currently are five stock exchanges that satisfy this test: The Montreal Exchange and the Toronto, Vancouver, Winnipeg, and Alberta Stock Exchanges. *See* letter from Michael J. Simons, Milbank, Tweed, Hadley & McCloy, to Glen Barrentine, Senior Counsel, Division of Market Regulation, SEC, dated April 1, 1996.

[7] For example, assume that a Mexican company has ADRs trading in the United States and ordinary shares trading in Mexico, with each ADR representing 10 ordinary shares. If the company were to apply to list its U.S.-traded ADRs on the NYSE, the Exchange would divide the Mexican share volume by 10 in determining whether the combined ADR/share volume meets the requirements of the listing criteria. For Companies that have multiple series of shares or ADR's the Exchange will include the volume only in the specific ordinary shares and overlying ADRs that would be listed on the exchange.

requirements of Section 6(b).[8] Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the pubic interest; and are not designed to permit unfair discrimination between issuers.

The development and enforcement of adequate standards governing the initial and continued listing of securities on an exchange is an activity of critical of critical importance to financial markets and the investing public. Listing standards serve as a means for an exchange to screen issuers and to provide listed status only to *bona fide* companies with sufficient public float, investor base, and trading interest to ensure that the market for a company's stock has the depth and liquidity necessary to maintain fair and orderly markets. Adequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market.

For the reasons set forth below, the Commission believes that the proposed rule change will provide the NYSE with greater flexibility in determining which equity securities warrant inclusion in its market, without compromising the effectiveness of the Exchange's initial listing standards.

The Commission believes that permitting North American companies to satisfy the stockholder and trading volume requirements of the Exchange's domestic initial listing standards by including the holders and trading volume in North America is not inconsistent with the purposes of the Act. With efforts such as the North American Free Trade Agreement (''NAFTA''), North America increasingly is becoming an integrated market place, and companies and investors are able to obtain easier access to markets across borders. There is active interest by U.S. investors in these markets, and Mexican and Canadian issues are actively traded on the Exchange.

The Commission believes that this amendment to the initial listing standards may assist companies domiciled in Canada and Mexico and U.S. companies with a significant presence in those countries to gain admittance to the NYSE and may promote greater investment opportunities across borders in North America. Therefore, the Commission believes that it is not unreasonable to consider the holders and trading volume in all three countries for purposes of reviewing a company's application to list under the domestic initial listing standards on the NYSE.

Moreover, the Commission believes that the NYSE is appropriately looking only to the reported volume on the Canadian and Mexican stock exchanges in addition to the reported volume on the U.S. stock exchanges and in the U.S. over-the-counter market to calculate trading volume.[9] The Commission believes that the reported volume from these non-U.S. exchanges is sufficiently reliable for purposes of determining a company's listing eligibility. Finally, for ADRs, the Exchange will adjust the volume in the ordinary shares to an ADR-equivalent basis for calculating trading volume for purposes of determining eligibility.[10] The Commission believes that this adjustment will more accurately reflect the price of the instrument trading on the NYSE because the price of each share trading in Canada or Mexico may be a fraction of the ADR.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–NYSE–96–05) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–12596 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. 78f(b).

[9] If the NYSE were to decide to include trading data from other sources, the NYSE would need to file a proposed rule change with the Commission pursuant to Section 19(b) of the Act.

[10] *See supra* note 7.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

[Release No. 34–37210; File No. SR–Philadep–96–04]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying the Fee Schedule for Position Listings To Incorporate a Quantity Discount for Multiple Municipal Bond Listing Requests

May 14, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 8, 1996, the Philadelphia Depository Trust Company (''Philadep'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by Philadep. On April 15, 1996, Philadep supplemented the filing.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Philadep proposes to modify its fee schedule for position listing requests to incorporate a quantity discount for multiple municipal bond listing requests.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep included statements concerning the purposes of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Philadep has prepared summaries, as set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Currently, Philadep charges $45 for each position listing request per date, per issuer, and per CUSIP number. Philadep charges a flat fee of $360 for twelve monthly dates per CUSIP number (*i.e.*, twelve end-of-month listings of a particular CUSIP) or $1,300 for fifty-two weekly dates per CUSIP number (*i.e.*, fifty-two end-of-week listings of a particular CUSIP). Philadep proposes to modify its position listing fee schedule to provide a quantity discount for multiple municipal bond listing requests. The discount will be available only if the requests pertain to the same issuer for the same position listing date and if Philadep has at least ten business days from the date of the initial request by the municipality or its agent to provide the requested

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from J. Keith Kessel, Compliance Officer, Philadep, to Peter R. Geraghty, Senior Counsel, Division of Market Regulation, Commission (April 10, 1996).

[3] A position listing indicates the participant holders of a certain security and the number of shares Philadep holds on their behalf.

[4] The Commission has modified the text of the summaries prepared by Philadep.

information. Accordingly, Philadep will charge $20 per CUSIP for the first one hundred municipal bond listing requests, $15 per CUSIP for the second one hundred listings, and $10 per CUSIP for the third one hundred listings. For listing requests in excess of 300 CUSIP numbers, Philadep will charge $7.50 per CUSIP.

Philadep notes that requests for municipal bond positions are unique in that municipal issuers have numerous CUSIP numbers relating to securities which they have issued which gives rise to substantial requests for position listings in such securities. The proposed discount is designed to recognize the unique nature of municipalities' needs to request multiple CUSIP numbers for a single date and to contain the related costs to the municipalities.

Philadep believes its proposed rule change is consistent with the requirements of Section 17A(b)(3)(D)[5] of the Act because it provides for the equitable allocation of reasonable dues, fees, and other charges among Philadep participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[6] of the Act and pursuant to Rule 19b–4(e)(2)[7] promulgated thereunder because the proposal establishes a due, fee, or other charge imposed by Philadep. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of such filings will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to File Number SR–Philadep–96–04 and should be submitted by June 10, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–12539 Filed 5–17–96; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78q–1(b)(3)(D) (1988).

[6] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[7] 17 CFR 240.19b–4(e)(2) (1995).

[8] 17 CFR 200.30–3 (a)(12) (1995).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted by no later than July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''Loan Servicing Field Visit Report''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Small Businesses.

Annual Responses: 45,000.

Annual Burden: 45,000.

Comments: Send all comments regarding this information collection to Annie McCluney, Program Analyst, Office of Borrower and Lender Servicing, Small business Administration, 409 3rd Street, S.W. Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–7545.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Supplementary Information

Title: ''Application For Certificate of Competency, Small Purchase Actions''.

Type of Request: Extension of Currently Approved Collection.

Description of Respondents: Small Business Owners.

Annual Responses: 1,500.

Annual Burden: 3,000.

Comments: Send all comments regarding this information collection to Curtis B. Rich, Management Analyst, Office of Administrative Service, small Business Administration, 409 3rd Street, S.W. Suite 5000 Washington, D.C. 20416. Phone No.: 202–205–7030.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Supplementary Information

Title: ''Stockholder Confirmation''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: New Licensees.

Annual Responses: 300.

Annual Burden: 50.

Comments: Send all comments regarding this information collection to Charles Mezger, Director, Office of SBIC Examinations, Small Business Administration, 409 3rd Street, S.W. Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–7172.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Supplementary Information

Title: ''Secondary Market Disclosure And Assignment Form''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: SBA Participating Lenders.

Annual Responses: 5,000.

Annual Burden: 10,000.

Comments: Send all comments regarding this information collection to James Hammersley, Director, Secondary Market Activities, Office of Financial Assistance, Small Business Administration, 409 3rd Street, S.W., Suite 8300 Washington D.C. 20416. Phone No.: 202–205–7505.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Supplementary Information

Title: ''Management Training Report''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Attendees At SBA Sponsored Training.

Annual Responses: 16,000.

Annual Burden: 2,656.

Comments: Send all comments regarding this information collection to John Berbis, Director, Business Education & Resource Management, Office of Business Initiatives, Small Business Administration, 409 3rd Street, S.W. Suite 6100 Washington, D.C. 20416. Phone No.: 202–205–7424.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 96–12549 Filed 5–17–96; 8:45 am]

BILLING CODE 8025–01–M

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted by July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, SW., Suite 5000, Washington, DC. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''License Application''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Applicants for Small Business Investment. Company Licenses.

Annual Responses: 41.

Annual Burden: 3,280.

Title: ''License Application, Statement of Personal History and Qualification, Statement of Management.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Applicants for Small Business Investment. Company Licenses.

Annual Responses: 41.

Annual Burden: 3,280.

Comments: Send all comments regarding these information collections to Thomas Bresnan, Chief Administration Officer, Office of Borrower and Lender Servicing, Small Business Administration, 409 3rd Street, S.W., Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–6514.

Send comments regarding whether these information collections are necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Disaster Loan Authorization and Agreement''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Recipients of SBA Disaster Loans.

Annual Responses: 40,701.

Annual Burden: 99,457.

Title: ''Disaster Loan Authorization and Agreement''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Recipients of SBA Disaster Loans.

Annual Responses: 40,701.

Annual Burden: 99,457.

Comments: Send all comments regarding these information collections to Bridget Dusenbury Disaster Resource Specialist, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, S.W., Suite 6050, Washington, D.C. 20416 Phone No.: 202–205–6734.

Send comments regarding whether these information collections are necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Size Status Declaration''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Small Businesses Requesting Size Determinations.

Annual Responses: 4,200.

Annual Burden: 700.

Comments: Send all comments regarding this information collection to Charles Mezger, Director, Office of SBIC Examinations, Small Business Administration, 409 3rd Street, S.W., Suite 8300 Washington, DC, 20416. Phone No.: 202–205–7172.

Send comments regarding whether this information collections is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Statement of Personal History (For Use By Small Business Lending Companies and other Non-Bank Lenders, Including Certified Development Companies.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: Non-Bank Lending Institutions.

Annual Responses: 300.

Annual Burden: 150.

Comments: Send all comments regarding this information collection to Curtis B. Rich, Management Analyst, Office of Administrative Services, Small Business Administration, 409 3rd Street, S.W., Suite 5000 Washington, D.C. 20416. Phone No.: 202–205–7030.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Lender Field Visit Report''.

Type of Request: Extension of Currently Approved Collection.

Description of Respondents: Small Businesses.

Annual Responses: 14,720.

Annual Burden: 14,720.

Comments: Send all comments regarding this information collection to Annie McCluney, Program Analyst, Office of Borrower and Lender Servicing, Small Business Administration, 409 3rd Street, S.W., Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–7545.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to

minimize this estimate, and ways to enhance the quality.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 96–12550 Filed 5–17–96; 8:45 am]

BILLING CODE 8025–01–M

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted by July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W. Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629. Copies of these collections can also be obtained.

SUPPLEMANTARY INFORMATION:

Title: ''Liquidation Activities''.

Type of Request: Extension of a Currently Approved Collections.

Description of Respondents: Auctioneer Contractors.

Annual Responses: 2,800.

Annual Burden: 28,000.

Comments: Send all comments regarding this information collection to Annie McCluney, Program Analyst, Office of Borrower and Lender Servicing, Small Business Administration, 409 3rd Street, S.W., Suite 8300 Washington, D.C. 20416. Phone No.: 202–205–7545.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Small Business Institute Counseling Case Report''.

Type of Request: Extension of a Currently Approved Collections.

Description of Respondents: Small Business Institute Counselors.

Annual Responses: 6,700.

*Annual Burden:*18,090.

Comments: Send all comments regarding this information collection to Curtis B. Rich, Management Analyst, Office of Administrative Services, Small Business Administration, 409 3rd Street, S.W. Suite 5000, Washington, D.C. 20416. Phone No.: 202–205–7030.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''SBDC Program And Financial Reports''.

Type of Request: Extension of Currently Approved Collections.

Description of Respondents: SBDC Directors.

Annual Responses: 348.

Annual Burden: 9,000.

Comments: Send all comments regarding this information collection to Mary Ann Holl, Business Development Specialists, Small Business Development Centers, 409 3rd Street, S.W. Suite 4600 Washington, D.C. 20416. Phone No.: 202–205–6766.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Title: ''Development Company Reporting Requirements''.

Type of Request: Extension of a Currently Approved Collections.

Description of Respondents: Small Businesses Requesting Size Determinations.

Annual Responses: 1.916.

Annual Burden: 3,774.

Comments: Send all comments regarding this information collection to Allan Mandel, Chief, Policy Branch, Office of Borrower and Lender Servicing, Small Business Administration, 409 3rd Street, S.W., 8300 Washington, D.C. 20416. Phone No.: 202–205–6488.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 96–12551 Filed 5–17–96; 8:45 am]

BILLING CODE 8025–01–M

Declaration of Disaster Loan Area #2852; Illinois

As a result of the President's major disaster declaration on May 6, 1996, I find that Franklin and St. Clair Counties in the State of Illinois constitute a disaster area due to damages caused by severe storms and flooding beginning on April 28, 1996 and continuing. Applications for loans for physical damages may be filed until the close of business on July 5, 1996, and for loans for economic injury until the close of business on February 6, 1997 at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308. or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Clinton, Hamilton, Jackson, Jefferson, Madison, Monroe, Perry, Randolph, Saline, Washington, and Williamson Counties in Illinois; and St. Louis County and the City of St. Louis, Missouri.

Interest rates are:

For Physical Damage:	
Homeowners with credit available elsewhere	.250
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	8.000
Businesses and non-porfit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 285206. For economic injury the numbers are 885700 for Illinois and 885800 for Missouri.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 9, 1996.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 96–12610 Filed 5–17–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements

AGENCY: Department of Transportation (DOT), United States Coast Guard (USCG).

ACTION: Notice.

SUMMARY: The United States Coast Guard (USCG), announces a new information collection request in accordance with the Paperwork Reduction Act of 1995, and invites

comments on ''Customer Satisfaction Surveys'' for which the USCG intends to request emergency processing approval from the Office of Management and Budget for a period of 90 days.

DATES: Interested parties are invited to submit comments on or before July 15, 1996.

ADDRESSES: Please address written comments to Barbara Davis, 2100 Second Street, SW., G–SII, Washington, D.C. 20593, Telephone number (202) 267–2326. Comments should identify OMB Control Number. Requests for a copy of the information collection should be directed to Barbara Davis, 2100 Second Street, SW., G–SII, Washington, D.C. 20593.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies a collection that USCG is submitting to OMB for an emergency processing clearance for 90 days.

OMB No: 2115–new.

Title: Customer Satisfaction Surveys.

Affected Entities: Maritime industry and recreational boating public.

Abstract: Customer satisfaction surveys are required by Executive Order 12862, Setting Customer Service Standards, to ensure that the USCG provides the highest quality service to our customers. Steps will be taken to assure anonymity of respondents in each activity covered under this request.

Need for Information: Executive Order 12862, Setting Customer Service Standards, directs USCG to conduct surveys to determine the kind and quality of services the marine industry and the recreational boating public wants and expect.

Proposed Use of Information: This information will be used by Coast Guard to improve service delivery and determine whether additional services are needed.

Burden Statement: The current total annual respondent burden estimate is 16,005 hours. The average burden hour per response vary with each survey.

AGENCY: Department of Transportation (DOT), Federal Transit Administration (FTA).

ACTION: Notice.

SUMMARY: The Federal Transit Administration announces that Railed Fixed Guideway System; State Safety Oversight, is a revision of a currently approved information collection. FTA is soliciting comments on the collection as described below.

DATES: Interested parties are invited to submit comments on or before June 15, 1996.

ADDRESSES: Please address written comments as quickly as possible, to Edward Clarke, Office of information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Copies of FTA information collection request submitted to OMB may be obtained from Sylvia L. Barney; (202) 366–6680; TAD–11; Federal Transit Administration; 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Customer Satisfaction Surveys.

OMB No: 2115–0558.

Abstract: The Federal Transit Act directs the Federal Transit Administration (FTA) to issue a rule requiring States to oversee the safety of rail fixed guideway systems not regulated by the Federal Railroad Administration (FRA). Section 5330 of the Act, requires each State that receives funds under USC 5307 (formerly section 9 of the Federal Transit Act, as amended) for the operation of a rail fixed guideway system to designate a State oversight agency to require and monitor the implementation of a System Safety Program Plan (SSPP) at each rail fixed guideway system that addresses both safety and security measures.

Need for Information: Collection of information for this program is necessary to ensure that State oversight agencies can perform their designated safety functions. FTA must receive both an annual report and an annual certification for each State oversight agency verifying compliance with Section 5330.

Proposed Use of Information: This information will be used by FTA in exercising its authority to withhold Federal funding to a State or an urbanized area in the State.

Burden Statement: The current total annual respondent burden estimate is 39,036 hours, a decrease of 14,758 hours from the burden reported on previous submission.

Issued in Washington, D.C. on May 15, 1996.

Phillip Leach,

Information Clearance Officer, U.S. Department of Transportation.

[FR Doc. 96–12643 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–57–P

Coast Guard

Reports, Forms and Recordkeeping Requirements

AGENCY: Department of Transportation (DOT), United States Coast Guard.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Coast Guard invites comments on certain information collections for which the USCG intends to request approval from the Office of Management and Budget.

DATES: Interested parties are invited to submit comments on or before July 13, 1996.

ADDRESSES: Please address written comments to Barbara Davis, 2100 Second Street, SW., G–SII; Washington, D.C. 20593, Telephone number (202) 267–2326. Comments should identify OMB Control Number. Requests for a copy of the information collection should be directed to Barbara Davis, 2100 Second Street, SW., G–SII, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, 2100 Second Street, SW; G–SII; Washington, D.C. 20593, Telephone number (202) 267–2326.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that USCG is submitting to OMB for extension or reinstatement, as appropriate. These ICRs are: Plan Approval and Records for Load Lines [2115–0043], Self-propelled Liquefied Gas Vessel [ICR No. 2115–0113], Electrical Engineering Regulations—46 Subchapter J [ICR No. 2115–0115], Electrical Equipment and Fire Protection Systems—46 CFR Subchapter Q [2115–0121], Tank Vessel Examination Letter (CG–840S–1 & 2), Certificate of Compliance/Pressure Vessel Repairs, Maintaining Cargo Gear Record, Shipping Papers, the Tank Vessel Examination Letter and the Certificate of Compliance [ICR No. 2115–0504], Requirements for Lightering of Oil and Hazardous Material Cargoes [2115–0539], (a) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge; (b) Application for Equivalents, Exemptions, and Alternatives; and©

Voluntary Reports of Pollution Sightings [ICR No. 2115–0556], and Various Forms and Posting Requirements Under 46 CFR Subchapters K and T ''Small Passenger Vessel (Under 100 Gross Tons)'' [2115–0578]. USCG has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed of final rules published since the information collection were last approved. USCG will request a three-year term of approval for each information collection activity and, when approved by OMB, publish notice of approval in the Federal Register.

The following information is provided for each information collection: (1) Title of information collection; (2) OMB Control Number; (3) Affected Entities, (4) Abstract of the information collection activity, including the need for and use of the collection; (5) estimate of total annual reporting and recordkeeping burden; and frequency of collection.

Title: Plan Approval and records for Load Lines [2115–0043].

OMB No.: 2115–0043.

Affected Entities: Owners of merchant vessels over 150 Gross Tons or 79 feet long.

Abstract: Owners of merchant vessels over 150 gross tons or 79 feet long engaged in commerce on international or coast wise voyages by sea are required by law to obtain a load line certificate. This procedure ensures that no such vessel is loaded deeper than the line of safety.

Title 46 CFR 42, 44, 45, and 46, requires Coast Guard to delegate the task of assigning load lines and issuing of certificates to recognized ship classification societies. Coast Guard administers the load line regulations by ensuring that the delegated responsibilities are carried out in accordance with established procedures.

This information collection is a means by which vessel owners or agents may officially make known their intent to load line a vessel, indicate their preference for a particular assigning authority , appeal a decision regarding the status of a vessel and state their choice of surveyors when regulatory compliance is questioned.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 2,133 hours. The average burden hour per response is 10.25 reporting and 19.1 hours recordkeeeping. The frequency of reporting will be occasionally.

Title: Self-propelled Liquefied Gas Vessels [ICR No. 2115–0113].

OMB No.: 2115–0113.

Affected Entities: Owners and operators of liquefied gas carriers.

Abstract: Sixteen reporting and recordkeeping requirements are addresses by this submission. They are needed to ensure compliance with U.S. Regulations for the design and operation of liquefied gas carriers. The regulations also address cargo operations, handling and safety. The regulations currently apply to 195 foreign flag vessels and 14 U.S. flag vessels.

Under 46 U.S.C. 3703, Coast Guard is tasked with the protection of life, property and the marine environment from hazards associated with the carriage of liquid bulk dangerous cargoes.

This information will be used to determine if a vessel meets U.S. safety regulations for the carriage of liquefied gases.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 3,914 hours. The average burden hour per response is 1.87 hours reporting and 17.065 minutes recordkeeping. The frequency of recordkeeping will be occasionally.

Title: Electrical Engineering Regulations—46 Subchapter J [ICR No. 2115–0115].

OMB No.: 2115–0115.

Affected Entities: Manufacturers and owners of new built-vessels.

Abstract: Electrical Engineering Regulations are necessary to promote the safety of life at sea on USCG certified vessels. The Coast Guard reviews plans and procedures to determine compliance and evaluate necessary manning of automated vessels.

Title 46 CFR Subchapter J require the ship building industry to submit to the Coast Guard, for review and approval their electrical engineering plans for new-built vessels. Coast Guard will use this information to ensure compliance with the regulations are met.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 478 hours. The average burden hour per response is 1 hour reporting. The frequency of reporting will be occasionally.

Title: Electrical Equipment and Fire Protection Systems—46 CFR Subchapter Q [2115–0121].

OMB No.: 2115–0121.

Affected Entities: Manufacturers of electrical equipment, vessel designers, shipyards and owners.

Abstract: Electrical equipment and fire protection systems are necessary to promote the safety of life on USCG certified vessels. The Coast Guard reviews plans and procedures to determine compliance and evaluate specifications of automated vessels.

Title 46 CFR Parts 161 through 164 require Coast Guard's approval before specific types of electrical equipment can be installed on modified or new vessels.

Coast Guard will use this information collection to ensure that manufacturers are in compliance with technical requirements contained in the regulations.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 268 hours. The average burden hour per response is 4 hours reporting. The frequency of reporting will be occasionally.

Title: Tank Vessel Examination Letter (CG–840S–1 & 2), Certificate of Compliance/Pressure Vessel Repairs, Maintaining Cargo Gear Record, Shipping Papers, the Tank Vessel Examination Letter and the Certificate of Compliance [ICR No. 2115–0504].

OMB No.: 2115–0504.

Affected Entities: Owners/operators of large merchant vessels and foreign flag tankers.

Abstract: This information is needed to enable the Coast Guard to fulfill its responsibilities for maritime safety under Title 46 U.S.C. 3301, 3305, 3306, 3702, 3703, 3711, and 3714. It is solely for this purpose.

Title 46 CFR requires the reporting of Boiler and Pressure Vessel Repairs, maintaining Cargo Gear Records, Shipping Papers, the Tank Vessel Examination Letter and the Certificate of Compliance.

This information will be used to ensure information that is unique to each vessel is available for Coast Guard boarding personnel and that work done on Coast Guard certified devices have properly been accomplished.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 23,537.73 hours. The average burden hour per response is .16 minutes reporting 3 hours recordkeeping. The frequency of recordkeeping will be occasionally.

Title: Requirements for Lightering of Oil and Hazardous Materials Cargoes [2115–0539].

OMB No.: 2115–0539.

Affected Entities: Owners and operators of passenger vessels and Terminals.

Abstract: Offshore Lightering involves the transfer of large volumes of bulk liquids between vessels, creating the high potential for a major oil spill. The collection of information allows the USCG to provide timely response in an emergency, minimize the environmental

damage from an oil or hazardous material spill and control location and procedures for Lightering activities.

The Port and Tanker Act of 1978, requires the Coast Guard to develop regulations for the Lightering of oil and hazardous materials which take place in the navigable waters of the U.S. or high seas if the cargo is designed for a port or place subject to the jurisdiction of the U.S.

This information will be used to inform the local Coast Guard Captain of the Port of the time and place of cargo transfer.

Also, to ensure the vessels involved are in compliance with Coast Guard inspection requirements, possess a valid Certificate of Responsibility and have approved pollution response plans on file.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 315 hours. The average burden hour per response is 2 hours reporting. The frequency of reporting will be occasionally.

Title: (a) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge; (b) Application for Equivalents, Exemptions, and Alternatives; and (c) Voluntary Reports of Pollution Sightings [ICR No. 2115–0556].

OMB No.: 2115–0556.

Affected Entities: Individuals business or other for-profit organizations and the Federal Government.

Abstract: Discharge of pollutants in excess of what is permitted under MARPOL 73/78 and pollution sightings must be reported to the Coast Guard so that appropriate response to the threatening pollutions incidents and effective enforcement of MARPOL 73/78 and its implementing law and regulations will be possible. Public should be allowed to apply, in writing for equivalents, exemptions and alternatives.

The Act to prevent Pollution from Ships (33 U.S.C. 1901–1911) requires that the master or other person in charge of a ship to report discharges of pollutants that violate MARPOL 73/78.

Coast Guard will use this information to determine what corrective action is required to prevent, minimize, or mitigate the impact of oil or hazardous chemical pollution on the public health or welfare, or the environment.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 15 hours. The average burden hour per response is 30 minutes reporting. The frequency of reporting and recordkeeping will be occasionally.

Title: Various Forms and Posting Requirements Under 46 CFR Subchapters K and T ''Small Passenger Vessel (Under 100 Gross Tons)'' [ICR No. 2115–0578].

OMB No.: 2115–0578.

Affected Entities: Small passenger vessel owners.

Abstract: The reporting and recordkeeping requirements are necessary for the proper administration and enforcement of small passenger vessel program. The requirements effect small passenger vessels (under 100 gross tons) which carry more than 6 passengers.

Under 46 U.S.C. 3305 and 3306, the Coast Guard must prescribe regulations for the design, construction, alteration, repair and operation of small passenger vessels to secure the safety of individuals and property on board. The Coast Guard's proposed use of this information is to ensure that compliance with the requirements for proper safety equipment, operation and crew emergency preparedness are met.

Burden Estimate and Frequency: The current total annual respondent burden estimate is 405,608 hours. The average burden hour per response is 1 hour reporting and 4 hours recordkeeping. The frequency of recordkeeping will be occasionally.

Issued in Washington, D.C. on May 13, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–12498 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Noise Exposure Map Notice; Sarasota-Bradenton International Airport, Sarasota, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Sarasota Manatee Airport Authority for Sarasota-Bradenton International Airport under the provisions of Title 1 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is May 7, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827–5397, (407) 648–6583, Extension 29.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Sarasota-Bradenton International Airport are in compliance with applicable requirements of Part 150, effective May 7, 1996.

Under Section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title 1 of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Sarasota Manatee Airport Authority. The specific maps under consideration are ''EXISTING (1995) NOISE EXPOSURE MAP'' and ''FUTURE (2000) NOISE EXPOSURE MAP'' in the submission. The FAA has determined that these maps for Sarasota-Bradenton International Airport are in compliance with applicable requirements. This determination is effective on May 7, 1996. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act,

it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827–5397

Sarasota Manatee Airport Authority, Sarasota-Bradenton International Airport, 600 Airport Circle, Sarasota, FL 34243

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Orlando, Florida May 7, 1996.

Charles E. Blair,

Manager, Orlando Airports District Office.

[FR Doc. 96–12637 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–13–M

MARITIME ADMINISTRATION

[Docket No. M–016; OMB No: 2133–0030]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Christopher Krusa, Office of Maritime, Labor, Training, and Safety, Maritime Administration, MAR–250, Room 7302, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone 202–366–2648 or fax 202–366–3889. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Supplementary Training Course Application.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0030.

Form Number: MA–823.

Expiration Date of Approval: June 30, 1996.

Summary of Collection of Information: Section 1305(a) of the Maritime Education and Training Act of 1980 states that the Secretary may provide additional training on maritime subjects and may make such training available to the personnel of the merchant marine of the United States and to individuals preparing for a career in the merchant marine of the United States. Also, the U.S. Coast Guard (USCG) requires a fire fighting certificate for U.S. merchant marine officers, effective December 1989, pursuant to the 46 CFR 10.205(g) and 10.207(f).

Need and Use of the Information: Information is needed for eligibility assessment, enrollment, attendance verification and recordation. Without this information the courses would not be documented for future reference by the program or individual student. This application form is the only document of record and is used to verify that students have attended the course.

Description of Respondents: U.S. merchant seamen, both officers and unlicensed personnel. U.S. citizens employed in other areas of waterborne commerce also may receive this training on a space available basis.

Annual Responses: 2,000.

Annual Burden: 100 hours.

Comments: Send all comments regarding this information collection to Joel C. Richard, Department of Transportation, Maritime Administration, MAR–120, Room 7210, 400 Seventh Street, S.W., Washington, D.C. 20590. Send comments regarding whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected.

By Order of the Maritime Administrator.

Dated: May 15, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96–12642 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 96–24; Notice 2]

Decision That Nonconforming 1985 Maserati Bi-Turbo Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1985 Maserati Bi-Turbo passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1985 Maserati Bi-Turbo passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1985 Maserati Bi-Turbo), and they are capable of being readily altered to conform to the standards.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 40 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be

compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then published this decision in the Federal Register.

J.K. Motors of Kingsville, Maryland (Registered Importer R–90–006) petitioned NHTSA to decide whether 1985 Maserati Bi-Turbo passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 21, 1996 (61 FR 11676) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–155 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1985 Maserati Bi-Turbo not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1985 Maserati Bi-Turbo originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 14, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–12632 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 98–025; Notice 2]

Decision That Nonconforming 1990 Mercedes-Benz 500SEL Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1990 Mercedes-Benz 500SEL passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1990 Mercedes-Benz 500SEL passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1990 Mercedes-Benz 560SEL), and they are capable of being readily altered to conform to the standards.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicles safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R–90–007) petitioned NHTSA to decide whether 1990 Mercedes-Benz 500SEL passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 25, 1996 (61 FR 12129) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number of Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–153 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1990 Mercedes-Benz 500SEL is substantially similar to a 1990 Mercedes-Benz 560SEL originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 14, 1996

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–12633 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 96–026; Notice 2]

Decision That Nonconforming 1990 Mercedes-Benz 500SE Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1990 Mercedes-Benz 500SE passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1990 Mercedes-Benz 500SE passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1990 Mercedes-Benz 300SE), and they are capable of being readily altered to conform to the standards.

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–336–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that is receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R–90–007) petitioned NHTSA to decide whether 1990 Mercedes-Benz 500SE passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 25, 1996 (61 FR 12131) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–154 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1990 Mercedes-Benz 500SE is substantially similar to a 1990 Mercedes-Benz 300SE originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 14, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–12634 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–61; Notice 2]

Decision That Nonconforming 1992 Volvo 740 GL and 940 GL Sedan and Wagon Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1992 Volvo 740 GL and 940 GL Sedan and Wagon passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 Volvo 740 GL and 940 GL Sedan and Wagon passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified versions of the 1992 Volvo 740 GL and 940 GL Sedan and Wagon), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of the date of its publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

J.K. Motors of Kingsville, Maryland (''J.K.'') (Registered Importer R–90–006) petitioned NHTSA to decide whether 1992 Volvo 740 GL and 940 GL Sedan and Wagon passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on August 10, 1995 (61 FR 40878) to afford an opportunity for public comment. The notice identified the vehicles which J.K. believes to be substantially similar as 1992 Volvo 740

GL and 940 GL sedans and wagons that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as confirming to all applicable Federal motor vehicle safety standards.

As noted in the notice of petition, the petitioner claimed that it had carefully compared non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons to their U.S. certified counterparts, and found them to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claimed that non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons are identical to their U.S. certified counterparts with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner stated that non-U.S. certified 1992 Volvo 740 GL and 940 GL sedans and wagons comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contended that these vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamps and front sidemarkers; (b) installation of U.S.-model taillamp lenses which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a seat belt warning buzzer; (b) installation of knee bolsters to augment the vehicles' air bag based passive restraint systems, which otherwise conforms to the standard. The petitioner stated that in addition to a driver's side air bag, the vehicles are equipped with side impact protection systems, with manual lap and shoulder belts in the front and rear outboard seating positions, and with a manual lap belt in the center seating positions.

One comment was received in response to the notice of petition, from Volvo Cars of North America, Inc. (''Volvo''), the United States representative of Volvo Car Corporation of Gothenburg, Sweden, the vehicle's manufacturer. In its comment, Volvo stated that in addition to the noncompliances noted in the petition, the 1992 Volvo 740 GL and 940 GL Sedan and Wagon have a parking brake reminder light and, if so equipped, an anti-lock brake system light that do not comply with Standard No. 101. Volvo additionally asserted that none of the exterior lamps on these vehicles comply with Standard No. 108, and that their left (driver's) side outside mirror does not comply with Standard No. 111. Volvo also observed that the vehicles' rear door locks do not comply with Standard No. 206 because they are capable of being opened with the inside door handle when locked. Volvo finally disputed the petitioner's contention that the vehicles comply with the Bumper Standard at 49 CFR Part 581, and asserted that they neither have U.S. model bumpers nor have they been tested for compliance with the standard.

NHTSA accorded J.K. an opportunity to respond to Volvo's comments. In its response, J.K. stated that U.S. model components are substituted for all noncomplying dash controls and displays, so all reminder lights will meet Standard No. 101. J.K. additionally stated that all exterior lamps on the vehicles are changed so that they meet Standard No. 108 after conversion. J.K. noted that the driver's side mirror assembly on European versions of the vehicles does not meet Standard No. 111, but that the same component on Saudi and Gulf State versions do. As a consequence, J.K. stated that mirrors may have to be replaced on non-U.S. certified models on a case-by-case basis, based on the part numbers inscribed on those items. J.K. also acknowledged that the rear door locks on European versions of the vehicle will have to be changed to comply with Standard No. 206, and that the noncomplying components will be identified on a case-by-case basis by examining their part numbers. J.K. stated that the same procedure will be used to identify noncomplying bumpers on European versions of the vehicle, which it acknowledged must be reinforced or replaced with U.S. model components to meet Part 581. J.K. observed that the Saudi and Gulf States versions of the vehicle have U.S. model bumpers already installed.

NHTSA has reviewed each of the issues that Volvo has raised regarding J.K.'s petition. NHTSA believes that J.K.'s responses adequately address each of those issues. NHTSA further notes that the modifications described by J.K. have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified 1992 Volvo 740 GL and 940 GL Sedan and Wagon from being found ''capable of being readily modified to comply with all Federal motor vehicle safety standards.''

NHTSA has accordingly decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–137 is the

vehicle eligibility number assigned to vehicles admissible under this decision.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1992 Volvo 740 GL and 940 GL Sedan and Wagon passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1992 Volvo 740 GL and 940 GL Sedan and Wagon passenger cars originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 14, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–12635 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 96–048; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1984 Mitsubishi Pajero Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1984 Mitsubishi Pajero passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1984 Mitsubishi Pajero that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is June 19, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to decide whether 1984 Mitsubishi Pajero passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1984 Mitsubishi Montero. Champagne has submitted information indicating that the manufacturer of the 1984 Mitsubishi Montero certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that it carefully compared the 1984 Mitsubishi Pajero to the 1984 Mitsubishi Montero, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the 1984 Mitsubishi Pajero, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1984 Mitsubishi Montero that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1984 Mitsubishi Pajero is identical to the certified 1984 Mitsubishi Montero with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate headlamps with DOT markings; (b) installation of front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies.

Standard No. 111 *Rearview Mirrors:* Replacement of the convex passenger side rear view mirror.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN

reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles other than Passenger Cars:* Installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer. The petitioner states that the vehicle is equipped at each front designated seating position with a combination lap and shoulder restraint that adjusts by means of an automatic retractor and releases by means of a single push button. The petitioner further states that the vehicle is equipped with a combination lap and shoulder restraint that releases by means of a single push button at each rear outboard seating position, and with a lap belt at the rear center seating position.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action of the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on : May 14, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–12636 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

[General Counsel Designation No. 220]

Appointment of Members to the Legal Division Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101–5 (Revised), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board:

(1) For the General Counsel Panel—
- Neal S. Wolin, Deputy General Counsel, who shall serve as Chairperson;
- Russell L. Munk, Assistant General Counsel (International Affairs);
- John E. Bowman, Assistant General Counsel (Banking and Finance);
- Robert M. McNamara, Jr., Assistant General Counsel (Enforcement);
- Kenneth R. Schmalzabach, Assistant General Counsel (General Law and Ethics); and
- Elizabeth B. Anderson, Chief Counsel, United States Customs Service.

(2) For the Internal Revenue Service Panel—
- Chairperson, Deputy Chief Counsel, IRS;
- Deputy General Counsel;
- Two Associate Chief Counsel, IRS; and
- Two Regional Counsel, IRS.

I hereby delegate to the Chief Counsel of the Internal Revenue Service the authority to make the appointments to the IRS Panel specified in this Designation and to make the publication of the IRS Panel as required by 5 U.S.C. 4314(c)(4).

Dated: May 13, 1996.

Edward S. Knight,

General Counsel.

[FR Doc. 96–12541 Filed 5–17–96; 8:45 am]

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Federal Register

Monday
May 20, 1996

Part II

Department of Transportation

Coast Guard

46 CFR Part 30 et al.
Lifesaving Equipment; Interim Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 30, 31, 32, 33, 35, 70, 71, 75, 77, 78, 90, 91, 94, 96, 97, 107, 108, 109, 125, 133, 167, 168, 188, 189, 192, 195, 196, and 199

[CGD 84–069]

RIN 2115–AB72

Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: As part of the President's Regulatory Review Initiative to remove or revise unnecessary government regulations, this interim rule removes numerous obsolete sections from the Code of Federal Regulations and eliminates duplication of other provisions by consolidating the lifesaving requirements for most U.S. inspected vessels into the new subchapter W. This rule revises the lifesaving equipment regulations for U.S. inspected vessels. It implements the provisions of Chapter III of the Safety of Life at Sea Convention 1974, as amended, and revises lifesaving regulations for Great Lakes vessels and certain vessels in domestic trade which are not covered by the Safety of Life at Sea Convention. The rule also replaces many prescriptive regulations with performance-based alternatives. The Coast Guard is requesting public comment on this interim rule because it has been more than 5 years since publication of the notice of proposed rulemaking.

EFFECTIVE DATES: This interim rule is effective on October 1, 1996. Comments on this interim rule must be received on or before July 31, 1996. The Director of the Federal Register approves the incorporation by reference of certain publications listed in the regulations as of October 1, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) [CGD 84–069], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in ''Incorporation by Reference'' of this rule is available for inspection at room 1404, U.S. Coast Guard Headquarters. Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary.

The revised Chapter III of the Safety of Life at Sea Convention (SOLAS) is published by the International Maritime Organization (IMO) in ''SOLAS, Consolidated Edition, 1992'' (IMO publication IMO–11OE). The International Maritime Organization also publishes the ''Recommendation on Testing of Life-saving Appliances, Resolution A.689(17)'' and the other IMO documents incorporated by reference in this rule. The International Maritime Organization publications and documents referred to in this rule are available from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, England.

In addition, IMO publications are available from the following U.S. sources:

Baker-Lyman & Co., Inc., P.O. Box 838, 3220 South I–10 Service Road, West, Metairie, LA 70004, telephone (504) 831–3685 or (800) 535–6956.

Baker-Lyman & Co., Inc., 8876 Gulf Freeway, Suite 110, Houston, TX 77017, telephone (713) 943–7032.

Labelmaster, 5724 North Pulaski Road, Chicago, IL 60646–6797, telephone (312) 478–0900.

McCurnin Nautical Charts Co., 2318 North Woodlawn Avenue, Metairie, LA 70001, telephone (504) 888–4500.

Marine Education Textbooks, 124 North Van Avenue, Houma, LA 70363–5895, telephone (504) 879–3866.

Maryland Nautical Sales, Inc., 1400 East Clement Street, Baltimore, MD 21230, telephone (410) 752–4268.

Nautical Charts Supply, Inc., 90 Hudson Street, New York, NY 10013, telephone (212) 925–8849.

New York Nautical Instrument & Service Corp., 140 West Broadway, New York, NY 10013, telephone (212) 962–4522.

Safe Navigation, Inc., 820 Long Beach Boulevard, Long Beach, CA 90813, telephone (310) 590–8744.

UNZ & Co., 190 Baldwin Avenue, Jersey City, NJ 07306, telephone (201) 795–5400.

Navigation and Vessel Inspection Circulars (NVIC) and the Coast Guard's Marine Safety Manual are available by subscription from the Government Printing Office, Washington, DC 20402, telephone (202) 783–3238. Previously issued NVICs may be purchased from the U.S. Coast Guard National Maritime Center (Attn: NVIC), 4200 Wilson Boulevard, Suite 510, Arlington, VA 22203–1804, telephone (703) 235–1605.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Chief, Lifesaving and Fire Safety Standards Division (G–MSE–4), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001, telephone (202) 267–1444, fax (202) 267–1069. Normal office hours are between 8 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 84–069] and the specific section of this interim rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this interim rule based on the comments.

The Coast Guard plans no additional public hearings. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that another opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold another public hearing at a time and place announced by a later notice in the Federal Register.

Regulatory History

The Coast Guard published an advance notice of proposed rulemaking (ANPRM) in the Federal Register on December 31, 1984 (49 FR 50745). That notice described the major changes under consideration and invited comments on the project.

The Coast Guard published a notice of proposed rulemaking (NPRM) for this rulemaking in the Federal Register on April 21, 1989 (54 FR 16196), and invited comments on its proposals. Fifty-six letters were submitted to the public docket from vessel operators, industry associations, drilling companies, equipment manufacturers, interested individuals, Coast Guard offices, and the National Transportation Safety Board (NTSB). The comments generally supported the regulatory proposals in concept, but many suggested changes to particular provisions in the proposed rule. These comments are addressed in the ''Discussion of Comments and Changes'' section of this preamble.

A public hearing was held to receive comments on the proposed rules, particularly the provisions affecting passenger ferries. The hearing was announced in a Federal Register notice on October 5, 1989 (54 FR 41124), and the hearing was held in Seattle, Washington, on October 17, 1989. Fifty-nine persons attended the hearing and 18 persons presented oral comments during the hearing. Comments received at the hearing are also discussed in the ''Discussion of Comments and Changes'' section of this preamble.

On November 16, 1995, the Coast Guard published an interim rule with a request for comments that revised the regulations for offshore supply vessels (OSV) including liftboats [CGD 82–004 and CGD 86–074] (60 FR 57630). That rule created a new subchapter L containing a complete set of regulations applicable to new OSVs. The rule added and reserved 46 CFR part 133 for OSV lifesaving requirements, which are now added to subchapter L by this rule.

This interim rule does not affect small passenger vessels inspected under subchapter T in 46 CFR chapter I. Lifesaving equipment regulations for small passenger vessels were published in an interim rule on January 10, 1996 (61 FR 865), as part of a comprehensive project to revise subchapter T and establish a new subchapter K covering larger small passenger vessels with higher carriage capacities [CGD85–080].

This rule is being published as an interim rule and the Coast Guard is seeking comments on it, because publication of the NPRM occurred more than 5 years ago. If warranted by the comments, the Coast Guard may revise these regulations before their effective date.

This project is part of the President's Regulatory Review Initiative to remove or revise unnecessary government regulations. This project removes numerous obsolete sections from the Code of Federal Regulations (CFR) and eliminates others by consolidating the lifesaving requirements for most U.S. inspected vessels into the new subchapter W. Subchapter W also replaces many prescriptive regulations with performance-based alternatives.

Review of NPRM

On June 17, 1983, the International Maritime Organization (IMO) Maritime Safety Committee approved the 1983 Amendments to SOLAS, including a new Chapter III (Lifesaving Appliances and Arrangements). The new SOLAS requirements came into force on July 1, 1986, for the United States and all other contracting governments. The Safety of Life at Sea Convention applies to ships on international voyages, except—

(1) Ships of war and troopships;

(2) Cargo ships (including tankers) under 500 tons gross tonnage;

(3) Ships not propelled by mechanical means;

(4) Wooden ships of primitive build;

(5) Pleasure yachts not engaged in trade; and

(6) Fishing vessels.

In addition to the changes necessary to conform lifesaving requirements to SOLAS, the Coast Guard has made a number of other revisions to the lifesaving system regulations for inspected vessels in domestic services in response to problems identified through investigations into casualties that had occurred over a 25-year period. The Coast Guard Authorization Act of 1984 also directed improvements in the lifesaving systems on passenger ferries.

The Coast Guard considered many provisions of the regulations existing at the start of this rulemaking to be obsolete. Some regulatory provisions dated back to the 1940s. The NPRM, therefore, proposed a new subchapter W in 46 CFR chapter I, which would contain requirements for the number and type of lifesaving appliances and arrangements on tank vessels, cargo vessels, passenger vessels over 100 tons gross tonnage, oceanographic vessels, nautical school vessels, OSVs, and mobile offshore drilling units (MODU). The structure of the proposed subchapter W closely paralleled SOLAS, Chapter III, even though its provisions applied to vessels in domestic services as well as to those subject to SOLAS. The Coast Guard also proposed to remove the lifesaving provisions in the various individual vessel subchapters throughout 46 CFR chapter I, which would be consolidated into subchapter W. Only provisions related to lifesaving system inspections, operations, and drills were proposed to be left in the individual vessel subchapters.

Overview of Interim Rule

This interim rule revises vessel lifesaving equipment carriage regulations in 46 CFR chapter I, for tank vessels, cargo and miscellaneous vessels, MODUs, passenger vessels, nautical school vessels, OSVs, and oceanographic research vessels. Revisions are included in 46 CFR chapter I, subchapter I–A for MODUs and subchapter L for OSVs. The remaining provisions are consolidated in a new subchapter W of 46 CFR chapter I. Subchapter W replaces most of the lifesaving equipment regulations currently individually prescribed in separate subchapters applicable to tank vessels, cargo and miscellaneous vessels, passenger vessels, nautical school vessels, and oceanographic research vessels.

The NPRM proposed to remove the lifesaving requirements from 46 CFR chapter I, subchapter I–A for MODUs, and publish them in the new subchapter W. As a result of the offshore industry's comments and a recommendation by the Coast Guard's National Offshore Industry Advisory Committee, however, the revised lifesaving regulations for MODUs will remain in subchapter I–A. For the same reason, the lifesaving regulations for OSVs, including liftboats, are being placed in subchapter L rather than subchapter W.

Relationship to SOLAS and Recent SOLAS Revisions

The Coast Guard has compared the regulations in this interim rule to the international standards in SOLAS and has determined that this rule does not unnecessarily establish requirements in excess of international standards. This rule removes some requirements that were proposed in the NPRM that exceeded the requirements in SOLAS.

Since the 1983 SOLAS Amendments were adopted, a number of other amendments to Chapter III of SOLAS have been adopted. The Coast Guard, anticipating some of these changes, proposed them in the NPRM and they are included in this interim rule. Other changes to SOLAS clarify or create alternative ways of meeting SOLAS requirements. These changes are also included in this interim rule. New SOLAS requirements that were not proposed in the NPRM or that do not offer alternatives are not part of this interim rule. All of these provisions are discussed in the ''Discussion of Comments and Changes'' section of this preamble.

Organization of Subchapter W

Subparts A, B, C, and D of subchapter W are based on Chapter III of SOLAS.

Section numbers in subparts A, B, C, and D of subchapter W are generally related to the regulation numbers in Chapter III of SOLAS, but paragraph designations are not related to the numbering in Chapter III of SOLAS. To find the corresponding SOLAS, Chapter III regulation for subparts A, B, C, and D of subchapter W, beginning with § 199.10, divide the section number following the decimal point by 10. Subparts E and F of subchapter W set out the requirements for vessels that are not subject to SOLAS and provide for exceptions and alternatives to the SOLAS requirements.

Discussion of Comments and Changes

Comments

The Coast Guard received 74 comments on the NPRM that consisted of both letters to the docket and remarks at the public hearing. The following paragraphs contain and analysis of comments received and an explanation of any changes if any, made in the rules.

Numerous comments noted editorial problems in the NPRM. The Coast Guard has incorporated these comments where appropriate, but the changes are not discussed in detail in this preamble. Some other comments addressed subjects beyond the scope of the revisions proposed in the NPRM. These comments are also not discussed in detail. Comments that generally supported the NPRM, or that disagreed with the NPRM but failed to provide reasoning for the disagreement, are also not addressed in this preamble.

Two comments stated that the full impact of the NPRM could not be accurately assessed until: (a) the effects of the International Tonnage Convention (ITC) on U.S. law are determined; (b) subchapter L (OSVs) is published; (c) proposed subchapter T revisions are known; and (d) sections of subchapter W that apply to boats regulated under subchapters L and T are known. The impact of this rule is discussed more fully in the Regulatory Impact Analysis to this rule and the ''Regulatory Evaluation'' section of this preamble.

The ITC applies to all vessels on international voyages over 24 meters (79 feet) in length that were built after July 18, 1994. Vessels built on or before July 18, 1994, on international voyages may continue to use their domestic tonnage to determine their tonnage-based requirements for the life of the vessel, unless major alterations are made to the vessel.

The lifesaving requirements applying to OSVs, which were proposed in the NPRM to be part of subchapter W, are now being published as part of subchapter L. An interim rule promulgating subchapter L, which applies only to OSVs, including liftboats was published on November 16, 1995 (60 FR 57630). This should eliminate any confusion concerning what lifesaving requirements apply to OSVs. Vessels must be less than 500 tons gross tonnage to be inspected as OSVs under subchapter L. Any vessel in the offshore service business which is 500 tons gross tonnage or over, would have to meet the applicable lifesaving requirements of subchapter W.

The interim rule for small passenger vessels regulated under subchapter T and K was published on January 10, 1996 (61 FR 865). The Coast Guard invites comments on the impact of this rule as it relates to the provisions of the ITC and subchapters L, T, and K.

Several comments objected to the SOLAS lifesaving rules under subchapter W being applied to all vessels, regardless of their type or service. This rule does not apply SOLAS rules to all vessels. Section 199.10(b) excludes non-self-propelled vessels from the lifesaving equipment regulations if these vessels do not have accommodation or work spaces on board. For other vessels, the SOLAS, Chapter III regulations provide the basis for the structure of subchapter W. Many of the SOLAS requirements apply broadly to lifesaving system installations on all vessels. Subparts A, B, C, and D of subchapter W set out the requirements for vessels on international voyages that are subject to SOLAS and are based on SOLAS, Chapter III. Subparts E and F of subchapter W set out the requirements for vessels that are not subject to SOLAS and provide for exceptions and alternatives to the SOLAS requirements. The Coast Guard has deleted provisions proposed in the NPRM that were in excess of SOLAS unless there is good cause for their retention. Most of the deleted provisions were Coast Guard interpretations of SOLAS requirements that do not need to be included in these regulations, or were additional requirements with marginal safety benefits. The Coast Guard has also decided to consolidate all of the regulations related to SOLAS, Chapter III in subchapter W. The NPRM had proposed locating only the lifesaving equipment and arrangement regulations in subchapter W. The regulations pertaining to onboard inspection of lifesaving equipment proposed in the NPRM were to be included in the inspections part in each of subchapters D, H, I, and U. Similarly, requirements for drills and for marking of lifesaving equipment were also proposed to be placed in the operations part of each of these subchapters. The organization of this interim rule eliminates needless duplication of these regulations in different parts of the CFR.

The Coast Guard intends that SOLAS and other international instruments be the basis for safety requirements on U.S. vessels. To this end, § 199.03(b) states that any vessel carrying a valid Passenger Ship Safety Certificate supplemented by a Record of Equipment, or a valid Cargo Ship Safety Equipment Certificate supplemented by a Record of Equipment, is considered to have met the requirements of subchapter W if the vessel also complies with several specific additional requirements listed. This will make compliance with Coast Guard regulations easier for designers and operators who use SOLAS as a basis for designing and equipping a vessel. A similar provision is included in § 108.503 for MODUs built to the IMO MODU Code. None of the items on the list are major cost items.

Several comments indicated a need for flexibility in the rules, with one comment suggesting that the Officer in Charge, Marine Inspection (OCMI), should be able to exercise discretion in determining lifesaving equipment requirements. The Coast Guard agrees with the comment, and has included rules that provide for certain exceptions and equivalents to be authorized by the Commandant (G–MSE), for exemptions to be granted by the Coast Guard District Commander, and for alternatives that may be accepted by the OCMI. See §§ 199.09, 199.20(d), and 199.40(e).

Several comments suggested that ''SOLAS approved'' equipment should be accepted by the Coast Guard. There is no internationally recognized ''SOLAS approved'' equipment in the sense implied by the comment. Under SOLAS, each national maritime safety authority approves or accepts equipment meeting SOLAS requirements for its own vessels. The degree of enforcement of the SOLAS requirements varies widely. The Coast Guard approves equipment that meets the SOLAS requirements and must be used on U.S. registered vessels. However, Coast Guard-approved equipment may not always be readily available, for example, in foreign ports. Under the provisions of § 199.40(e), the OCMI has sufficient authority to accept foreign-approved equipment on a case-by-case basis, when warranted.

A number of comments addressed specific test and inspection procedures proposed in the NPRM. Some comments proposed deletion of certain details while others proposed more testing and

inspection. In response to the comments, the testing and inspection requirements in this rule are significantly simplified compared to those proposed in the NPRM. This rule establishes test objectives and performance standards rather than detailed complex requirements for the conduct of the tests. This simplifies the sections on these inspections and tests, and makes them consistent with the level of detail presented in the regulations on other initial and subsequent inspections for vessel certification. This will allow flexibility in the test procedures. These tests and inspection requirements appear in § 199.45.

Specific Provisions

One comment suggested that the ring lifebuoys arranged for quick release from the navigation bridge be required to fall clear of the vessel under all circumstances. The Coast Guard agrees with the comment and now requires that the ring lifebuoy fall directly into the water without striking the vessel. See §§ 199.70(a)(v) and 108.590(a)(iv).

Section 199.620(d)(2) has been added to allow a new type of lifejacket that has been approved since publication of the NPRM on domestic services. These extended-size lifejackets are approved for adults as well as some larger children. If an operator uses these lifejackets, the number of child-size lifejackets carried to meet the requirements in § 199.70(b)(1)(i) may be reduced. To take the reduction in child-size lifejackets, extended-size lifejackets that have the same lower size limit must be substituted for all of the required adult lifejackets. The number of child-size lifejackets required depends on the lower size limit of the extended-size lifejackets and is calculated using one of the formulas given in § 199.620(d)(2). The vessel operator still has the responsibility under § 199.70(b)(1)(i) to make sure that the vessel has a lifejacket of suitable size for each person on board.

One comment suggested the deletion of proposed § 199.72(c), which contained special requirements for additional lifejackets on Great Lakes vessels that have forward berthing or working spaces widely separated from messing or recreational spaces aft. The comment indicated that, with some minor revisions, the provisions for additional lifejackets in proposed § 199.72(a)(1)(ii) would be sufficient to require the necessary lifejackets in these spaces. The Coast Guard agrees and has revised § 199.70(b)(2)(iii) to address the stowage of these additional lifejackets.

The NTSB urged the Coast Guard to require lifejackets for all passengers to be located at muster stations on passenger ships in addition to those lifejackets required to be stowed in passenger cabins. The NTSB had previously recommended that lifejackets and immersion suits be stowed outside of passenger and crew berthing rooms and closer to, or at, emergency stations. The Coast Guard does not agree that lifejackets should always be stowed at muster stations. However, §§ 199.70(b)(2)(v) and 199.212(b) are based on current SOLAS requirements and, taken together, will ensure that sufficient lifejackets for passengers are available at, or near, the muster stations on passenger ships.

Proposed §§ 199.78(a) (3) and (4) on stowage details for lifejackets have been removed from this rule. Also removed are the details on whistles and how to secure them to lifejackets, which were in proposed § 199.76 of the NPRM. Detailed requirements on the assignment of immersion suits to passenger vessel crewmembers in proposed §§ 199.214 (a) and (b) have also been removed. There are no similar requirements in SOLAS, and in accordance with the policy previously discussed, the Coast Guard has decided not to impose these additional requirements because of their marginal safety benefits.

The Coast Guard has deleted a proposed requirement for at least one certificated person to be assigned to a lifeboat for every 20 passengers. The proposed requirement in the NPRM was consistent with regulations effective at the time, but is in excess of the current SOLAS requirement. The Coast Guard has decided not to impose this additional requirement on U.S. vessels. See § 199.100(c).

Several comments opposed the proposed requirement in § 199.110(d) of the NPRM for all survival craft embarkation stations to be located where it is not necessary to climb up more than three steps or stairs. One comment stated that the requirement was not clear because of the various deck levels, stairways, and ladders that are involved in the design of a ship. The Coast Guard has deleted this section in this rule. There is no similar requirement in SOLAS and, in accordance with the policy previously discussed, the Coast Guard has decided not to impose this additional requirement because of its marginal safety value.

One comment stated that the proposed requirement for rotation-resistant wire rope in § 199.153(b) of the NPRM (§ 199.153 (a) in this rule) should only apply to installations in which single point boat connections are used. The Coast Guard disagrees. Wire ropes that twist easily can lead to tangles at the winch or to tangles in multiple-part falls after a boat has been launched. Rotation-resistant wire rope is a SOLAS requirement for all launching appliances using falls and it is an appropriate requirement for launching appliances even on vessels not subject to SOLAS.

In response to the request to allow for flexibility in compliance expressed by some comments, the descriptions of some of the items of equipment in § 199.175(b) have been simplified by eliminating unnecessary detail. Coast Guard Navigation and Vessel Inspection Circular (NVIC) 2–92 contains detailed recommendations for survival craft equipment and describes options and inspection criteria that can not be easily or appropriately covered in the regulations.

One comment suggested that the Coast Guard should amend the requirement that at least one drill be held at night every 3 months by removing the master's discretion to determine that a night drill would be unsafe. The comment further stated that it should be possible to safely hold at least one drill at night in a 3-month period. Another comment suggested removing the restriction on conducting abandon-ship drills and fire drills immediately after each other. The Coast Guard has decided to delete both requirements from § 199.180 because they are not in SOLAS, Chapter III. Scheduling of required drills is left to the master's discretion.

One comment noted the difficulty and expense in obtaining replacement rockets for rocket-propelled line-throwing appliances. Modern line-throwing appliances of this type are self-contained units, which include the rocket, service line, and the firing mechanism. This arrangement makes them much easier to use. If the rocket is fired during a drill, the complete unit must be replaced or else it must be partially disassembled so that the rocket may be replaced. In the latter case, if the unit is not reassembled properly, it could misfire in an actual emergency. For these reasons, the Coast Guard has changed the line-throwing appliance drill regulations in §§ 199.180(e) and 109.213(e) to allow actual firing of a line-throwing appliance to be at the discretion of the master. The rockets have a 4-year expiration date and the Coast Guard anticipates that actual firings will be conducted using rockets near their expiration dates.

Several comments suggested that existing cargo and tank vessels in ocean, coastwise, and Great Lakes services should not have to comply with the proposed requirement to retrofit totally enclosed lifeboats and gravity davits, noting that SOLAS does not have such a requirement. Five comments stated that enclosed lifeboats and gravity davits were unjustified and costly to U.S. operators on the Great Lakes, causing a competitive disadvantage with Canadian and tug/barge operators who do not have to meet retrofit regulations. One comment suggested that davit-launched inflatable liferafts should be used for the retrofit aboard Great Lakes vessels instead of lifeboats. In 1994, the United States proposed to an IMO subcommittee that totally enclosed lifeboats and gravity davits be required on SOLAS ships by January 1, 2006. While there was support for the proposal, the requirement was not adopted. Therefore, the Coast Guard has removed the requirement for retrofitting of totally enclosed lifeboats and gravity davits as proposed in the NPRM.

Some comments objected to the proposed Coast Guard regulations requiring ring lifebuoys that exceeded the number required under SOLAS on certain larger cargo vessels. The Coast Guard agrees and has reduced the number of ring lifebuoys required for passenger ships in ocean and short international voyage service in § 199.271 to the numbers required by SOLAS.

Several comments were concerned about the proposed requirement in § 199.157(a) that lifeboats be capable of being launched with the vessel making headway of at least 5 knots. Some believed that this would be a dangerous drill requirement. This is not a drill requirement but rather, is a performance-based design requirement. Others were concerned that this was a new requirement with which it would be difficult to comply. In fact, it is possible to meet this requirement with on-load release devices and painter arrangements that have been used on U.S. vessels for over 40 years. It is a feature needed not only on ships, but on MODUs as well. Although MODUs are usually at a fixed location, they may need to launch survival craft in a current. This requirement is included in the MODU regulations at § 108.555(a). For vessels regulated under subchapter W, § 199.280(c) follows SOLAS by limiting the requirement to cargo vessels over 20,000 tons gross tonnage.

The NPRM proposed a prohibition on aluminum lifeboats and davits on tank vessels and MODUs. The proposal was based on experiences in which aluminum boats were destroyed in transitory deck fires and were subsequently not available when the ship had to be abandoned. One comment suggested that an aluminum lifeboat should be permitted if it is protected at its stowage location by a water spray, noting that this was being permitted by marine safety administrations in other countries. The Coast Guard agrees with the comment and this rule, therefore, permits aluminum lifeboats and davits on tank vessels and MODUs when a water spray system is provided. See §§ 199.290(b) and 108.515(d).

A number of comments were received regarding the radio lifesaving equipment requirements proposed in the NPRM. Since the NPRM was published, the Federal Communications Commission (FCC) published a final rule implementing the Global Maritime Distress and Safety System (GMDSS) on U.S. vessels (57 FR 9063, March 16, 1992). The GMDSS is an automated, worldwide, ship-to-shore, distress alerting system that relies on satellite and advanced terrestrial communications systems. The FCC rules cover most vessels that the Coast Guard inspects for ocean and coastwise service. Among other requirements, the FCC rules include two-way VHF radiotelephone apparatus, satellite emergency position indicating radiobeacons (EPIRB), and survival craft radar transponders (SART). The FCC rules do not, however, require radio lifesaving equipment for all vessels that were covered by the requirements proposed in the NPRM. Therefore, this rule includes EPIRB requirements in § 199.510 for vessels operating on the Great Lakes as well as for cargo vessels and OSVs less than 300 tons gross tonnage in ocean and coastwise service. Under § 199.610(m), these vessels have until February 1, 1999, to comply with the satellite EPIRB requirement. This is the date established by SOLAS for full worldwide implementation of GMDSS.

One comment stated that corrosion of wire rope falls was not as significant a problem on vessels operating on the Great Lakes as on vessels operating in salt water services and therefore, the requirement to change the falls at intervals of not more than 5 years was excessive. The Coast Guard agrees and has excluded vessels operating in fresh water services from compliance with the requirement. See § 199.610(a)(4).

The NPRM proposed that survival craft not be required for vessels in Great Lakes service, and in lakes, bays, and sounds service that operate within 3 miles of shore where the water is less than 1 meter (3.3 feet) deep. This shallow water exemption has been revised to be consistent with that in subchapters T and K for small passenger vessels. Survival craft will not be required on vessels in Great Lakes service; lakes, bays, and sounds service; or river service if the vessel operates within 3 miles of shore in areas where the vessel cannot sink deep enough to submerge the topmost deck or where the OCMI determines that survivors can wade ashore. See table 199.630(a) in conjunction with § 199.630(h) and table 199.640(a) in conjunction with § 199.640(f).

One comment suggested that lifeboats for dry cargo vessels be required to be equipped with self-contained air support systems due to the large amounts of flammable liquids and poisons carried as packaged cargo and ship's stores. Although the Coast Guard agrees that toxic atmospheres and fire on the water are a possible problem in some casualties involving dry cargo ships, this does not justify the suggested requirement, which would exceed the SOLAS requirements.

Passenger Vessels Not on International Voyages

The NPRM proposed that passenger vessels on unlimited ocean routes be required to have the same lifesaving systems as required by SOLAS for ships on international voyages and that vessels in coastwise service (i.e., within 20 miles of the coastline) be required to have the same lifesaving systems as required by SOLAS for ships on short international voyages. In response to concerns raised by operators of vessels that operate on domestic voyages beyond 20 miles but within 50 miles, this interim rule allows vessels in domestic services that operate out to 50 miles offshore to comply with the SOLAS short international voyage requirements. This is also consistent with an operational category for small passenger vessels in the interim rule for subchapters K and T. See table 199.620(a) in conjunction with § 199.630(c).

One ferry operator, objecting to the proposal for ferries to carry inflatable buoyant apparatus (IBA) sufficient to accommodate 110 percent of the number of persons on board, stated that ferries should be given consideration for equivalence of safety requirements based on their design and area of operation (protected waters in proximity to land and quick assistance). Another comment pointed out that current safety measures, such as vessel traffic services, bridge-to-bridge communications, close proximity of other vessels, radar systems, and stringent personnel

qualifications, make ferry operations safer than in the past. However, another comment supporting the survival craft proposals pointed out that the present regulations were originally written over 40 years ago and were relevant to an era when ferries were smaller, slower, carried fewer hazardous materials, and operated in less congested waters. Another comment writer did not believe the NPRM adequately justified the need for the proposed requirements for ferries operating in lakes, bays, and sounds service. Several comments pointed out that no ferry casualties were identified in support of the proposed rules and that the probability of a ferry casualty that would require abandonment was very low, considering all of the safety measures presently in effect. Cost to acquire and service inflatable buoyant apparatus, to train crewmembers, and to possibly provide otherwise unnecessary crewmembers in order to launch the inflatable buoyant apparatus and help passengers embark was a major issue for ferry operators. An organization of ferry passengers did not want to pay for inflatable buoyant apparatus either through higher fares or increased taxes. Other comments, acknowledging that ferry casualties were rare, were concerned about the high number of deaths and injuries that would occur in the event of a severe ferry accident.

The 1984 Coast Guard Authorization Act directed improvement in the lifesaving equipment on passenger ferries. This Congressional direction followed publication of a report on ''Improving Maritime Traffic Safety on Puget Sound Waterways,'' prepared by the University of Washington. This report cited the lack of liferafts on Puget Sound, Alaska, ferries as a potential problem considering the numerous close encounters that ferries are involved in and the potential catastrophic results that would accompany a casualty because these ferries may carry as many as 2,500 passengers. However, the safety record for these ferries in terms of lives lost is very good, with no recorded fatalities from accidents over the last 35 years. One of the contributors to the University of Washington report stated,

> [e]xperience relating to very low probability, very high consequence accidents, like the possible sinking of a ferry with a large number of passengers aboard, indicates they are impossible to predict. Statistical models are not meaningful. Thus the admirable safety record of the Washington State Ferry System, in my opinion, can not be used as an argument to say that either no major accident will happen in the future, since none have occurred to date, or that one is likely to happen by the law of averages * * * While concentration on incident avoidance is prudent, some consideration of consequence mitigation is also warranted.

The comment indicated that while ''liferafts'' (sic) were an example of such consequence mitigation, he had not necessarily concluded that liferafts were the proper choice of consequence mitigation.

The Coast Guard's position is that all of the comments have merit. Even though serious casualties involving ferries and other passenger vessels in domestic services have been rare, because of the potential hazard to large numbers of people, the possibility of such casualties needs to be appropriately addressed. Therefore, in table 199.630(a) and § 199.630(d), ferries and passenger vessels are required to carry a sufficient number of IBAs having an aggregate capacity that is sufficient to accommodate the total number of persons on board. Under certain lower-risk circumstances described in § 199.630(g), operators can reduce the number of IBAs to provide an aggregate capacity sufficient to accommodate 67 percent of the persons on board. (IBAs are tested to a 50 percent overload condition to make sure they can accommodate extra people in clam water.) Recognizing that abandoning the vessel into IBAs introduces its own hazards and that vessels operating in certain areas may be able to obtain assistance in other ways, table 199.630(a) and § 199.630(f) provide an alternative for ferries and other passenger vessels without overnight accommodations that operate in the Great Lakes service; in lakes, bays, and sounds service; or in river service. The alternative provides that vessels may have a safety assessment approved by the OCMI that includes, among other things, consideration of the waterway and other traffic in the operating area and development of a comprehensive shipboard safety management and contingency plan.

Comments from operators of passenger vessels other than ferries also expressed concern over the expense of adding lifesaving equipment. They also cited the excellent safety record of these vessels in recent years. Nevertheless, these vessels carry large numbers of people, especially gaming vessels. The gaming vessel industry did not exist when the NPRM was published in 1989. Gaming vessels do not usually move passengers from one port to another, nor do they ordinarily engage in voyages such as sight-seeing for the enjoyment of passengers. Some vessels although fully capable of navigation, do not normally leave the dock, and other vessels operate over short distances in protected ''moats.'' For these reasons, the Coast Guard specifically invites comments on lifesaving requirements that should be applicable to these vessels. As is the case for ferries, even one abandon-ship incident in which large numbers of passengers could not be accommodated in survival craft would be unacceptable. The Coast Guard considers the hazard to persons aboard gaming vessels to be similar to those presented by passenger ferries. They carry passengers in a high density configuration, do not have overnight accommodations, and typically operate on a fixed route and schedule in a limited geographic area. Therefore, the Coast Guard has applied the requirements for emergencies to these vessels that are similar to ferries operating on the same waters.

Cargo and Tank Vessels Operating on the Great Lakes

The NPRM proposed that cargo and tank vessels in Great Lakes service be required to carry totally enclosed lifeboats launched by gravity davits with an aggregate capacity sufficient to accommodate 100 percent of the persons on board and liferafts served by launching appliances also meeting the aggregate capacity requirement. The NPRM proposals contrast with ocean and coastwise vessels requirements to carry lifeboats and float-free liferafts with an aggregate capacity sufficient to accommodate 100 percent of persons on board. The Great Lakes proposal represented an upgrade over the existing regulations.

One comment suggested that Great Lakes vessels be required to carry the same survival craft as vessels in ocean service. Other comments suggested that totally enclosed lifeboats and gravity davits would not enhance crew survivability aboard Great Lakes vessels and that the current lifesaving systems were adequate. Some comments suggested the use of davit-launched inflatable liferafts (presumably 100 percent each side) aboard Great Lakes vessels in lieu of lifeboats. Some comments on the NPRM noted that Great Lakes vessels are also required to carry immersion suits so in the event survivors have to enter cold water to get to a survival craft, they still have a good chance of being rescued. The comments noted that the Great Lakes casualty reports discussed in the NPRM indicated that rapid launching and hypothermia protection were the main needs in Great Lakes lifesaving systems rather than additional lifeboats.

The Coast Guard agrees with the comments stating that rapid launching and hypothermia protection are the primary needs for Great Lakes vessels.

The Coast Guard does not agree, however, that lifesaving systems need to be the same on the Great Lakes as for ocean and coastwise voyages. Therefore, the rules are retained as proposed in the NPRM. Although conditions on the Great Lakes can be just as severe as conditions in ocean waters, the fact that the Great Lakes are bounded on all sides by a shoreline means that a search operation for a major vessel casualty on the Great Lakes would probably be completed much faster than on ocean waters. This is especially true because the Coast Guard is also requiring these vessels to carry 406 MHz satellite EPIRBs.

Offshore Industry—MODUs and OSVs

Various comments from the offshore industry, including members of the National Offshore Safety Advisory Committee (NOSAC), opposed the inclusion of MODUs and OSVs under subchapter W. The comment writers requested that the Coast Guard keep the regulations for these vessels as self-contained as possible. As discussed in the ''Overview of the Interim Rule'' section of this preamble, the Coast Guard has put the revised lifesaving regulations for OSVs into subchapter L and has retained the lifesaving requirements for MODUs in subchapter I–A, where they have been located since the original publication of subchapter I–A. One exception is that, under § 108.500(b), requirements for surface-type units (drillships) will be the same as those for tank vessels under subchapter W. Unlike other MODUs, drillships have ship-shaped hulls and have problems similar to tank ships in the case of a casualty requiring abandonment of the vessel. This is consistent with the treatment of surface-type units under the MODU Code.

MODUs

Consistent with the Coast Guard's policy of aligning national standards with international standards, the regulations for MODU lifesaving systems are based on the IMO MODU Code for the construction of new MODUs. Three comments from the offshore industry opposed adoption of MODU Code standards as part of the U.S. regulations. This opposition was focused on the requirement for additional lifeboats. Following the MODU Code means a requirement for 200 percent capacity in lifeboats on most MODUs, contrasted with the present subchapter I–A requirement for 100 percent lifeboats and 100 percent davit-launched liferafts. One comment stated that none of the investigations of recent MODU accidents recommended increasing the number of lifeboats and that requiring lifeboats in lieu of liferafts was not justified because of such considerations as cost, weight, and size. Other comments indicated that davit-launched liferafts could not be effectively used on MODUs. Davit-launched liferafts were originally developed for launching down the straight sides of conventional ships. They are very light in weight compared to lifeboats and are therefore subject to wind and wave action in the relatively unprotected position beneath a MODU in distress. Because liferafts are not powered, they are subject to being driven into and damaged by the legs and columns of the MODU once they are released from the falls, unless they can immediately establish a tow from a lifeboat or rescue boat.

The Coast Guard agrees with the comments citing the shortcomings of davit-launched liferafts on MODUs and concludes that davit-launched liferafts should only be used on the small self-elevating units where there are no other options, as proposed in the NPRM. The Coast Guard does not agree with comments that indicate additional lifeboats on larger units are unnecessary. Even though there may have been no specific recommendations in the casualty reports to indicate the need for additional lifeboats, the abandonment of the OCEAN RANGER showed how lifeboats may be rendered unusable in a casualty and result in insufficient lifeboats for those on board. Another casualty to the Norwegian semi-submersible accommodation platform ALEXANDER L. KIELLAND also resulted in lost lifeboats. The Coast Guard has retained regulations based on the MODU Code with certain exceptions. See part 108, subpart E of these rules.

Several comments stated that the station bill requirements proposed in § 199.645 of the NPRM should not apply to MODUs because this information was required to be included in the operating manual currently required under 46 CFR 109.121. The Coast Guard does not agree. Section 109.121(c)(22) requires the operating manual to cover procedures for evacuating personnel from the unit, but this does not replace the station bill. The station bill has been renamed muster list in accordance with the internationally accepted term. The muster list requirements are located in § 108.901 of these rules and replace the station bill requirements currently in §§ 109.501 and 109.505.

One comment suggested revision of proposed § 199.650(d) to require that all survival craft be able to be launched only with the unit in a normal working position or a normal floating intact transit condition. The purpose of the revision was to prevent problems for certain mat-supported self-elevating units on which the mat footprint extends beyond the sides of the hull. In certain transit conditions with the mat fully retracted, some of the survival craft might be launched onto the mat. The Coast Guard agrees in principle with the comment. The problem is addressed in § 108.550(c)(2), which authorizes the OCMI to allow a reduction in the total number of survival craft when the unit is in the transit mode and the number of personnel on board is reduced. In such cases, sufficient survival craft must be available for use by the total number of personnel remaining on board. This should resolve the problem because although personnel on board are normally reduced in transit, they must still be provided with a way to evacuate.

One comment suggested that proposed § 199.650(e)(3), which stated ''the location and orientation of each lifeboat [on a MODU] must take into consideration the in-water operating capabilities of the lifeboat,'' was vague and should be deleted. The Coast Guard agrees that the proposed wording was vague. In this rule, § 108.550(f)(3) states ''the location and orientation of each lifeboat must be such that the lifeboat is either headed away from the unit upon launching, or can be turned to a heading away from the unit immediately upon launching.''

Two comments stated that the written and audiovisual training material requirements in § 109.213(a) were intended for conventional SOLAS ships and not MODUs. The Coast Guard disagrees. This material is prepared by all lifesaving equipment manufacturers and is available for equipment used on MODUs as well as for equipment on conventional vessels.

Several comments were concerned about the requirement now in § 109.213(g) to provide abandonment training on MODUs within two weeks after crew or industrial personnel join the unit. The comments stated that the word ''orientation'' should be substituted for ''training,'' and that this orientation should take place within 2 days. The Coast Guard believes that the immediate orientation given to persons as they first arrive at a MODU should continue. This orientation may include some of the elements the on board training required, but it does not necessarily replace the training requirement. The use of the term ''join the unit'' is intended to provide some flexibility with regard to the extent of training given to itinerant contractor personnel.

Several comments questioned the need to periodically replace falls on MODUs, as required in § 109.301(j), if the falls were thoroughly inspected and found satisfactory. The Coast Guard does not agree that it is possible to adequately inspect falls visually so the requirement has been retained. The NPRM noted that casualties had occurred as a result of lifeboat falls that parted due to deterioration. The Coast Guard is aware of newly developed nondestructive inspection equipment for wire rope falls, but has not been able to determine its suitability or practicality. It is possible that, in the future, use of such equipment could allow thorough fall inspections and continued use of falls in good condition, but use of such inspection equipment will not be authorized at the current time.

OSVs

The NTSB's comments opposed the continued use of lifefloats as survival craft on OSVs operating in the Gulf of Mexico because these devices do not protect against hypothermia. The Coast Guard agrees that hypothermia can be a problem in the Gulf of Mexico and that lifefloats and buoyant apparatus do not keep survivors out of the water. However, the casualty record of these vessels does not indicate that a change is needed. The Coast Guard believes that lifefloats should continue to be acceptable because, as a result of the addition of satellite EPIRBs on these vessels and the volume of marine traffic associated with the offshore oil industry in the Gulf of Mexico, rescue should come rapidly. This provision is in § 133.105(c).

The NTSB also opposed the exemption of liftboats from the requirement for having launching appliances for liferafts. The comment noted that, if the vessel were elevated and it became necessary to abandon ship, launching appliances might be crucial. The Coast Guard does not agree with the comment and has not changed this provision of the rule. A liftboat is a specialized type of OSV with movable legs capable of raising its hull above the surface of the sea. The operating characteristics of liftboats make the use of liferaft launching appliances highly unlikely. Liftboats exist for the sole purpose of servicing offshore structures, such as production platforms. Liftboats come alongside these structures and the liftboat's legs are jacked down so that the liftboat's deck elevates out of the water to the level of the structure's deck. If there is an emergency aboard the liftboat, crew can simply walk over onto the structure. If there is an emergency on the structure, the liftboat would jack down and move away. If there is a leg failure on a liftboat, it will collapse into the water where it has a very low freeboard, making launching appliances unnecessary. See § 133.150(c)(5).

New 1996 SOLAS Amendments

The International Maritime Organization has developed a new set of amendments to SOLAS, Chapter III, which were recently adopted and are contained in the 1996 SOLAS Amendments. These amendments will come into force July 1, 1998. The 1996 SOLAS Amendments remove the performance and construction requirements for lifesaving appliances from Chapter III of SOLAS and put them into a new mandatory Lifesaving Appliances Code (LSA Code). The requirements for the number and arrangement of lifesaving appliances on ships remain in SOLAS, Chapter III along with regulations concerning their operation and maintenance. These amendments also contain some new and some revised regulations, which are included in this interim rule to the extent that they were anticipated and proposed in the NPRM. New regulations that were not proposed in the NPRM, but which provide alternatives or lessened requirements, are also included. The following paragraphs summarize the more significant revisions to SOLAS, Chapter III in the 1996 SOLAS Amendments and explain the way they are addressed in this interim rule. The Coast Guard is adopting certain of these SOLAS revisions in subchapter W so that it will be in line with the SOLAS requirements when they come into force. Comments are invited on these new provisions.

The 1996 SOLAS Amendments revise the installation requirements for free-fall lifeboats on cargo ships. Free-fall lifeboats were included as an option in the 1983 SOLAS Amendments and in the NPRM. To the extent that the revisions do not impose more stringent requirements than those in the NPRM, they are included in this interim rule. Specifically, special requirements for free-fall lifeboat launching arrangements are in §§ 199.110(e), 199.120(b), 199.150(c), and 199.157.

Anti-exposure suits are allowed in the 1996 SOLAS Amendments as an option to immersion suits for the crews of rescue boats and marine evacuation systems. Immersion suits are intended as survival equipment in cold water and, as such, they can be bulky and restrictive. Anti-exposure suits can be designed to be practical working suits and can still provide reasonable hypothermia protection. This interim rule, like SOLAS, allows this option in § 199.70(c). Several comments on the NPRM objected to the immersion suit requirement for rescue boat crews on vessels and MODUs operating between 32 degrees north and 32 degrees south latitude because immersion suits are not required in these latitudes for the rest of the persons on board. The Coast Guard agrees, and SOLAS 1996 also allows exemption from the requirement in warm climates. Therefore, the exemption is contained in this interim rule under §§ 199.70(c)(1), 108.580(c)(1), and 133.70(c)(1).

The 1996 SOLAS Amendments require clear deck space to accommodate all persons assigned to muster stations, but at least 0.35 square meters (3.75 square feet) per person. Neither the 1983 SOLAS Amendments nor the NPRM under this docket included this minimum area requirement. Therefore, this requirement is not included in this interim rule. Nevertheless, any ship built after July 1, 1998, engaged in international voyages will have to comply.

The 1983 SOLAS Amendments required that as far as practicable, survival craft be stowed in a secure and sheltered position and protected from damage by fire and explosion. The NPRM proposed that, on tankers, survival craft stowage locations be protected from the cargo tank area by the deckhouse or A-class divisions. The 1996 SOLAS Amendments only require that survival craft on tankers not be stowed on or above a cargo tank, slop tank, or other tank containing explosive or hazardous cargoes. This interim rule includes this less strict requirement in § 199.290(c).

The 1983 SOLAS Amendments allowed the use of marine evacuation systems in place of davit-launching systems for liferafts. Marine evacuations systems consist of a slide or chute to provide passage to a water-level platform, from which liferafts are boarded. The 1983 SOLAS Amendments did not contain any requirements for installation, training, drills, or servicing of these appliances. The 1996 SOLAS Amendments do include installation, training, drill, and servicing requirements, and they are included in this interim rule. Since marine evacuation systems are optional, these requirements would only affect operators who choose this option. See §§ 199.145, 199.150(b), and 199.201(b). Marine evacuation systems have also been added as alternatives to liferaft launching devices discussed in subchapters I–A and L. See §§ 108.525, 108.545, 133.145, and 133.150(c).

The 1996 SOLAS Amendments require that recovery of a rescue boat be possible in not more than 5 minutes in moderate sea conditions when the rescue boat is loaded with its full complement of persons and equipment. This requirement was not contemplated in the NPRM and is therefore not included in this rule.

The 1996 SOLAS Amendments require that rescue boat embarkation and recovery arrangements allow for safe and efficient handling of a stretcher case. This requirement has been included in this interim rule, because the Coast Guard believes that rescue boat embarkation and recovery arrangements generally meet this requirement, and that this requirement can generally be met at the design stage at no additional expense. The requirement is in § 199.160(c)(1).

The 1996 SOLAS Amendments revised the requirements for passenger safety instructions. The Coast Guard believes that these requirements present no additional burden on the operator and they have therefore been included in § 199.180(b).

The 1983 SOLAS Amendments required falls to be turned end-for-end every 2½ years and replaced every 5 years. The 1996 Amendments allow an alternative for fall designs that can not be turned end-for-end. These falls can be examined periodically and replaced at least every 4 years. The alternative has been included in § 199.190(j).

The 1983 SOLAS Amendments required all engines in lifeboats and rescue boats to be operated each week for at least 3 minutes. The 1996 Amendments add that, during this period of time, it should be demonstrated that the gear box and gear box train are engaging satisfactorily. It also provides for alternatives for rescue boat outboard engines that can not be run out of water for 3 minutes. These provisions have been included in § 199.190(d)(2).

Numerous accidents have occurred as a result of poor launching appliance and lifeboat release gear condition, which is largely due to inadequate maintenance or infrequent servicing. The 1996 SOLAS Amendments contain specific requirements for periodic servicing of this equipment. These servicing requirements have been included in § 199.190(i). In general, the servicing requirements do not exceed the maintenance and inspection that a prudent operator now performs to ensure that lifesaving equipment is in working order and ready for immediate use. The SOLAS requirements adopted in this rulemaking are consistent with current manufacturers' instructions on maintenance of this equipment.

The 1996 SOLAS Amendments state that, for a davit-launched survival craft on passenger ships, the height of the davit head with the survival craft in embarkation position shall, as far as practicable, not exceed 15 meters (50 feet) to the waterline when the ship is in its lightest seagoing condition. This is not a requirement, but a strong recommendation to designers to avoid excessively high stowage locations for survival craft on passenger ships. This provision has been included in § 199.230(c) as a recommendation and not a new requirement.

Another SOLAS, Chapter III revision adopted in 1991 after the NPRM was published affected fire training and drill requirements in regulation 18, Chapter III of SOLAS. Those requirements were not substantially different than those proposed in the NPRM and they are, therefore, included in this rule at § 199.180(f).

Incorporation by Reference

1. The following material is incorporated by reference in § 108.101:

American Bureau of Shipping (ABS)—Rules for Building and Classing Offshore Mobile Drilling Units, ANSI A14.3, ANSI Z89.1, American Petroleum Institute (API)—API Spec 2C with supplement 2, ASTM F–1121, Federal Specification ZZ–H–451 F, IMO Resolution A.520(13), IMO Resolution A.658(16), IMO Resolution A.760(18), NFPA 407, NFPA 496, and Underwriters Laboratories (UL)—UL 19–78.

2. The following material is incorporated by reference in § 125.180:

IMO Resolution A.520(13), and IMO Resolution A.760(18).

3. The following material is incorporated by reference in § 199.05:

ASTM F1003, ASTM F1014, IMO Resolution A.520(13), IMO Resolution A.604(15), IMO Resolution A.657(16), IMO Resolution A.760(18), IMO Resolution A.212(VII), and IMO Resolution A.328(IX).

Copies of the material are available for inspection where indicated under **ADDRESSES**. Copies of the material are available at the addresses in §§ 108.101, 125.180, and 199.05.

The Coast Guard has submitted this material to the Director of the Federal Register for approval of the incorporation by reference.

Assessment

This interim rule is not a significant regulatory action under section 3(f) of Executive Order 12866. However, due to its nature, it has been reviewed by the Office of Management and Budget under that order. It requires an assessment of potential costs and benefits under section 6(a)(3) of that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

An interim assessment has been prepared and is available in the docket for inspection or copying where indicated under **ADDRESSES.** The Assessment is summarized as follows.

This interim rule applies to all existing and new U.S. inspected passenger vessels 100 tons gross tonnage and over, cargo vessels, tankships, manned cargo and tank barges, oceanographic research vessels, nautical school vessels (with the exception of sailing school ships), OSVs, and MODUs. Coast Guard records list 1,012 existing vessels that do not have SOLAS, MODU, or Special Purpose Vessel Code certificates (161 passenger vessels, 120 cargo vessels, 48 tankships, 12 manned barges, 4 oceanographic research vessels, 8 nautical school vessels, 567 OSVs, and 92 MODUs) are currently operating under the U.S. flag, and will be affected by this interim rule. Because the regulations in this interim rule are based on SOLAS, the IMO MODU Code, and the IMO Special Purpose Vessel Code, vessels with certificates indicating compliance with these standards will not be substantially affected by this interim rule. Therefore vessels with SOLAS, MODU, or Special Purpose Vessel Code certificates are not included in the regulatory analysis.

Discussion of Comments

Several comments to the NPRM suggested that the estimated cost to comply with implementation requirements and the recurring cost to vessel owners were understated. One comment estimated implementation cost for the proposed requirements to be $3 million and that it would affect seven specific passenger ferries. Another comment provided calculations to support an implementation cost estimate of $562,500 per passenger ferry.

The requirements in this interim rule are different from or less than those proposed in the NPRM. This interim rule contains fewer refit requirements for existing vessels and also provides alternatives for passenger ferries which provide a lower cost alternative. For example, if a passenger ferry operating on a lakes, bays, and sounds service chooses to have an approved safety assessment rather than fit additional survival craft, the cost of the assessment will be substantially less than the costs for additional survival craft estimated in

the NPRM. The cost estimates in this summary and in the assessment reflect the requirements of this interim rule and have taken into account the cost estimates provided by the passenger ferry industry.

Industry Costs

Industry cost for this interim rule is estimated based on the implementation cost to existing vessels, the implementation cost to new vessels, and the recurring cost to all vessels for replacement of appliances as they become unserviceable.

Compliance cost of this interim rule will total about $19.2 million. The present value of the costs will total $16 million. This reflects a 7 percent discount to 1996 of the projected future estimated costs of this interim rule in accordance with current Office of Management and Budget guidance. Passenger vessels account for an estimated 50 percent of total costs; cargo vessels, tankships, and manned barges together account for an estimated 13 percent of total costs; and oceanographic research vessels, nautical school vessels, OSVs, and MODUs account for the remainder. A discussion of costs for each requirement follows.

The costs associated with the interim rule on lifesaving appliances and arrangements were developed based on vessel type, vessel use, and average vessel size. Cost analysis calculations were based upon the following assumptions: (1) the interim rule will come into effect on October 1, 1996, for all requirements except a requirement for retro-reflective material on all lifesaving appliances (required as of October 1, 1997), the carriage of immersion suits and thermal protective aids on passenger vessels (required as of October 1, 2001), and the number and type of survival craft required for certain vessels (required as of October 1, 2001); (2) the estimate of annual new vessels affected by this interim rule is directly proportional to the number of vessels that will be annually retired from the U.S. fleet; therefore, the vessel population will remain constant; (3) the average capacity of a passenger vessel was estimated to be 500 persons; (4) the average capacity on all other affected vessels was estimated to be 50 persons; (5) no costs for this rule were associated with existing vessels presently carrying a SOLAS certificate; (6) both costs and benefits developed for this rulemaking are discounted at 7 percent back to 1996; (7) recurring cost items are annualized based on the average life of each lifesaving appliance or equipment; and (8) all recurring costs are calculated through the year 2001.

Survival Craft for MODUs. As required by § 180.525, new MODUs, except for small self-elevating units, must increase their lifeboat capacity. Lifeboats having an aggregate capacity of twice the number of persons on board would be typical. The lifeboats will cost about $400,000 each. The requirements in § 108.550(c), that new MODUs provide greater clearance for lifeboats and liferafts from MODU structures, could amount to $200,000 per lifeboat or liferaft installation, for a total cost of $600,000 to comply with both requirements.

MODUs—Float-Free Liferafts. The cost of replacing davit-launched liferafts with float-free liferafts as required in § 108.525(a)(2) applies to newly constructed MODUs. This replacement will result in an estimated cost savings of $60,000 per vessel.

Distress Signals. The cost to replace distress signals as required in §§ 108.595(b), 133.60(b), and 199.60(c) applies to all vessels on oceans, coastwise, and Great Lakes services. Each vessel is required to have a minimum of 12 rocket parachute flares. Vessels on Great Lakes services are offered an alternative to use hand flares. The annual recurring cost of this requirement to industry, based on a 3-year replacement schedule, is estimated to be $123,280.

Lifejacket Lights. The cost of lifejacket lights meeting SOLAS standards required in §§ 108.580(b), 108.580(c), 199.70(b), and 199.70(c) applies to cargo vessels 500 tons gross tonnage and over, and all other vessels on ocean and coastwise services except for OSVs. Additionally, the cost will vary based on vessel type. Lifejacket light costs were based on the added cost of a light ($5) for each jacket. There is no implementation cost associated with this requirement for new vessels and existing vessels. Lights are already required by regulation and are only required to be upgraded if they become unserviceable. The annual recurring cost, based on a 5-year replacement schedule, is estimated to be $15,200.

Lifejackets with Increased Freeboard. The cost of new lifejackets with the greater freeboard required by SOLAS standards, as cited in §§ 108.580(b) and 199.70(b) applies to MODUs and all vessels on ocean and coastwise services, with exceptions to OSVs, and will vary based on the vessel size. The additional cost is estimated to be $1,200 for each passenger vessel and $120 for each other vessel. The annual recurring cost is estimated to be $29,400.

Lifebuoy Lifelines. The cost to replace lifebuoy lifelines as required in §§ 108.580(a)(2), 133.70(c)(4), and 199.70(a)(3) applies to all vessels. The cost per vessel is estimated to be $20. The annual recurring cost, based on a 5-year replacement schedule, is estimated to be $4,048.

Emergency Instructions. The cost of emergency instructions required in §§ 108.901(c), 133.80, and 199.80 applies to all vessels and will vary based on vessel size and amount of accommodations on board. The new vessel and existing vessel implementation cost of generating the emergency instructions is estimated to be $50 per vessel. The copy cost required for posting is estimated to be minimal. Therefore, the total cost to industry for this requirement is $50,600. No recurring costs were associated with this requirement.

Operating Instructions. The cost of operating instructions required in §§ 108.655, 133.90, and 199.90 applies to all vessels and will vary based on the vessel size. The new vessel and existing vessel implementation cost of generating the instructions is estimated to be $50 per vessel. The cost for copying materials required for posting is estimated to be minimal. The total cost to industry for this requirement is $50,600. No recurring costs were associated with this requirement.

Manning and Supervision. There is no cost directly associated with the requirements of §§ 109.323 and 199.100. The interim rule does not require the hiring of additional crew because current U.S. manning requirements are sufficient to meet this condition. The training costs associated with this requirement are reflected in the costs for drills and onboard training.

Falls. The cost to renew falls as required in §§ 109.301(j) and 199.190(j) applies to all vessels except for MODUs, and vessels in services limited to fresh water. The cost will vary based on vessel type and size. Each set of falls costs about $2,500. The annual recurring cost to industry to replace falls, based on a 5-year replacement, is estimated to be $1,050,000.

Inspection for Certification. The additional cost to inspect and certify vessels as required in § 199.45 applies to all new vessels and will vary based on vessel size. The cost to inspect and certify small vessels, which include OSVs and manned barges, is estimated to be $2,000 each. Large vessels, which include all other vessels affected by the interim rule, are estimated to cost $5,000 each. The annual cost to industry is estimated to be $80,000.

Launching Appliances for High Freeboard Vessels. The high speed launching appliances as required in §§ 108.553 and 199.153 applies to about

25 percent of all new MODUs and cargo/tank vessels. The cost per vessel is estimated to be $5,000.

Line Thrower Firings. The cost of annual line thrower firings as required in § 190.170 has been eliminated. It applies to all vessels carrying line-throwing appliances, which are self-propelled vessels on ocean services with the exception of tankships, which are not required to conduct firing under the present regulations. The annual cost savings to industry is estimated to be $556,000.

Drills and Onboard Training. The cost to provide onboard training as required in §§ 109.213 and 199.180 applies to all vessels, with exception of OSVs, and will vary based on vessel size. The cost attributed to the time loss due to performing drills is negligible because drills are presently required by regulation. The only difference between present requirements and the requirement in this rule is that some drills will now be training sessions. The annual costs associated with the additional training sessions and related expenses are estimated to be $2,000 each for large vessels and $500 each for small vessels. The total implementation and annual recurring costs to existing and new vessels for this requirement are estimated to be $872,000.

Maintenance of Equipment. The maintenance of equipment as required by §§ 109.301 and 199.190 applies to all vessels, with exception of OSVs, and those operating on lakes, bays, and sounds services, and rivers services. No new vessel implementation or recurring cost is associated with this requirement. Existing vessel implementation costs for the requirement to carry spare parts is estimated to be $100 per vessel and is applicable to about 802 vessels. The total existing vessel implementation cost to industry for this requirement is estimated to be $24,500. No recurring costs were estimated for this requirement.

Partially Enclosed Lifeboats. The cost of partially enclosed lifeboats as required in § 199.202 applies to newly constructed oceangoing passenger vessels. The added cost per vessel is estimated to be $50,000.

Totally Enclosed Lifeboats. The cost of totally enclosed lifeboats as required in § 199.261 applies to newly constructed cargo vessels. The added cost per vessel is estimated to be $50,000.

Fire Protected Lifeboats. The cost of fire protected lifeboats as required in § 199.261 applies to newly constructed tank vessels. The added cost per vessel is estimated to be $60,000.

Cargo Vessel Immersion Suits. The requirement to carry immersion suits for all persons on board as required by § 199.273 applies to all cargo vessels. This requirement affects cargo vessels not limited to operating between 32 degrees north latitude and 32 degrees south latitude. No cost is associated with this requirement because existing regulations mandate suits on all cargo vessels.

Emergency Position Indicating Radio Beacons (EPIRBs). The cost to install EPIRBs as required by §§ 133.60(a) and 199.510 applies to all vessels. However, because the FCC presently has a requirement for EPIRBs, the new and existing vessel implementation cost of this rule will only affect cargo vessels and OSVs less than 300 tons gross tonnage and all vessels operating on the Great Lakes. The cost of an EPIRB is estimated to be $1,200 for each vessel. The estimated total implementation cost to industry for this requirement for new and existing vessels is $649,200. Because these vessels are provided an alternative of using an existing EPIRB until 1999, if fitted before October 1, 1996, the implementation costs associated with this requirement are evenly distributed over the years 1997 through 1999. Recurring cost for this requirement was estimated based on a 5-year replacement schedule for the EPIRB batteries. These batteries were estimated to cost $400 per EPIRB. The recurring cost for this requirement to the industry is estimated to be $43,280.

Retro-Reflective Material on all Floating Appliances. The cost to equip floating appliances with retroflective material as required by §§ 108.515(a)(2), 133.10(b)(2), and 199.10(i)(1)(i) applies to all vessels. The new and existing implementation cost will vary based on the number of lifeboats, rescue boats, and other lifesaving appliances each vessel is required to carry. It is estimated that vessels will have to fit about 40 items with retro-reflective material at a cost of $5 per item. Therefore, the total implementation cost to industry to meet this requirement is estimated to be $197,800. The recurring cost of this requirement is estimated to be $25 per vessel. The total annual recurring cost to industry is estimated to be $25,300.

Equipment for Lifeboats. The cost of periodically replacing certain equipment required by §§ 108.575(b), 133.175(b), and 199.175(b), applies to all vessels, with the exception of OSVs, and those operating on lakes, bays, and sounds services, and rivers services, and will vary based on vessel type. It is estimated that passenger vessels will spend about $500 annually per vessel on replacement equipment and other vessels will each spend about $50 annually per vessel. The total annual recurring cost to industry for this requirement is estimated to be $16,300.

Rescue Boats. The cost of the replacing rescue boats as required by §§ 108.560, 133.135, and 199.202 applies to existing and new passenger vessels on lakes, bays, and sounds service, and Great Lakes service. The cost of a rescue boat is estimated to be $50,000. The recurring annual cost to industry based on a 25-year replacement schedule is estimated to $272,000.

Passenger Vessel Immersion Suits and Thermal Protective Aids. The cost of immersion suits and thermal protective aids as required by § 199.214 applies to passenger vessels not limited to operating between 32 degrees north and 32 degrees south latitude. Where applicable, passenger vessels must carry at least three immersion suits or anti-exposure suits for each lifeboat on the vessel. It is estimated that 9 passenger vessels must provide 3 immersion suits for 8 lifeboats at a cost of $1,200 per lifeboat. Thermal protective aids are also required on these vessels for each person not provided with an immersion suit. The thermal protective aids were estimated to cost $35 each. The estimated total new and existing implementation cost to industry to meet this requirement is $141,750. No recurring costs are associated with this requirement.

Survival Craft for Passenger Vessels. The type and number of survival craft required by § 199.201 affects all passenger vessels. Alternatives to these requirements for passenger vessels in certain services are provided in § 199.630. Vessel operators may choose alternatives for meeting survival craft requirements. It is estimated that 50 percent of the passenger vessel population will choose the option to develop a safety management and contingency plan. Operators will spend an estimated $10,000 *per operator* to develop the safety management and contingency plan and possibly demonstrate some aspect of it. Some additional equipment or vessel modifications might be required to implement the plan, for an estimated non-recurring cost of $10,000 per vessel. The remaining 50 percent of passenger vessels will increase the number of inflatable buoyant apparatus (IBAs) to accommodate either 100 percent or 67 percent of the passenger population, where applicable. The existing vessel implementation cost for passenger vessels required to accommodate 100 percent of the passengers with IBAs is estimated to be $70,000 assuming 10 50-

person IBAs are required on the average 500-passenger ferry. In addition, these IBAs will have to be installed on the vessel, and in some cases launching or boarding appliances may be required. This could amount to an additional $40,000 per vessel, for a total cost of $110,000 per vessel. Additionally, the IBAs must be serviced annually. Assuming $400 per IBA in servicing fees, this will amount to a recurring annual cost of about $4,000 per year per vessel.

Survival Craft for Cargo Vessels. As required by § 199.261(b)(2), ocean and coastwise cargo/tank ships and manned barges must increase their float-free liferaft capacity by 50 percent. This additional liferaft will cost about $4,000 per vessel installed. The raft will have to be serviced annually at an estimated cost of $400 for each servicing.

Davit Launched Liferaft. The cost of davit-launched liferafts on one side for 100 percent capacity as required in § 199.640(d) applies to newly constructed cargo vessels on Great Lakes services. The cost per vessel is estimated to be $30,000.

Government Costs

The cost of this interim rule to the Federal government includes costs to the Maritime Administration (MARAD). About 1 percent of MARAD's active fleet is involved in commercial service; therefore, requiring compliance with this interim rule. The MARAD commercial fleet is comprised of six freight ships and four tank ships. The total implementation costs to MARAD's existing vessels are an estimated $39,812. MARAD's annual cost to upgrade equipment as it becomes unserviceable is estimated to be $33,659.

State and local governments account for 8 percent of the affected population, or about 75 ferries and other vessels regulated under subchapter H. The total implementation cost to existing state vessels is estimated to be about $1.9 million, assuming that 50 percent of the ferries opt for a safety management and contingency plan that does not involve additional lifesaving equipment. The recurring annual cost to existing and new vessels is estimated to be $358,567.

Total Costs

The total costs of this interim rule are $8,463,250 in implementation costs to existing vessels and $10,742,972 in recurring annual costs to existing and new vessels. Costs of the interim rule are forecast to 2001. Vessel owners must meet the interim rule's requirements beginning October 1, 1996. Exceptions hold for the following requirements: (1) the type of survival craft for certain vessels as required in §§ 199.10(i)(1)(ii), 199.261(b)(2), and 199.630; and (2) immersion suits and thermal protective aids for certain passenger vessels as required in §§ 199.10(i)(1)(iii) and 199.214. Both have a 5-year phase-in period, ending October 1, 2001. Another exception to the October 1, 1996, date is the requirement for retro-reflective material on all floating appliances, and certain operational requirements listed in §§ 108.515(a)(2), 133.10(b)(2), and 199.10(i)(1)(i), which will be required on October 1, 1997. Costs are estimated at $2,739,290 in 1997; $4,224,933 in 1998 and 1999; and $4,008,533 in 2000 and 2001. The present value of the costs of this interim rule discounted at 7 percent to 1996 is estimated to total $11,259,277.

Cost-Benefit Evaluation

A benefit analysis that accounts for the overall improvement in lifesaving appliances and arrangements realized by this interim rule was completed by researching 475 Coast Guard rescue cases, relating these cases to the risk associated with the potential for losing a life at sea on the affected vessel fleet, and estimating how many of these potential lost lives would be saved by the implementation of this interim rule. Rescue case data was reviewed from the Coast Guard's Search and Rescue Mission Information System (SARMIS) over the past 5 years. The criteria for selecting the case data included the likelihood of the case type to result in a person entering the water. For example, cases involving a collision or sinking were reviewed but adrift and ice bound cases were not included. Because SARMIS only records vessel length, the case data for this analysis was not differentiated based on the vessel's gross tonnage but rather on the vessel's length overall (LOA). The following vessel LOA estimates were used to assess vessel tons gross tonnage: an LOA of over 100 feet was used to assess passenger vessels over 100 tons gross tonnage (subchapter H); an LOA between 66 to 200 feet was used to assess OSVs (subchapter L); an LOA of over 200 feet was used to assess cargo vessels—including manned barges (subchapter I); an LOA of over 66 feet was used to assess tank vessels—including manned barges (subchapter D); an LOA of over 66 feet was used to assess nautical school vessels and research vessels; and all MODU data entries were used.

The overall improvement in lifesaving appliances and arrangements realized by this interim rule were estimated by estimating the 5-year case data on Coast Guard rescues and recording the number of lives at risk (lives lost and saved by the Coast Guard) due to each type of vessel casualty that would be likely to result in a person entering the water for each vessel type. The casualty types considered in this interim rule were capsizing, fire and explosion, flooding and sinking, and collisions.

The number of lives at risk considered for each casualty and vessel type was then adjusted to reflect current Coast Guard rescue effectiveness. This adjusted range of lives at risk calculation was done by multiplying the Coast Guard's Search and Rescue program effectiveness for lives saved (90 percent) to the range of lives at risk calculated for each casualty type. For example, according to the SARMIS data, there were 99 lives lost due to capsizing, 25 lives lost due to fire and explosion, 0 lives lost due to flooding and sinking, and 0 lives lost due to collision over the past 5 years on passenger vessels over 100 feet in length. The adjusted number of lives at risk on passenger ships follows: (99 lives multiplied by .10) plus (25 lives multiplied by .10) plus (0 lives multiplied by .10) plus (0 lives multiplied by .10).

The probability that the improved lifesaving appliances and arrangements will increase the rescue likelihood of lives at risk was estimated based on the adjusted calculations. For capsizing casualties, the probability of this interim rule increasing a person's rescue was estimated to be between 5 and 15 percent. This was determined by considering the positive effects of increased survival craft availability, visibility, and the effectiveness of crew training on egress. For fire and explosion casualties, the probability of this interim rule increasing a person's rescue was estimated to be between 0 and 5 percent. This was determined by considering the positive effects of increased standards for stowage arrangements of survival craft on new vessels, availability of survival craft in remote locations, and the effectiveness of crew training on fire fighting and abandonment. For flooding and sinking casualties, the probability of this interim rule increasing a person's rescue was estimated to be between 2 and 8 percent. This was determined by considering the positive effects of increased standards for launching arrangements of survival craft on new vessels and the effectiveness of muster lists and emergency instructions. For collision casualties, the probability of this interim rule increasing a person's rescue was estimated to be between 1 and 5 percent. This was determined by considering the positive effects of

requirements for emergency communication capabilities, drill requirements, and improved equipment capabilities.

Factoring in the effectiveness estimated to adjusted range of lives at risk for passenger vessels becomes the accumulation of the following: capsizing risks range from .5 to 1.5 lives (9.9 lives at risk multiplied by .05) and (9.9 lives at risk multiplied by .15)]; fire and explosion risks range from 0 to .13 lives; flooding and sinking calculations result in 0 lives; and collision calculations result in 0 lives. Therefore, the benefits from this interim rule for passenger vessels over the next 5 years range from .5 lives to 1.63 lives saved.

This calculation was done for the remaining vessel types. For cargo vessels over 200 feet in length, 0 lives were lost due to capsizing, 84 lives were lost due to fire and explosion, 147 lives were lost due to flooding and sinking, and 0 lives were lost due to collision over the past 5 years. Using this method the estimated adjusted range of lives at risk for cargo vessels becomes the following: capsizing calculations result in 0 lives; fire and explosion risks range from 0 to .4 lives; flooding and sinking risks range from .3 to 1.2 lives; and collision calculations result in 0 lives. Therefore, the benefits from this interim rule for cargo vessels over the next 5 years range from .3 lives to 1.6 lives saved.

For tank vessels over 66 feet in length, 0 lives were lost due to capsizing, 66 lives were lost due to fire and explosion, 26 lives were lost due to flooding and sinking, and 0 lives were lost due to collision over the past 5 years. Using this method the estimated adjusted range of lives at risk for tank vessels becomes the following: capsizing calculations result in 0 lives; fire and explosion risks range from 0 to .3 lives; flooding and sinking risks range from .1 to .2 lives; and collision calculations result in 0 lives. Therefore, the benefits from this interim rule for tank vessels over the next 5 years range from .1 lives to .5 lives saved.

For OSVs 66 to 200 feet in length, 18 lives were lost due to capsizing, 11 lives were lost due to fire and explosion, 136 lives were lost due to flooding and sinking, and 7 lives were lost due to collision over the past 5 years. Using this method the estimated adjusted range of lives at risk for OSVs follows: capsizing risks range from .1 to 2.7 lives; fire and explosion risks range from 0 to .1 lives; flooding and sinking risks range from .3 to 1.1 lives; and collision risks range from .01 to .04 lives. Therefore, the benefits from this interim rule for OSVs over the next 5 years range from .41 lives to 3.94 lives saved.

For MODUs of all lengths, 0 lives were lost due to capsizing, 25 lives were lost due to fire and explosion, 16 lives were lost due to flooding and sinking, and 0 lives were lost due to collision over the past 5 years. Using this method the estimated adjusted range of lives at risk for MODUs follows: capsizing calculations result in 0 lives; fire and explosion risks range from 0 to .125 lives; flooding and sinking risks range from .03 to .13 lives; and collision calculations result in 0 lives. Therefore, the benefits from this interim rule for MODUs over the next 5 years range from .03 lives to .25 lives saved.

For nautical school and research vessels, insufficient data was found in order to assess them independently. However, the Coast Guard finds that the benefits realized by this interim rule would be similar to the cargo and passenger vessel benefits for nautical school and research vessels.

The total discounted cost for this interim rule is estimated to be $11,259,277. The benefits from this interim rule for passenger vessels, cargo vessels, tank vessels, OSVs, and MODUs over the next 5 years range from 1.34 lives to 7.92 lives saved. The overall benefit for the five vessel categories affected for the first 5 years of this interim rule implementation is estimated to be between $3.6 million and $21.4 million. The present value of the estimated range is between $2.2 million and $13 million. Based on the willingness of society to pay $2.7 million for the value of a fatality averted, as determined by the Department of Transportation (DOT), if this interim rule causes a reduction in the number of fatalities by 4.2 people in 5 years, the benefits will exceed the cost. The number of persons at risk in a major marine casualty would range from about 25 to 2,000 or more. Since this interim rule addresses shortcomings in lifesaving systems identified in past major marine casualties, the Coast Guard is confident that more than four lives would be saved by the requirements in this rule in any single major casualty involving a vessel equipped to this rule. Furthermore, the benefits of this interim rule could be realized at any time throughout a vessel's economic life, which may extend for 25 years or more, not just during the 5-year analysis period. As discussed previously, statistical models are not meaningful in predicting the occurrence of such low probability/high consequence accidents. Since some of the less tangible benefits realized through unification of the U.S. regulations with international regulations are not taken into account in this analysis, the Coast Guard is confident that the total benefits exceed total costs, and has determined that this interim rule is cost effective.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this interim rule will have a significant economic impact on small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under Section 3 of the Small Business act (15 U.S.C. 632). ''Small entities'' also include not-for-profit organizations and small governmental jurisdictions.

This interim rule considered small business impact for vessels privately held by independent companies with less than 500 employees. It may affect certain OSVs operating primarily in the Gulf of Mexico. An estimated one-half of the OSV population is owned by 35 vessel owners, each having 9 or fewer OSVs. Information provided by the International Association of Drilling Contractors and the Passenger Vessel Association, show that there is one MODU and about 10 percent of passenger vessels regulated under subchapter H that should be given consideration under the Regulatory Flexibility Act.

Sufficient flexibility and alternatives are built into the rule to allow small entities to comply with requirements at a modest cost. The greatest cost item to OSVs requires the purchase of satellite EPIRBs. Flexibility has been provided by allowing vessels which currently have class A EPIRBs or two class C EPIRBs, installed to retain these until February 1999, after which these vessels must meet the new requirement of the interim rule. Other flexibilities offered include a 5-year phase-in period to certain passenger vessels to comply with survival craft requirements. These passenger vessels are provided with alternative options for meeting survival craft requirements.

Because of these accommodations, the Coast Guard certifies that this interim rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this interim rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what

way and to what degree this interim rule will economically affect it.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other similar requirements.

This interim rule contains collection-of-information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES.** The section numbers of those provisions and the corresponding OMB approval numbers are as follows:

a. § 31.36–1—2115–0071
b. § 35.07–10—2115–0071
c. § 35.10–1—2115–0071
d. § 35.10–5—2115–0576, 2115–0577
e. § 35.40–40—2115–0577
f. § 70.28–1—2115–0071
g. § 78.13–1—2115–0576, 2115–0577
h. § 78.17–50—2115–0071
i. § 78.37–5—2115–0071
j. § 78.47–45—2115–0577
k. § 90.27–1—2115–0071
l. § 97.13–1—2115–0576, 2115–0577
m. § 97.15–35—2115–0071
n. § 97.35–5—2115–0071
o. § 97.37–42—2115–0577
p. § 107.305—2115–0554
q. § 108.105—2115–0554
r. § 108.645—2115–0577
s. § 108.646—2115–0577
t. § 108.647—2115–0577
u. § 108.649—2115–0577
v. § 108.650—2115–0577
w. § 108.655—2115–0577
x. § 108.901—2115–0557
y. § 109.213—2115–0071
z. § 109.301—2115–0071
aa. § 109.323—2115–0576, 2115–0557
ab. § 109.425—2115–0007
ac. § 109.433—2115–0071
ad. § 133.40—2115–0554
ae. § 133.70—2115–0577
af. § 133.80—2115–0577
ag. § 133.90—2115–0577
ah. § 167.55–5—2115–0577
ai. § 167.65–1—2115–0071
aj. § 188.27–1—2115–0071
ak. § 195.06–1—2115–0071
al. § 196.13–1—2115–0576, 2115–0577
am. § 196.15–35—2115–0071
an. § 196.35–5—2115–0071
ao. § 196.37–37—2115–0577
ap. § 199.10—2115–0007
aq. § 199.40—2115–0554
ar. § 199.60—2115–0577
as. § 199.70—2115–0577
at. § 199.80—2115–0577
au. § 199.90—2115–0577
av. § 199.100—2115–0576, 2115–0577
aw. § 199.175—2115–0577
ax. § 199.176—2115–0577
ay. § 199.178—2115–0577
az. § 199.180—2115–0071, 2115–0577
ba. § 199.190—2115–0071
bb. § 199.217—2115–0577
bc. § 199.640—2115–0577

Federalism

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditures by state, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any 1 year. Because this interim rule is estimated to result in the expenditure by state, local, and tribal governments of less than $100 million per year, a budgetary impact statement has not been prepared. Nevertheless, much of the information required in a budgetary impact statement can be found in the Final Regulatory Assessment for this rule.

Several state and local governments operate about 75 passenger ferries and other vessels regulated under subchapter H. Total implementation costs to the passenger vessel industry affected by this interim rule are estimated at $6.7 million and the total recurring annual costs from 1998 through 2001 is estimated to be $3 million. State and local government passenger ferries and other vessels account for an estimated 34 percent or $3.3 million of the total compliance costs for passenger vessels. The implementation costs to state and local government vessels accounts for $1.9 million and the total annual recurring cost would account for $1.4 million.

Because of the minimal estimated cost to state and local governments, the Coast Guard finds that preparation of a Federalism Assessment is unwarranted.

Environment

The Coast Guard considered the environmental impact of this interim rule and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this interim rule is categorically excluded from further environmental documentation. This interim rule is made to enhance the safety and survivability of personnel at sea, as well as improving the effectiveness of search and rescue. It is expected to have no environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 33

Cargo vessels, Marine safety, Occupational safety and health, Seamen.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 75

Marine safety, Passenger vessels.

46 CFR Part 77

Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 78

Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 94

Cargo vessels, Marine safety.

46 CFR Part 96

Cargo vessels, Fire protection, Marine safety.

46 CFR Part 97

Cargo vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 108

Fire prevention, Incorporation by reference, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

46 CFR Part 109

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 125

Incorporation by reference, Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 133

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 167

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 168

Occupational safety and health, Schools, Seamen, Vessels.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR Part 192

Marine safety, Oceanographic research vessels.

46 CFR Part 195

Marine safety, Navigation (water), Oceanographic research vessels.

46 CFR Part 196

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR Part 199

Cargo vessels, Incorporation by reference, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements, Vessels.

Dated: May 7, 1996.

James C. Card,

Rear Admiral, U.S. Coast Guard Chief, Marine Safety and Environmental Protection.

For the reasons set out in the preamble, under the authority of 46 U.S.C. 3306, the Coast Guard amends 46 CFR chapter I as follows:

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

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

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–5 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 30.01–5 [Amended]

2. In § 30.01–5, paragraph (b) is removed and reserved.

3. In § 30.01–6, paragraph (d) is revised to read as follows:

§ 30.01–6 Application to vessels on an international voyage.

* * * * *

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

PART 31—INSPECTION AND CERTIFICATION

4. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 545757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21a also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

5. In § 31.01–1, paragraph (a) is revised to read as follows:

§ 31.01–1 Inspections required—TB/ALL.

(a) Every tank vessel subject to the regulations in this subchapter shall be inspected biennially, annually, or oftener, if necessary, by the Coast Guard to see that the hull, boilers, machinery, equipment, apparatus for storage, and appliances of the vessel comply with marine inspection laws, and the regulations in this subchapter, and when applicable, subchapters E, F, J, O, Q, S, and W of this chapter and 33 CFR parts 155 and 157.

* * * * *

6. In § 31.05–1, paragraph (a) is revised to read as follows:

§ 31.05–1 Issuance of certificate of inspection—TB/ALL.

(a) When a tank vessel is found to comply with the regulations in this subchapter, and applicable provisions of subchapters E, F, J, O, Q, S, and W of this chapter and 33 CFR parts 155 and 157, a certificate of inspection will be issued to it, or to its owners, by the Officer in Charge, Marine Inspection.

* * * * *

7. Subpart 31.36 is added to read as follows:

Subpart 31.36—Lifesaving Appliances and Arrangements

Sec.

Subpart 31.36—Lifesaving Appliances and Arrangements

§ 31.36–1 Lifesaving appliances and arrangements—TB/ALL.

All lifesaving appliances and arrangements on tank vessels must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 33—[REMOVED]

8. Part 33 is removed.

PART 35—OPERATIONS

9. The authority citation for part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

10. In § 35.07–10, paragraph (b)(1) is revised, paragraphs (b)(2) and (b)(7) are removed, and paragraphs (b) (3), (4), (5), (6), (8), (9), and (10) are redesignated as paragraphs (b)(2) through (b)(8) to read as follows:

§ 35.07–10 Actions required to be logged-TB/ALL.

* * * * *

(b) * * *

(1) Onboard training, musters, and drills: held in accordance with subchapter W (Lifesaving Appliances or Arrangements) of this chapter.

* * * * *

11. Section 35.10–1 is revised to read as follows:

§ 35.10–1 Emergency training, musters, and drills—T/ALL.

Onboard training, musters, and drills must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

12. Section 35.10–5 is revised to read as follows:

§ 35.10–5 Muster lists, emergency signals, and manning—T/ALL.

The requirements for muster lists, emergency signals, and manning must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 35.10–6, 35.10–7, 35.10–9, 35.10–20, 35.10–25, 35.10–30 [Removed]

13. Sections 35.10–6, 35.10–7, 35.10–9, and 35.10–20, 35.10–25, and 35.10–30 are removed.

§§ 35.30–50, 35.30–55 [Removed]

14. Sections 35.30–50 and 35.30–55 are removed.

15. In subpart 35.40, the subpart heading is revised to read as follows:

Subpart 35.40–Posting and Marking Requirements—TB/ALL

16. Section 35.40–40 is revised to read as follows:

§ 35.40–40 Marking and instructions for fire and emergency equipment—TB/ALL.

Lifesaving appliances, instructions to passengers, and stowage locations for all tank vessels must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

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

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

18. In § 70.05–10, paragraph (d) is revised to read as follows:

§ 70.05–10 Application to vessels on an international voyage.

* * * * *

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

§ 70.10–3 [Removed]

19. Section 70.10–3 removed.

20. Sec. 70.10–34 is added to read as follows:

§ 70.10–34 Passenger.

(a) The term *passenger* means—

(1) On an international voyage, every person other than—

(i) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and

(ii) A child under 1 year of age.

(2) On other than an international voyage, an individual carried on the vessel, except—

(i) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charter;

(ii) The master; or

(iii) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

(b) The term *passenger for hire* means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

21. Section 70.10–35 is revised to read as follows:

§ 70.10–35 Passenger Vessel.

The term *passenger vessel* means—

(a) On an international voyage, a vessel of at least 100 tons gross tonnage carrying more than 12 passengers; and

(b) On other than an international voyage, a vessel of at least 100 tons gross tonnage—

(1) Carrying more than 12 passengers, including at least one passenger for hire; or

(2) That is chartered and carrying more than 12 passengers.

22. Section 70.10–43 is revised to read as follows:

§ 70.10–43 Short international voyage.

A short international voyage is an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage may exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the vessel commences its return voyage to the country in which the voyage began.

23. Subpart 70.28 is added to read as follows:

Subpart 70.28—Lifesaving Appliances and Arrangements

Sec.

Subpart 70.28—Lifesaving Appliances and Arrangements

§ 70.28–1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements on passenger vessels must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 71—INSPECTION AND CERTIFICATION

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

25. Section 71.15–1 is revised to read as follows:

§ 71.15–1 Standards in inspection of hulls, boilers, and machinery.

In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see part 70, subpart 70.35 of this chapter respecting material and inspection of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, subchapter E (Load Lines), subchapter F (Marine Engineering), subchapter J (Electrical Engineering), and subchapter W (Lifesaving Appliances and Arrangements) of this chapter, shall be accepted as standard by the inspectors.

26. In § 71.20–20, paragraph (a)(1) is revised, paragraph (a) is redesignated as introductory text, and paragraphs (a) (1), (2), (3), (4), (5), and (6) are redesignated as paragraphs (a) through (f) to read as follows:

§ 71.20–20 Specific tests and inspections.

* * * * *

(a) For inspection procedures of lifesaving appliances and arrangements, see subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

* * * * *

27. Section 71.25–15 is revised to read as follows:

§ 71.25–15 Lifesaving equipment.

For inspection procedures of lifesaving appliances and arrangements, see subchapter W (Lifesaving

Appliances and Arrangements) of this chapter.

PART 75—[REMOVED]

28. Part 75 is removed.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

29. The authority citation for part 77 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

30. Subpart 77.06 is added to read as follows:

Subpart 77.06—Lifesaving Appliances and Arrangements

Sec.
77.06–1 Installation.

Subpart 77.06—Lifesaving Appliances and Arrangements

§ 77.06–1 Installation.

The installation of all lifesaving appliances and arrangements must be in accordance with the requirements of subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 78—OPERATIONS

31. The authority citation for part 78 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1981 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

32. Section 78.13–1 is revised to read as follows:

§ 78.13–1 Muster lists, emergency signals, and manning.

The requirements for muster lists, emergency signals, and manning must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 78.13–5, 78.13–10, 78.13–15, 78.13–20 [Removed]

33. Sections 78.13–5, 78.13–10, 78.13–15 and 78.13–20 are removed.

Subpart 78.14—[Removed]

34. Subpart 78.14 is removed.

§ 78.17–40 [Removed]

35. Section 78.17–40 is removed.

36. Section 78.17–50 is revised to read as follows:

§ 78.17–50 Emergency training, musters, and drills.

Onboard training, musters, and drills must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 78.17–52, 78.17–55, 78.17–60, 78.17–70, 78.17–85, 78.17–90 [Removed]

37. Sections 78.17–52, 78.17–55, 78.17–60, 78.17–70, 78.17–85, and 17.17–90 are removed.

38. In § 78.37–5 paragraphs (a)(10) and (a)(12) are removed, paragraph (a) is redesignated as introductory text, and paragraphs (a)(1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (13), (14), and (15) are redesignated as paragraphs (a) through (m) and newly redesignated paragraph (a) is revised to read as follows:

§ 78.37–5 Actions required to be logged.

* * * * *

(a) Onboard training, musters, and drills: held in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

* * * * *

§§ 78.47–43, 78.47–45 [Removed]

39. Sections 78.47–43 and 78.47–45 are removed.

40. A new § 78.47–45 is added to read as follows:

§ 78.47–45 Markings for lifesaving appliances, instructions to passengers, and stowage locations.

Lifesaving appliances, instructions to passengers, and stowage locations must be marked in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 78.47–47, 78.47–50, 78.47–51, 78.47–60, 78.47–63, 78.47–65, 78.47–72 [Removed]

41. Sections 78.47–47, 78.47–50, 78.47–51, 78.47–60, 78.47–63, 78.47–65, and 78.47–72 are removed.

Subpart 78.49—[Removed]

42. Subpart 78.49 is removed.

Subpart 78.87—[Removed]

43. Subpart 78.87 is removed.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

44. The authority citation for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

45. In § 90.05–10, paragraph (d) is revised to read as follows:

§ 90.05–10 Application to vessels on an international voyage.

* * * * *

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

§ 90.10–3 [Removed]

46. Section 90.10–3 is removed.

47. Section 90.10–29 is revised to read as follows:

§ 90.10–29 Passenger.

(a) The term *passenger* means—

(1) On an international voyage, every person other than—

(i) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and

(ii) A child under 1 year of age.

(2) On other than an international voyage, an individual carried on the vessel, except—

(i) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) The master; or

(iii) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

(b) The term *passenger for hire* means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

48. Subpart 90.27 is added to read as follows:

Subpart 90.27—Lifesaving Appliances and Arrangements

Sec.
90.27–1 Lifesaving appliances and arrangements.

Subpart 90.27—Lifesaving Appliances and Arrangements

§ 90.27–1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 91—INSPECTION AND CERTIFICATION

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

50. Section 91.15–1 is revised to read as follows:

§ 91.15–1 Standards in inspection of hulls, boilers, and machinery.

In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see part 90, subpart 90.35 of this chapter, respecting material and inspection of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, subchapter E (Load Lines), subchapter F (Marine Engineering), subchapter J (Electrical Engineering), and subchapter W (Lifesaving Appliances and Arrangements) of this chapter, shall be accepted as standard by the inspectors.

51. In § 91.20–20, paragraph (a) is redesignated as introductory text, and paragraphs (a) (1), (2), (3), (4), and (5) are redesignated as paragraphs (a) through (e) and newly redesignated paragraph (a) is revised to read as follows:

§ 91.20–20 Specific tests and inspections.

* * * * *

(a) For inspection procedures of lifesaving appliances and arrangements, see subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

* * * * *

52. Section 91.25–15 is revised to read as follows:

§ 91.25–15 Lifesaving equipment.

For inspection procedures of Lifesaving appliances and arrangements, see subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 94—[REMOVED]

53. Part 94 is removed.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

54. The authority citation for part 96 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1981 Comp., p. 277; 49 CFR 1.46.

55. Subpart 96.06 is added to read as follows:

Subpart 96.06—Lifesaving Appliances and Arrangements

Sec.
96.06–1 Installation.

§ 96.06–1 Installation.

The installation of all lifesaving appliances and arrangements must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 97—OPERATIONS

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

57. Section 97.13–1 is revised to read as follows:

§ 97.13–1 Muster lists, emergency signals, and manning.

The requirements for muster lists, emergency signals, and manning must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 97.13–5, 97.13–10, 97.13–15, 97.13–20 [Removed]

58. Sections 97.13–5, 97.13–10, 97.13–15 and 97.13–20 are removed.

Subpart 97.14—[Removed]

59. Subpart 97.14 is removed.

§ 97.15–25 [Removed]

60. Section 97.15–25 is removed.

61. Section 97.15–35 is revised to read as follows:

§ 97.15–35 Emergency training, musters, and drills.

Onboard training, musters, and drills must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 97.15–37, 97.15–40, 97.15–45, 97.15–50, 97.15–65, 97.15–70 [Removed]

62. Sections 97.15–37, 97.15–40, 97.15–45, 97.15–50, 97.15–65, and 97.15–70 are removed.

63. In § 97.35–5, paragraphs (a)(7) and (a)(9) are removed, paragraph (a) is redesignated as introductory text, and paragraphs (a) (1), (2), (3), (4), (5), (6), (8), (10), (11), and (12) are redesignated as paragraphs (a) through (j) and newly redesignated paragraph (a) is revised to read as follows:

§ 97.35–5 Actions required to be logged.

* * * * *

(a) Onboard training, musters, and drills: held in accordance with subchapter W (Lifesaving appliances and Arrangements) of this chapter.

* * * * *

§§ 97.37–37, 97.37–40 [Removed]

64. Sections 97.37–37 and 97.37–40 are removed.

65. Section 97.37–42 is added to read as follows:

§ 97.37–42 Markings for lifesaving appliances, instructions to passengers, and stowage locations.

Lifesaving appliances, instructions to passengers, and stowage locations must be marked in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 97.37–43, 97.37–55 [Removed]

66. Sections 97.37–43 and 97.37–55 are removed.

Subparts 97.39, 97.85—[Removed]

67. Subparts 97.39 and 97.85 are removed.

SUBCHAPTER I–A—MOBILE OFFSHORE DRILLING UNITS

PART 107—INSPECTION AND CERTIFICATION

68. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115; 49 CFR 1.45, 1.46; § 107.05 also issued under the authority of 44 U.S.C. 3507.

69. In § 107.111, add definitions, in alphabetical order, to read as follows:

§ 107.111 Definitions.

* * * * *

Accommodation means a cabin or other covered or enclosed place intended to carry persons.

* * * * *

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of approved equipment, including all of the approval series, is published periodically by the Coast Guard in Equipment Lists (COMDTINST M16714.3 series), available from the Superintendent of Documents.

* * * * *

Embarkation ladder means the ladder provided at survival craft embarkation stations to permit safe access to survival craft after launching.

Embarkation station means the place where a survival craft is boarded.

Float-free launching means the method of launching a survival craft or lifesaving appliance whereby the craft or appliance is automatically released from a sinking unit and is ready for use.

Free-fall launching means the method of launching a survival craft whereby

the craft, with its full complement of persons and equipment on board, is released and allowed to fall into the sea without any restraining apparatus.

* * * * *

Immersion suit means protective suit that reduces loss of body heat of a person wearing it in cold water.

* * * * *

Inflatable appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is normally kept uninflated until ready for use.

Inflated appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is kept inflated and ready for use at all times.

* * * * *

Launching appliance or *launching arrangement* means the method or devices for transferring a survival craft or rescue boat from its stowed position to the water. For a launching arrangement using a davit, the term includes the davit, winch, and falls.

Lifejacket means a flotation device approved as a life preserver or lifejacket.

Marine evacuation system means an appliance designed to rapidly transfer large numbers of persons from an embarkation station by means of a passage to a floating platform for subsequent embarkation into associated survival craft, or directly into associated survival craft.

* * * * *

Muster station means the place where the crew and industrial personnel assemble before boarding a survival craft.

* * * * *

Novel lifesaving appliance or arrangement means one that has new features not fully covered by the provisions of this subchapter but providing an equal or higher standard of safety.

* * * * *

Rescue boat means a boat designed to rescue persons in distress and to marshal survival craft.

Retrieval means the safe recovery of survivors.

Seagoing condition means the operating condition of the unit with the personnel, equipment, fluids, and ballast necessary for safe operation on the waters where the unit operates. For bottom-bearing mobile offshore drilling units (MODU), the term also applies in the bottom-bearing mode, but the lightest seagoing condition is considered to be the highest anticipated operating condition.

* * * * *

Survival craft means a craft capable of sustaining the lives of persons in distress after abandoning the unit on which they were carried. The term includes lifeboats and liferafts, but does not include rescue boats.

* * * * *

70. In § 107.231, paragraphs (h), (i), and (z) are removed; and paragraphs (j) through (y), (aa), (bb), and (cc) are redesignated as paragraph (h) through (y); and paragraph (b) through (q) and newly redesignated paragraph (v) are revised to read as follows:

§ 107.231 Inspection for certification.

* * * * *

(b) The survival craft and rescue boat launching appliances are in proper condition and operating properly at loads ranging from light load to full load.

(c) The lifeboats and rescue boats, including engines and release mechanisms are in proper condition and operating properly.

(d) The flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment are in proper condition.

(e) Each inflatable liferaft and inflatable lifejacket has been serviced as required under this chapter;

(f) Each hydrostatic release unit, other than a disposable hydrostatic release unit, has been serviced as required under this chapter.

(g) The crew has the ability to effectively carry out abandonment and fire fighting procedures.

* * * * *

(v) Tests and inspections of the lifesaving equipment shall be carried out during the initial inspection for certification, and whenever any new item of lifesaving equipment is installed on the unit. The tests and inspections shall determine that the installation of each item of lifesaving equipment is consistent with each condition of its approval, as listed on its Coast Guard Certificate of Approval. The tests and inspections shall also demonstrate, as applicable,—

(1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to 10 percent overload;

(2) The proper condition and operation of lifeboats and rescue boats, including engines and release mechanisms;

(3) The proper condition of flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, and associated equipment;

(4) The proper condition of distress signaling equipment, including EPIRB's, SART's, and pyrotechnic signaling devices;

(5) The proper condition of line-throwing appliances;

(6) The proper condition and operation of embarkation and debarkation appliances, including embarkation-debarkation ladders, and alternate means of escape;

(7) The ability of the crew to effectively carry out abandonment and firefighting procedures; and

(8) The ability to meet the egress and survival craft launching requirements of this part.

* * * * *

§§ 107.239, 107.243 [Removed]

71. Section 107.239 and 107.243 are removed.

72. In § 107.305, paragraphs (bb) and (cc) are revised to read as follows:

§ 107.305 Plans and information.

* * * * *

(bb) The location and arrangement of each lifesaving system including each embarkation deck, showing each overboard discharge and clearances from projections and obstructions in the way of launching lifeboats, rescue boats, and liferafts throughout the range of list and trim angles required under part 108, subpart E of this chapter.

(cc) The weight of each lifeboat, rescue boat, and davit-launched liferaft when fully equipped and loaded.

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PART 108—DESIGN AND EQUIPMENT

73. The authority citation for part 108 continues to read as follows:

Authority: 43 U.S.C. 1333, 1333(d); 46 U.S.C. 3102, 3306, 5115; 49 CFR 1.46.

74. In § 108.101, paragraph (b) is revised to read as follows:

§ 108.101 Incorporation by reference.

* * * * *

(b) The material approved for incorporation by reference in this part and the sections affected are:

American Society for Testing and Materials (ASTM)

1916 Race Street, Philadelphia, PA 19103

ASTM D93–94, Flash Point by Pennsky-Martens Closed Cup Tester 108.500

ASTM F–1014, Standard Specification for Flashlights on Vessels, 1986	108.497
ASTM F–1121, International Shore Connections for Marine Fire Applications, 1987	108.427

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England

Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements, 17 November 1983.	108.105.
Resolution A.649(16), Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code), 19 October 1989 with amendments of June 1991.	108.503.
Resolution A.658(16), Use and Fitting of Retro-reflective Materials on Life-saving Appliances, 20 November 1989.	108.645; 108.649.
Resolution A.760(18), Symbols Related to Life-saving Appliances and Arrangements, 17 November 1993.	108.646; 108.647; 108.649; 108.655.

75. Section 108.103 is revised to read as follows:

§ 108.103 Equipment not required on a unit.

Each item of lifesaving and firefighting equipment carried on board the unit in addition to equipment of the type required under this subchapter, must—

(a) Be approved; or

(b) Be acceptable to the cognizant OCMI, for use on the unit.

76. In § 108.105, paragraph (a) is revised, and paragraphs (c) through (f) are added to read as follows:

§ 108.105 Substitutions for required fittings, material, apparatus, equipment, arrangements, calculations, and tests.

(a) Where this subchapter requires a particular fitting, material, apparatus, equipment, arrangement, calculation or test, the Commandant (G–MSE) may accept any substitution that is at least as effective as that specified. If necessary, the Commandant (G–MSE) may require engineering evaluations and tests to demonstrate the equivalence of the substitution.

* * * * *

(c) The Commandant (G–MSE) may accept a novel lifesaving appliance or arrangement, if it provides a level of safety equivalent to the requirements of this part and the appliance or arrangement—

(1) Is evaluated and tested in accordance with IMO Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements; or

(2) Has successfully undergone evaluation and tests that are substantially equivalent to those recommendations.

(d) During a unit's construction and when any modification to the lifesaving arrangement is done after construction, the owner must obtain acceptance of lifesaving arrangements from the Commandant (G–MSC).

(e) The OCMI may accept substitute lifesaving appliances other than those required by this part, except for—

(1) Survival craft and rescue boats; and

(2) Survival craft and rescue boat launching and embarkation appliances.

(f) Acceptance of lifesaving appliances and arrangements will remain in effect unless—

(1) The OCMI deems their condition to be unsatisfactory or unfit for the service intended; or

(2) The OCMI deems the crew's ability to use and assist others in the use of the lifesaving appliances or arrangements to be inadequate.

77. Subpart E is revised to read as follows:

Subpart E—Lifesaving Equipment

Sec.

Subpart E—Lifesaving Equipment

§ 108.500 General.

(a) Each unit, other than a surface type unit, must meet the requirements in this subpart.

(b) Each surface type unit must meet the lifesaving system requirements in subchapter W of this chapter, for a tank vessel certificated to carry cargoes that have a flash less than 60 °C, as determined under ASTM D93–94.

(c) The OCMI may require a unit to carry specialized or additional lifesaving equipment other than as required by this part, if the OCMI determines the conditions of the unit's service present uniquely hazardous circumstances which are not adequately addressed by existing requirements.

§ 108.503 Relationship to international standards.

For the purposes of this part, any unit carrying a valid IMO MODU Safety Certificate, including a listing of lifesaving equipment as required by the 1989 IMO MODU Code, is considered to have met the requirements of this subpart if, in addition to the requirements of the 1989 IMO MODU Code, it meets the following requirements:

(a) Each new lifeboat and launching appliance may be of aluminum construction only if its stowage location is protected with a water spray system in accordance with § 108.550(d) of this chapter.

(b) Each lifejacket, immersion suit, and emergency position indicating radiobeacon (EPIRB) must be marked with the unit's name in accordance with §§ 108.649 and 108.650.

(c) Inflatable lifejackets, if carried, must be of the same or similar design as required by § 108.580(b).

(d) Containers for lifejackets, immersions suits, and anti-exposure suits must be marked as specified in § 108.649(g).

(e) Each liferaft must be arranged to permit it to drop into the water from the deck on which it is stowed as required in § 108.530(c)(3).

(f) Survival craft must be arranged to allow safe disembarkation onto the unit after a drill in accordance with § 108.540(f).

(g) The requirements for guarding of falls in §§ 108.553 (d) and (f) must be met.

(h) The winch drum requirements described in § 108.553(e) must be met

for all survival craft winches, not just multiple drum winches.

(i) The maximum lowering speed requirements from §§ 108.553 (h) and (i) must be met.

(j) An auxiliary line must be kept with each line-throwing appliance in accordance with § 108.597(c)(2).

(k) Immersion suits are required on all units, except those operating between the 32 degrees north and 32 degrees south latitude in accordance with § 108.580(c).

(l) All abandonment drills conducted on units carrying immersion suits must include immersion suits.

§ 108.510 Application.

(a) For the purposes of this subpart—

(1) *Similar stage of construction* means the stage at which—

(i) Construction identifiable with a specific unit begins; and

(ii) Assembly of that unit comprising at least 50 metric tons (55.1 U.S. tons) or 1 percent of the estimated mass of all structural material, whichever is less, has been achieved.

(2) *Unit constructed* means a unit, the keel of which is laid or which is at a similar stage of construction.

(b) Subject to § 108.515, each unit constructed before October 1, 1996, must meet the requirements of this subpart, except for the number, type, and arrangement of lifeboats (including survival capsules), lifeboat davits, winches, inflatable liferafts, liferaft launching equipment, and rescue boats.

(c)(1) If a District Commander determines that the overall safety of the persons on board a unit will not be significantly reduced, the District Commander may grant an exemption from compliance with a provision of this part to a specific unit for a specified geographic area within the boundaries of the Coast Guard District. This exemption may be limited to certain periods of the year.

(2) Requests for exemption under this paragraph must be in writing to the OCMI for transmission to the District Commander in the area in which the unit is in service or will be in service.

(3) If the exemption is granted by the District Commander, the OCMI will endorse the unit's Certificate of Inspection with a statement describing the exemption.

§ 108.515 Requirements for units built before October 1, 1996.

(a) Units which were constructed prior to October 1, 1996, must—

(1) By October 1, 1997, have either—

(i) Lifeboats and liferafts that meet § 108.525; or

(ii) Totally enclosed fire-protected lifeboats of sufficient capacity to accommodate 100 percent of the persons permitted on board, plus additional totally enclosed lifeboats or davit-launched liferafts of sufficient capacity to accommodate 100 percent of the persons permitted on board the unit. The following exceptions apply:

(A) An open lifeboat may be used instead of davit-launched liferafts as long as it is in good working order. An open lifeboat requiring extensive repairs must be replaced with either a totally enclosed fire-protected lifeboat, or davit-launched liferafts.

(B) A submersible unit constructed before January 3, 1979, may continue to use the lifesaving arrangements described on the units Certificate of Inspection in effect on October 1, 1996.

(2) By October 1, 1997, fit retro-reflective material on all floating appliances, lifejackets, and immersion suits.

(3) Except for the requirements in paragraphs (a)(1) and (a)(2) of this section, units may retain the arrangement of lifesaving appliances previously required and approved for the unit, as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(b) When any lifesaving appliance or arrangement on a unit subject to this part is replaced, or when the unit undergoes repairs, alterations or modifications of a major character involving replacement of, or any addition to, the existing lifesaving appliances or arrangements, each new lifesaving appliance and arrangement must meet the requirements of this part, unless the OCMI determines that the unit cannot accommodate the new appliance or arrangement, except that—

(1) A survival craft is not required to meet the requirements of this part if it is replaced without replacing its davit and winch; and

(2) A davit and its winch are not required to meet the requirements of this part if one or both are replaced without replacing the survival craft.

§ 108.520 Type of survival craft.

(a) Each lifeboat must be a fire-protected lifeboat approved under approval series 160.135. A lifeboat of aluminum construction in the hull or canopy must be protected in its stowage position by a water spray system meeting the requirements of part 34, subpart 34.25 of this chapter.

(b) Each inflatable liferaft must be approved under approval series 160.151. Each rigid liferaft must be approved under approval series 160.118. Each liferaft must have a capacity of six persons or more.

§ 108.525 Survival craft number and arrangement.

(a) Each unit must carry the following:

(1) Lifeboats installed in at least two widely separated locations on different sides or ends of the unit. The arrangement of the lifeboats must provide sufficient capacity to accommodate the total number of persons permitted on board if—

(i) All the lifeboats in any one location are lost or rendered unusable; or

(ii) All the lifeboats on any one side or end of the unit are lost or rendered unusable.

(2) Liferafts arranged for float-free launching and having an aggregate capacity that will accommodate the total number of persons permitted on board.

(b) In the case of a self-elevating unit where, due to its size or configuration, lifeboats can not be located in the widely separated locations required under paragraph (a)(1) of this section, the OCMI may accept the following number and arrangement of survival craft:

(1) Lifeboats with an aggregate capacity to accommodate the total number of persons permitted on board.

(2) Liferafts served by launching appliances or marine evacuation systems of an aggregate capacity to accommodate the total number of persons permitted on board. These liferafts may be the float-free liferafts under paragraph (a)(2) of this section, or liferafts in addition to the float-free liferafts.

§ 108.530 Stowage of survival craft.

(a) *General.* Each survival craft required to be served by a launching appliance or marine evacuation system must be stowed as follows:

(1) Each survival craft must be stowed as close to the accommodation and service spaces as possible.

(2) Each survival craft must be stowed in a way that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft or rescue boat at any other launching station.

(3) Each survival craft must be stowed as near the water surface as is safe and practicable.

(4) Each survival craft must be stowed where the survival craft, in the embarkation position, is above the waterline with the unit—

(i) In the fully loaded condition; and

(ii) Listed up to 20 degrees either way, or to the angle where the unit's weatherdeck edge becomes submerged, whichever is less.

(5) Each survival craft must be sufficiently ready for use so that two

crew members can complete preparations for embarkation and launching in less than 5 minutes.

(6) Each survival craft must be fully equipped as required under this subpart.

(7) Each survival craft must be in a secure and sheltered position and protected from damage by fire and explosion, as far as practicable.

(8) Each survival craft must not require lifting from its stowed position in order to launch, except that a davit-launched liferaft may be lifted by a manually powered winch from its stowed position to its embarkation position.

(b) *Additional lifeboat-specific stowage requirements.* In addition to meeting the requirements of paragraph (a) of this section, each lifeboat must be stowed as follows:

(1) The unit must be arranged so each lifeboat, in its stowed position, is protected from damage by heavy seas.

(2) Each lifeboat must be stowed attached to its launching appliance.

(3) Each lifeboat must be provided a means for recharging the lifeboat batteries from the unit's power supply at a supply voltage not exceeding 50 volts.

(c) *Additional liferaft-specific stowage requirements.* In addition to meeting the requirements of paragraph (a) of this section, each liferaft must be stowed as follows:

(1) Each liferaft must be stowed to permit manual release from its securing arrangements.

(2) Each liferaft must be stowed at a height above the waterline in the lightest seagoing condition, not greater than the maximum stowage height indicated on the liferaft. Each liferaft without an indicated maximum stowage height must be stowed not more than 18 meters (59 feet) above the waterline in the unit's lightest seagoing condition.

(3) Each liferaft must be arranged to permit it to drop into the water from the deck on which it is stowed. A liferaft stowage arrangement meets this requirement if it—

(i) Is outboard of the rail or bulwark;

(ii) Is on stanchions or on a platform adjacent to the rail or bulwark; or

(iii) Has a gate or other suitable opening to allow the liferaft to be pushed directly overboard.

(4) Each davit-launched liferaft must be stowed within reach of its lifting hook, unless some means of transfer is provided that is not rendered inoperable—

(i) Within the list limits specified in paragraph (a)(4)(ii) of this section;

(ii) By unit motion; or

(iii) By power failure.

(5) Each rigid container for an inflatable liferaft to be launched by a launching appliance must be secured in a way that the container or parts of it are prevented from falling into the water during and after inflation and launching of the contained liferaft.

(6) Each liferaft must have a painter system providing a connection between the unit and the liferaft.

(7) Each liferaft or group of liferafts must be arranged for float-free launching. The arrangement must ensure that the liferaft or liferafts when released and inflated, are not dragged under by the sinking unit. A hydrostatic release unit used in a float-free arrangement must be approved under approval series 160.162.

§ 108.540 Survival craft muster and embarkation arrangements.

(a) Each muster station must have sufficient space to accommodate all persons assigned to muster at that station. One or more muster stations must be close to each embarkation station.

(b) Each muster station and embarkation station must be readily accessible from accommodation and work areas.

(c) Each lifeboat must be arranged to be boarded and launched directly from the stowed position.

(d) Each lifeboat must be arranged to be boarded by its full complement of persons within 3 minutes from the time the instruction to board is given.

(e) Each davit-launched and free-fall survival craft muster station and embarkation station for a survival craft which is boarded before it is launched must be arranged to enable stretcher cases to be placed in the survival craft.

(f) Means must be provided for bringing each davit-launched survival craft against the side of the unit and holding it alongside to allow persons to be—

(1) Safely embarked in the case of a survival craft intended to be boarded over the edge of the deck; and

(2) Safely disembarked after a drill in the case of a survival craft not intended to be moved to the stowed position with a full complement of persons on board.

(g) Each davit-launched liferaft launching arrangement must have a means to hold the liferaft in the embarkation position that—

(1) Will hold the liferaft securely in high winds;

(2) Can be rapidly engaged in the proper position for boarding; and

(3) Can be rapidly released for launching by one person from within the loaded liferaft.

(h) Each launching station or each two adjacent launching stations must have an embarkation ladder as follows:

(1) Each embarkation ladder must be approved under approval series 160.117 or be a rope ladder approved under approval series 160.017, and must be installed in a way that—

(i) Each embarkation ladder must extend in a single length, from the deck to the waterline in the lightest seagoing condition with the unit listed not less than up to 15 degrees either way; or

(ii) Each embarkation ladder may be replaced by a device approved to provide safe and rapid access to survival craft in the water, if the OCMI permits the device, provided that there is at least one embarkation ladder on each side of the unit.

(2) An embarkation ladder is not required if—

(i) The distance from the embarkation deck to the unit's lightest operating waterline is less than 3 meters (10 feet); and

(ii) The unit is not in international service.

(3) If the embarkation ladders can not be supported against a vertical flat surface, the unit must instead be provided with at least two widely separated fixed metal ladders or stairways extending from the deck to the surface of the water and meet the following:

(i) Each inclined fixed ladder must meet the requirements under § 108.159.

(ii) Each vertical fixed ladder must meet the requirements under § 108.160 for fixed ladders, except that the vertical bars in cages must be open at least 500 millimeters (20 inches) on one side throughout the length of the ladder.

(iii) If a fixed ladder can not be installed, the OCMI may approve an alternate means of escape with sufficient capacity to permit all persons permitted on board to safely descend to the waterline.

(4) Alternate means of escape under paragraphs (h)(1)(ii) and (h)(3) of this section, such as portable slides, safety booms, moveable ladders, elevators, and controlled descent devices must be approved. An alternate means of escape must have sufficient capacity to permit all persons permitted on board to safely descend to the waterline within 10 minutes from the time the signal to start is given.

§ 108.545 Marine evacuation system launching arrangements.

(a) *Arrangements.* Each marine evacuation system must have the following arrangements:

(1) Each marine evacuation system must be capable of being deployed by one person.

(2) Each marine evacuation system must enable the total number of persons

for which it is designed, to be transferred from the unit into the inflated liferafts within a period of 10 minutes from the time the signal to abandon the unit is given.

(3) Each marine evacuation system must be arranged so that liferafts may be securely attached to the platform and released from the platform by a person either in the liferaft or on the platform.

(4) Each marine evacuation system must be capable of being deployed from the unit under unfavorable conditions of list of up to 20 degrees.

(5) If the marine evacuation system has an inclined slide, the angle of the slide from horizontal must be within a range of 30 to 35 degrees when the unit is upright and in the lightest seagoing condition.

(6) Each marine evacuation system platform must be capable of being restrained by a bowsing line or other positioning system that is designed to deploy automatically, and if necessary, be capable of being adjusted to the position required for evacuation.

(b) *Stowage.* Each marine evacuation system must be stowed as follows:

(1) There must not be any openings between the marine evacuation system's embarkation station and the unit's side at the unit's waterline in the lightest seagoing condition.

(2) The marine evacuation system must be protected from any projections of the unit's structure or equipment.

(3) The marine evacuation system's passage and platform, when deployed, its stowage container, and its operational arrangement must not interfere with the operation of any other lifesaving appliance at any other launching station.

(4) Where appropriate, the marine evacuation system's stowage area must be protected from damage by heavy seas.

(c) *Stowage of associated liferafts.* Inflatable liferafts used in conjunction with the marine evacuation system must be stowed as follows:

(1) Each inflatable liferaft used in conjunction with the marine evacuation system must be close to the system container, but capable of dropping clear of the deployed chute and boarding platform.

(2) Each inflatable liferaft used in conjunction with the marine evacuation system must be capable of individual release from its stowage rack.

(3) Each inflatable liferaft used in conjunction with the marine evacuation system must be stowed in accordance with § 108.530.

(4) Each inflatable liferaft used in conjunction with the marine evacuation system must be provided with pre-connected or easily connected retrieving lines to the platform.

§ 108.550 Survival craft launching and recovery arrangements: general.

(a) Each launching appliance for a lifeboat must be a davit approved under approval series 160.132, with a winch approved under approval series 160.115. Each launching appliance for a davit-launched liferaft must be approved under approval series 160.163, with an automatic disengaging apparatus approved under approval series 160.170.

(b) All lifeboats required for abandonment by the total number of persons permitted on board must be capable of being launched with their full complement of persons and equipment within 10 minutes from the time the signal to abandon the unit is given.

(c) Each survival craft must be arranged to clear each leg, column, footing, brace, mat, and each similar structure below the hull of a self-elevating unit and clear the upper hull, the columns, and the pontoons of a column stabilized unit, with the unit in an intact condition.

(1) The survival craft must be arranged to be launched down the straight side of the unit or be mounted on a structure intended to provide clearance from lower structures of the unit.

(2) The OCMI may allow a reduction in the total number of survival craft meeting this requirement when the unit is in the transit mode and the number of personnel on board is reduced. In such cases, sufficient survival craft must be available for use by the total number of personnel remaining on board.

(d) Each lifeboat of aluminum construction in the hull or canopy, and each aluminum launching appliance must be protected in its stowage position by a water spray system meeting the requirements of part 34, subpart 34.25 of this chapter.

(e) With the exception of the secondary means of launching for free-fall lifeboats, each launching appliance together with all its lowering and recovery gear must be arranged in a way that the fully equipped survival craft it serves can be safely lowered when loaded with its full complement of persons, and also without persons, against—

(1) A list of up to 20 degrees on the high side; and

(2) A list of up to 20 degrees or the degree of list where the survival craft becomes waterborne, whichever, is the greater, on the low side.

(f) When the unit is under any unfavorable condition such as maximum airgap, lightest transit or operational condition, or any damaged condition under part 174, subpart C of this chapter,—

(1) Notwithstanding the requirements under § 108.550(e), survival craft launching appliances and marine evacuation systems must be capable of operation;

(2) Falls, where used, must be long enough for survival craft to reach the water; and

(3) Lifeboats with an aggregate capacity that will accommodate the total number of persons permitted on board must be capable of being launched safely, and clear of any obstruction. The location and orientation of each lifeboat must be such that the lifeboat is either headed away from the unit upon launching, or can be turned to a heading away from the unit immediately upon launching.

(g) A launching appliance must not depend on any means other than gravity or stored mechanical power independent of the unit's power supplies to launch the survival craft it serves, in the fully loaded and equipped conditions, and also in the light condition.

(h) Each launching appliance's structural attachment to the vessel must be designed, based on the ultimate strength of the construction material, to be at least 4.5 times the load imparted on the attachment by the launching appliance and its fully loaded survival craft under the most adverse combination of list and trim under paragraph (b) of this section.

(i) Each launching appliance must be arranged so that—

(1) All parts requiring regular maintenance by the crew are readily accessible and easily maintained;

(2) The launching appliance remains effective under conditions of icing;

(3) The same type of release mechanism is used for each similar survival craft carried on board the unit; and

(4) The preparation and handling of survival craft at any one launching station does not interfere with the prompt preparation and handling of any other survival craft at any other station.

(j) Each launching mechanism must be arranged so it may be actuated by one person from a position on the unit's deck, and also from a position within the survival craft. Each launching and recovery arrangement must allow the operator on the deck to observe the survival craft at all times during launching.

(k) Means must be provided outside the machinery space to prevent any discharge of water onto survival craft during abandonment.

§ 108.553 Survival craft launching and recovery arrangements using falls and a winch.

Survival craft launching and recovery arrangements, in addition to meeting the requirements in § 108.550, must meet the following requirements:

(a) Each fall wire must be of rotation-resistant and corrosion-resistant steel wire rope.

(b) The breaking strength of each fall wire and each attachment used on the fall must be at least six times the load imparted on the fall by the fully-loaded survival craft.

(c) Each fall must be long enough for the survival craft to reach the water with the unit in its lightest seagoing condition, under unfavorable conditions of trim and with the unit listed not less than 20 degrees either way.

(d) Each unguarded fall must not pass near any operating position of the winch, such as hand cranks, payout wheels, and brake levers.

(e) Each winch drum must be arranged so the fall wire winds onto the drum in a level wrap, and a multiple drum winch must be arranged so that the falls wind off at the same rate when lowering, and onto the drums at the same rate when hoisting.

(f) Each fall, where exposed to damage or fouling, must have guards or equivalent protection. Each fall that leads along a deck must be covered with a guard that is not more than 300 millimeters (1 foot) above the deck.

(g) The lowering speed for a fully loaded survival craft must be not less than that obtained from the following formula:

(1) $S=0.4+(0.02\ H)$, where S is the speed of lowering in meters per second, and H is the height in meters from the davit head to the waterline at the lightest seagoing condition, with H not greater than 30, regardless of the lowering height.

(2) $S=79+(1.2\ H)$, where S is the speed of lowering in feet per minute, and H is the height in feet, with H not greater than 99.

(h) The lowering speed for a survival craft loaded with all of its equipment must be not less than 70 percent of the speed required under paragraph (g) of this section.

(i) The lowering speed for a fully loaded survival craft must be not more than 1.3 meters per second (256 feet per minute).

(j) If a survival craft is recovered by electric power, the electrical installation, including the electric power-operated boat winch, must meet the requirements in subchapter J of this chapter. If a survival craft is recovered by any means of power, including a portable power source, safety devices must be provided which automatically cut off the power before the davit arms or falls reach the stops in order to avoid overstressing the falls or davits, unless the motor is designed to prevent such overstressing.

(k) Each launching appliance must be fitted with brakes that meet the following requirements:

(1) The brakes must be capable of stopping the descent of the survival craft or rescue boat and holding it securely when loaded with it full complement of persons and equipment.

(2) The brake pads must, where necessary, be protected from water and oil.

(3) Manual brakes must be arranged so that the brake is always applied unless the operator, or a mechanism activated by the operator, holds the brake control in the off position.

§ 108.555 Lifeboat launching and recovery arrangements.

Liftboat launching and recovery arrangements, in addition to meeting the requirements in §§ 108.550 and 108.553, must meet the following requirements:

(a) Each lifeboat must be capable of being launched with the unit making headway of 5 knots in calm water, or with the unit anchored or bearing on the bottom in a current of up to 5 knots. A painter may be used to meet this requirement.

(b) Each lifeboat must be provided with a launching appliance. The launching appliance must be capable of launching and recovering the lifeboat with its crew.

(c) Each launching appliance arrangement must allow the operator on the unit to observe the lifeboat at all times during recovery.

(d) Each launching appliance arrangement must be designed to ensure persons can safely disembark from the survival craft prior its stowage.

§ 108.557 Free-fall lifeboat launching and recovery arrangements.

(a) The launching appliance for a free-fall lifeboat must be designed and installed so that the launching appliance and the lifeboat it serves operate as a system to protect the occupants from harmful acceleration forces and to effectively clear the unit.

(b) The launching appliance must be designed and arranged so that in its ready to launch position, the distance from the lowest point on the lifeboat it serves to the water surface with the unit in its lightest seagoing condition does not exceed the lifeboat's certificated free-fall height.

(c) The launching appliance must be arranged so as to preclude accidental release of the lifeboat in its unattended stowed position. If the means provided to secure the lifeboat cannot be released from inside the lifeboat, the means to secure the lifeboat must be arranged as to preclude boarding the lifeboat without first releasing it.

(d) Each free-fall launching arrangement must be provided with a secondary means to launch the lifeboat by falls. Such means must comply with the requirements of §§ 108.550, 108.553, and 108.555. Notwithstanding § 108.550(e), the launching appliance must be capable of launching the lifeboat against unfavorable conditions of list of 5 degrees in any direction and it need not comply with the speed requirements of §§ 108.553 (g), (h), and (i).

If the secondary launching appliance is not dependent on gravity, stored mechanical power or other manual means, the launching arrangement must be connected both to the unit's main and emergency power supplies.

§ 108.560 Rescue boats.

Each unit must carry at least one rescue boat. Each rescue boat must be approved under approval series 160.156. A lifeboat is accepted as a rescue boat if it also meets the requirements for a rescue boat.

§ 108.565 Stowage of rescue boats.

(a) Rescue boats must be stowed as follows:

(1) Each rescue boat must be ready for launching in not more than 5 minutes.

(2) Each rescue boat must be in a position suitable for launching and recovery.

(3) Each rescue boat must be in a way that neither the rescue boat nor its stowage arrangements will interfere with the operation of any survival craft at any other launching station.

(4) Each rescue boat that is also a lifeboat, must be in compliance with § 108.530.

(b) Each rescue boat must be provided a means for recharging the rescue boat batteries from the unit's power supply at a supply voltage not exceeding 50 volts.

(c) Each inflated rescue boat must be kept fully inflated at all times.

§ 108.570 Rescue boat embarkation, launching and recovery arrangements.

(a) Each rescue boat must be capable of being launched with the unit making headway of 5 knots in calm water, or

with the unit anchored or bearing on the bottom in a current of up to 5 knots. A painter may be used to meet this requirement.

(b) Each rescue boat embarkation and launching arrangement must permit the rescue boat to be boarded and launched in the shortest possible time.

(c) If the rescue boat is one of the unit's survival craft, the rescue boat must also be as follows:

(1) The rescue boat must meet the embarkation arrangement and launching station requirements of § 108.510.

(2) The rescue boat must meet the launching arrangement requirements of §§ 108.550 and 108.557, and if the launching arrangement uses falls and a winch, § 108.553.

(3) If the launching arrangement uses a single fall, the rescue boat must have an automatic disengaging apparatus approved under approval series 160.170, instead of a lifeboat release mechanism.

(d) Rapid recovery of the rescue boat must be possible when loaded with its full complement of persons and equipment. If the rescue boat is also a lifeboat, rapid recovery must be possible when loaded with its lifeboat equipment and an approved rescue boat complement of at least six persons.

(e) Each rescue boat launching appliance must be fitted with a powered winch motor.

(f) Each rescue boat launching appliance must be capable of hoisting the rescue boat when loaded with its full rescue boat complement of persons and equipment at a rate of not less than 0.3 meters per second (59 feet per minute).

§ 108.575 Survival craft and rescue boat equipment.

(a) All lifeboat and rescue boat equipment must be as follows:

(1) The equipment must be secured within the boat by lashings, storage in lockers, or compartments, storage in brackets or similar mounting arrangements or other suitable means.

(2) The equipment must be secured in such a manner as not to interfere with any abandonment procedures or reduce seating capacity.

(3) The equipment must be as small and of as little mass as possible.

(4) The equipment must be packed in a suitable and compact form.

(5) The equipment should be stowed so the items do not—

(i) Reduce the seating capacity;

(ii) Adversely affect the seaworthiness of the survival craft or rescue boat; or

(iii) Overload the launching appliance.

(b) Each lifeboat, rigid liferaft, and rescue boat, unless otherwise stated in this paragraph, must carry the equipment specified for it in table § 108.575(b) of this section. A lifeboat that is also a rescue boat must carry the equipment in the table column marked for a lifeboat. Each item in the table has the same description as in § 199.175 of this chapter.

TABLE 108.575(b).—SURVIVAL CRAFT EQUIPMENT

Item No.	Item	International service			Other than international service		
		Lifeboat	Rigid life-raft	Rescue boat	Lifeboat	Rigid life-raft	Rescue boat
1	Bailer [1]	1	1	1	1	1	1
2	Bilge pump [2]	1	.....	.....	1	.....	.....
3	Boathook	2	.....	1	2	.....	1
4	Bucket [3]	2	.....	1	2	.....	1
5	Can opener	3	3	.....	.....	.....	.....
6	Compass	1	.....	1	1	.....	1
7	Dipper	1	.....	.....	1	.....	.....
8	Drinking cup	1	1	.....	.....	.....	.....
9	Fire extinguisher	1	.....	1	1	.....	1
10	First-aid kit	1	1	1	1	1	1
11	Fishing kit	1	1	.....	.....	.....	.....
12	Flashlight	1	1	1	1	1	1
13	Hatchet	2	.....	.....	2	.....	.....
14	Heaving line	2	1	2	2	1	2
15	Instruction card	.....	1	.....	.....	1	.....
16	Jackknife	1	.....	.....	1	.....	.....
17	Knife [1 4]	.....	1	1	.....	1	1
18	Ladder	1	.....	1	1	.....	1
19	Mirror, signaling	1	1	.....	1	1	.....
20	Oars (units) [5 6]	1	.....	1	1	.....	1
	Paddles	.....	2	.....	.....	2	.....
21	Painter	2	1	1	2	1	1
22	Provisions (units per person)	1	1	.....	.....	.....	.....
23	Pump [7]	.....	.....	1	.....	.....	.....
24	Radar reflector	1	1	1	.....	.....	.....
25	Rainwater collection device	1	.....	.....	.....	.....	.....
26	Repair kit [7]	.....	.....	1	.....	.....	1
27	Sea anchor	1	2	1	1	2	1
28	Searchlight	1	.....	1	1	.....	1
29	Seasickness kit (kits/person)	1	1	.....	1	1	.....
30	Signal, smoke	2	2	.....	2	1	.....
31	Signal, hand flare	6	6	.....	6	6	.....
32	Signal, parachute flare	4	4	.....	4	4	.....
33	Skates and fenders [8]	1	.....	.....	1	.....	.....
34	Sponge [7]	.....	2	2	.....	2	2
35	Survival instructions	1	1	.....	1	1	.....
36	Table of lifesaving signals	1	1	.....	1	1	.....
37	Thermal protective aid (percent of persons) [9]	10%	10%	10%	10%	10%	10%
38	Took kit	1	.....	.....	1	.....	.....

TABLE 108.575(b).—SURVIVAL CRAFT EQUIPMENT—Continued

Item No.	Item	International service			Other than international service		
		Lifeboat	Rigid life-raft	Rescue boat	Lifeboat	Rigid life-raft	Rescue boat
39	Towline [10]	1	.....	1	1	.....	1
40	Water (liters per person)	3	1.5	.....	3	1	.....
41	Whistle	1	1	1	1	1	1

Notes:
[1] Each liferaft approved for 13 persons or more must carry two of these items.
[2] Bilge pumps are not required for boats of self-bailing design.
[3] Not required for inflated or rigid/inflated rescue boats.
[4] A hatchet counts toward this requirement in rigid rescue boats.
[5] Oars not required on a free-fall lifeboat; a unit of oars means the number of oars specified by the manufacturer.
[6] Rescue boats may substitute buoyant oars for paddles, as specified by the manufacturer.
[7] Not required for a rigid rescue boat.
[8] Required if specified by the boat manufacturer.
[9] Sufficient thermal protective aids are required for at least 10% of the persons the survival craft is equipped to carry, but not less than two.
[10] Required only if the lifeboat is also the rescue boat.

§ 108.580 Personal lifesaving appliances.

(a) *Lifebuoys.* Each unit must carry at least eight lifebuoys approved under approval series 160.150 as follows:

(1) *Stowage.* Lifebuoys must be stowed as follows:

(i) Each lifebuoy must be capable of being rapidly cast loose.

(ii) Each lifebuoy must not be permanently secured to the unit in anyway.

(iii) Lifebuoys must be so distributed as to be readily available on each side of the unit and, as far as practicable, on each open deck extending to the side of the unit. The lifebuoys with attached self-igniting lights must be evenly distributed on all sides of the unit.

(iv) At least two lifebuoys, each with attached self-activating smoke signals, must be stowed where they can be quickly released from the navigating bridge or main control station, or a location readily available to personnel on board. These lifebuoys should, when released, fall directly into the water without striking any part of the unit.

(2) *Attachments and fittings.* Lifebuoys must have the following attachments and fittings:

(i) At least one lifebuoy on each side of the unit fitted with a buoyant lifeline that is—

(A) At least as long as twice the height where it is stowed above the waterline in the lightest seagoing condition, or 30 meters (100 feet), whichever is the greater;

(B) Non-kinking;

(C) Not less than 8 millimeters (5/16 inch) in diameter;

(D) Of a breaking strength which is not less than 5 kiloNewtons (1,124 pounds-force); and

(E) Is, if synthetic, a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light.

(ii) At least one-half the total number of lifebuoys on the unit must each be fitted with a self-igniting light approved under approval series 161.010. A self-igniting light must not be attached to the lifebuoys required by this section to be fitted with lifelines.

(iii) At least two lifebuoys on the unit each must be fitted with a self-activating smoke signal approved under approval series 160.157. Lifebuoys fitted with smoke signals must also be fitted with lights.

(b) *Lifejackets.* Each unit must carry lifejackets approved under approval series 160.155, 160.176, or 160.177. If the unit carries inflatable lifejackets, they must be of the same or similar design and have the same method of operation.

(1) *General.* Each unit must carry a lifejacket for each person on board and in addition, a sufficient number of lifejackets must be carried for persons at each work station and industrial work site.

(2) *Stowage.* Lifejackets must be stowed as follows:

(i) The lifejackets must be readily accessible.

(ii) The additional lifejackets required by paragraph (b)(1) of this section must be stowed in places readily accessible to the work stations and industrial work sites.

(iii) Where, due to the particular arrangements of the unit, the lifejackets under paragraph (b)(1) of this section could become inaccessible, the OCMI may require an increase in the number of lifejackets to be carried, or suitable alternative arrangements.

(3) *Attachments and fittings.* Lifejackets must have the following attachments and fittings:

(i) Each lifejacket must have a lifejacket light approved under approval series 161.112 securely attached to the front shoulder area of the lifejacket. On a unit not in international service, a light approved under approval series 161.012 may be used. However, chemiluminescent-type lifejacket lights are not permitted on units certificated to operate on waters where water temperature may drop below 10 °C (50 °F).

(ii) Each lifejacket must have a whistle firmly secured by a cord to the lifejacket.

(c) *Immersion suits or anti-exposure suits.* Each unit must carry immersion suits approved under approval series 160.171 or anti-exposure suits approved under approval series 160.153.

(1) *General.* Each unit, except units operating between 32 degrees north latitude and 32 degrees south latitude, must carry—

(i) Immersion suits or anti-exposure suits of suitable size for each person assigned to the rescue boat crew;

(ii) Immersion suits approved under approval series 160.171 of the appropriate size for each person on board, which count toward meeting the requirements of paragraph (c)(1)(i) of this section; and

(iii) In addition to the immersion suits required under paragraph (c)(1)(ii) of this section, each watch station, work station, and industrial work site must have enough immersion suits to equal the number of persons normally on watch in, or assigned to, the station or site at one time. However, an immersion suit is not required at a station or site for a person whose cabin or berthing area (and the immersion suits stowed in that location) is readily accessible to the station or site.

(2) *Attachments and fittings.* Immersion suits or anti-exposure suits must have the following attachments and fittings:

(i) Each immersion suit or anti-exposure suit must have a lifejacket light approved under approval series

161.112 securely attached to the front shoulder area of the immersion suit or anti-exposure suit. On a unit not in international service, a light approved under approval series 161.012 may be used. However, chemiluminescent type lifejacket lights are not permitted on units certificated to operate on waters where water temperature may drop below 10 °C (50 °F).

(ii) Each immersion suit or anti-exposure suit must have a whistle firmly secured by a cord to the immersion suit or anti-exposure suit.

§ 108.595 Communications.

(a) *Radio lifesaving appliances.* Radio lifesaving appliance installations and arrangements must meet the requirements of 47 CFR part 80.

(b) *Distress flares.* Each unit must—

(1) Carry not less than 12 rocket parachute flares approved under approval series 160.136; and

(2) Stow the flares in a portable watertight container carried on the navigating bridge, or if the unit does not have a bridge, in the control room.

§ 108.597 Line-throwing appliance.

(a) *General.* Each unit in international service must have a line-throwing appliance that is approved under approval series 160.040. Each unit not in international service must carry a line-throwing appliance approved under either approval series 160.040 or 160.031.

(b) *Stowage.* The line-throwing appliance and its equipment must be readily accessible for use.

(c) *Additional equipment.* Each unit must carry the following equipment for the line-throwing appliance:

(1) The equipment on the list provided by the manufacturer with the approved appliance; and

(2) An auxiliary line that—

(i) Has a breaking strength of at least 40 kiloNewtons (9,000 pounds-force);

(ii) Is, if synthetic, a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light; and

(iii) Is—

(A) At least 450 meters (1,500 feet) long, if the line-throwing appliance is approved under approval series 160.040; or

(B) At least 150 meters (500 feet) long, if the line-throwing appliance is approved under approval series 160.031.

78. Section 108.645 is revised to read as follows:

§ 108.645 Markings on lifesaving appliances.

(a) *Lifeboats and rescue boats.* Each lifeboat and rescue boat must be plainly marked as follows:

(1) Each side of each lifeboat and rescue boat bow must be marked in block capital letters and numbers with—

(i) The name of the unit; and

(ii) The name of the port required to be marked on the stern of the unit to meet the requirements of part 67, subpart 67.13 of this chapter.

(2) The length and beam of the boat and the number of persons the boat is equipped for, not exceeding the number shown on its nameplate, must be clearly marked in permanent characters.

(3) The number of the boat and the unit's name, must be plainly marked or painted so that the markings are visible from above the boat.

(4) Type II retro-reflective material approved under approval series 164.018 must be placed on the boat and meet the arrangement requirements in IMO Resolution A.658(16).

(b) *Rigid liferafts.* Each rigid liferaft must be marked as follows:

(1) The name of the unit must be marked on each rigid liferaft.

(2) The name of the port required to be marked on the stern of the unit to meet the requirements of part 67, subpart 67.13 of this chapter.

(3) The length of the painter must be marked on each rigid liferaft.

(4) At each entrance of each rigid liferaft, the number of persons the rigid liferaft is equipped for, not exceeding the number shown on its nameplate, must be marked in letters and numbers at least 100 millimeters (4 inches) high, in a color contrasting to that of the liferaft.

79. Section 108.646 is added to read as follows:

§ 108.646 Marking of stowage locations.

(a) Containers, brackets, racks, and other similar stowage locations for lifesaving equipment, must be marked with symbols in accordance with IMO Resolution A.760(18), indicating the devices stowed in that location for that purpose.

(b) If more than one device is stowed in that location, the number of devices must also be indicated.

(c) Survival craft should be numbered consecutively, starting from the unit's bow and designating survival craft on the starboard side with odd numerals, and survival craft on the port side with even numerals.

80. Section 108.647 is revised to read as follows:

§ 108.647 Inflatable liferafts.

The number of the liferaft and the number of persons it is permitted to accommodate must be marked or painted in a conspicuous place in the immediate vicinity of each inflatable liferaft in block capital letters and numbers. The word ''liferaft'' or the appropriate symbol from IMO Resolution A.760(18) shall be used to identify the stowage location. Liferafts stowed on the sides of the unit should be numbered in the same manner as the lifeboats. This marking must not be on the inflatable liferaft container.

81. Section 108.649 is revised to read as follows:

§ 108.649 Lifejackets, immersion suits, and lifebuoys.

(a) Each lifejacket must be marked—

(1) In block capital letters with the name of the unit; and

(2) With type I retro-reflective material approved under approval series 164.018. The arrangement of the retro-reflective material must meet IMO Resolution A.658(16).

(b) The lifejacket stowage positions must be marked with either the word ''LIFEJACKET'' or with the appropriate symbol from IMO Resolution A.760(18).

(c) Each immersion suit or anti-exposure suit must be marked in block capital letters with the name of the unit.

(d) Immersion suits or anti-exposure suits must be stowed so they are readily accessible, and the stowage positions must be marked with either the words ''IMMERSION SUITS'' or ''ANTI-EXPOSURE SUITS'', or with the appropriate symbol from IMO Resolution A.760(18).

(e) Each lifebuoy must be marked—

(1) In block capital letters with the unit's name and with the name of the port required to be marked on the unit under part 67, subpart 67.13 of this chapter; and

(2) With type II retro-reflective material approved under part 164, subpart 164.018 of this chapter. The arrangement of the retro-reflective material must meet IMO Resolution A.658(16).

(f) Each lifebuoy stowage position must be marked with either the words ''LIFEBUOY'' or ''LIFE BUOY'', or with the appropriate symbol from IMO Resolution A.760(18).

(g) Each lifejacket, immersion suit, and anti-exposure suit container must be marked in block capital letters and numbers with the quantity, identity, and size of the equipment stowed inside the container. The equipment may be identified in words, or with the appropriate symbol from IMO Resolution A.760(18).

82. Section 108.650 is added to read as follows:

§ 108.650 EPIRBs and SARTs.

Emergency position indicating radiobeacons and search and rescue transponders. Each EPIRB and SART should have the name of the unit plainly marked or painted on its label, except for EPIRBs or SARTs in an inflatable liferaft or permanently installed in a survival craft.

83. Section 108.655 is revised to read as follows:

§ 108.655 Operating instructions.

Each unit must have posters or signs displayed in the vicinity of each survival craft and the survival craft's launching controls that—

(a) Illustrate the purpose of controls;

(b) Illustrate the procedures for operating the launching device;

(c) Give relevant instructions or warnings;

(d) Can be easily seen under emergency lighting conditions; and

(e) Display symbols in accordance with IMO Resolution A.760(18).

84. Subpart J is added to read as follows:

Subpart J—Muster list

Sec.

108.901 Muster list and emergency instructions.

Subpart J—Muster list

§ 108.901 Muster list and emergency instructions.

(a) *General.* Copies of clear instructions must be provided on the unit, detailing the actions that each person on board should follow in the event of an emergency.

(b) *Muster list.* Copies of the muster list must be posted in conspicuous places throughout the unit including on the navigating bridge, in the control room, and in crew accommodation spaces. The muster list must be posted at all times while the unit is in service, After the muster list has been prepared, if any change takes place that necessitates an alteration in the muster list, the person in charge must either revise the muster list or prepare a new one. Muster lists must provide the following information:

(1) Each muster list must specify instructions for operating the general emergency alarm system.

(2) Each muster list must specify the emergency signals.

(3) Each muster list must specify the actions to be taken by the crew and industrial personnel when each signal is sounded.

(4) Each muster list must specify how the order to abandon the unit will be given.

(5) Each muster list must specify the persons that are assigned to make sure that lifesaving and firefighting appliances are maintained in good condition and ready for immediate use.

(6) Each muster list must specify the duties assigned to the different members of the crew, that include—

(i) Closing the watertight doors, fire doors, valves, scuppers, sidescuttles, skylights, portholes, and other similar openings in the unit's hull;

(ii) Equipping the survival craft and other lifesaving appliances;

(iii) Preparing and launching the survival craft;

(iv) Preparing other lifesaving appliances;

(v) Mustering the visitors and other persons in addition to the crew and industrial personnel;

(vi) Using communication equipment;

(vii) Manning the emergency squad assigned to deal with fires and other emergencies;

(viii) Special duties assigned with respect to the use of firefighting equipment and installations;

(ix) Cover the duties of the crew in case of collisions or other serious casualties; and

(x) Cover the duties of the crew in case of severe storms.

(7) Each muster list must specify the duties assigned to members of the crew in relation to visitors and other persons on board in case of an emergency, that include—

(i) Warning visitors and other persons on board;

(ii) Seeing that visitors and other persons on board are suitably dressed and have donned their lifejackets or immersion suits correctly;

(iii) Assembling visitors and other persons on board at muster stations; and

(iv) Keeping order in the passageways and on the stairways and generally controlling the movements of the visitors and other persons on board;

(8) Each muster list must specify substitutes for key persons if they are disabled, taking into account that different emergencies require different actions.

(c) *Emergency instructions.* Illustrations and instructions in English and any other appropriate language, as determined by the OCMI, must be posted in each cabin used for persons who are not members of the crew or industrial personnel, and be conspicuously displayed at each muster station and in other accommodation spaces to inform industrial personnel of—

(1) The fire and emergency signal;

(2) Their muster station;

(3) The essential actions they must take in an emergency;

(4) The location of lifejackets, including child-size lifejackets;

(5) The method of donning lifejackets;

(6) If immersion suits are provided, the location of the immersion suits; and

(7) Fully illustrated instructions on the method of donning immersion suits.

PART 109—OPERATIONS

85. The authority citation for part 109 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115, 6101, 10104; 49 CFR 1.46.

§§ 109.207, 109.208 [Removed]

86. Sections 109.207 and 109.208 are removed.

87. Section 109.213 is revised to read as follows:

§ 109.213 Emergency training and drills.

(a) *Training materials.* Abandonment training material must be on board each unit. The training material must consist either of a manual of one or more volumes, written in easily understood terms and illustrated wherever possible, or audiovisual training aids, or both as follows:

(1) If a training manual is used, a copy must be made available to each person on board the unit. If audiovisual training aids are used, they must be incorporated into the onboard training sessions described under paragraph (g) of this section.

(2) The training material must explain, in detail—

(i) The procedure for donning lifejackets, immersion suits, and anti-exposure suits carried on board;

(ii) The procedure for mustering at the assigned stations;

(iii) The procedure for boarding, launching, and clearing the survival craft and rescue boats;

(iv) The method of launching from within the survival craft;

(v) The procedure for releasing from launching appliances;

(vi) The method and use of devices for protection in launching areas, where appropriate;

(vii) Illumination in launching area;

(viii) The use of all survival equipment;

(ix) The use of all detection equipment;

(x) With illustrations, the use of radio lifesaving appliances;

(xi) The use of sea anchors;

(xii) The use of engine and accessories;

(xiii) The recovery of survival craft and rescue boats, including stowage and securing;

(xiv) The hazards of exposure and the need for warm clothing;

(xv) The best use of the survival craft for survival;

(xvi) The methods of retrieval, including the use of helicopter rescue gear (slings, baskets, stretchers), and unit's line throwing apparatus;

(xvii) The other functions contained in the muster list and emergency instructions; and

(xviii) The instructions for emergency repair of the lifesaving appliances.

(b) *Familiarity with emergency procedures.* Every crew member with assigned emergency duties on the muster list, must be familiar with their assigned duties before working on the unit.

(c) *Drills—general.* (1) Drills must, as far as practicable, be conducted as if there were an actual emergency.

(2) Every crew member must participate in at least one abandonment drill and one fire drill every month. A drill must take place within 24 hours of a change in crew or industrial personnel if more than 25 percent of the persons on board have not participated in an abandonment drill on board the unit in the previous month.

(3) Drills must be held before the unit enters service for the first time after modification of a major character, or when a new crew is engaged.

(d) *Abandonment drills.* (1) Abandonment drills must include the following:

(i) Each drill must include summoning of industrial personnel and crew to muster stations with the general alarm, followed by drill announcements on the public address or other communication system, and ensuring that all on board are made aware of the order to abandon ship.

(ii) Each drill must include reporting to stations and preparing for the duties described in the muster list.

(iii) Each drill must include checking that industrial personnel and crew are suitably dressed.

(iv) Each drill must include checking that lifejackets or immersion suits are correctly donned.

(v) Each drill must include lowering of at least one lifeboat after any necessary preparation for launching.

(vi) Each drill must include starting and operating the lifeboat engine.

(vii) Each drill must include operating davits used for launching the liferafts.

(2) Different lifeboats must, as far as practicable, be lowered in compliance with the requirements of paragraph (d)(1)(v) of this section at successive drills.

(3) Each lifeboat must be launched with its assigned operating crew aboard, and maneuvered in the water at least once every 3 months, during an abandonment drill.

(4) As far as is reasonable and practicable, rescue boats other than lifeboats which are also rescue boats, must be launched each month with their assigned crew aboard and maneuvered in the water. In all cases this requirement must be complied with at least once every 3 months.

(5) If a unit is fitted with marine evacuation systems, drills must include an exercising of the procedures required for the deployment of such a system up to the point immediately preceding actual deployment of the system. This aspect of drills should be augmented by regular instruction using the on board training aids. Additionally, every crew member assigned to duties involving the marine evacuation system must, as far as practicable, be further trained by participation in a full deployment of a similar system into water, either on board a unit or ashore, at intervals of not longer than 2 years, but in no case longer than 3 years.

(6) Emergency lighting for mustering and abandonment must be tested at each abandonment drill.

(7) On a unit carrying immersion suits or anti-exposure suits, immersion suits or anti-exposure suits must be worn by crew members and industrial personnel in at least one abandonment drill per month. If wearing the suit is impracticable due to warm weather, the crew members must be instructed on its donning and use.

(e) *Line-throwing appliance.* A drill must be conducted on the use of the line-throwing appliance at least once every 3 months. The actual firing of the appliance is at the discretion of the person in charge.

(f) *Fire drills.* (1) Fire drills must, as far as practicable, be planned in such a way that due consideration is given to regular practice in the various emergencies that may occur depending on the type of unit.

(2) Each fire drill must include—

(i) Reporting to stations, and preparing for the duties described in the muster list for the particular fire emergency being simulated;

(ii) Starting of fire pumps and the use of two jets of water to determine that the system is in proper working order;

(iii) Checking the fireman's outfits and other personal rescue equipment;

(iv) Checking the relevant communication equipment;

(v) Checking the operation of watertight doors, fire doors, and fire dampers and main inlets and outlets of ventilation systems in the drill area;

(vi) Checking the necessary arrangements for subsequent abandonment of the unit; and

(vii) Operation of remote controls for stopping ventilation and fuel supplies to machinery spaces.

(3) The equipment used during drills must immediately be brought back to its fully operational condition, and any faults and defects discovered during the drills must be remedied as soon as possible.

(g) *Onboard training and instruction.* (1) Except as provided in paragraph (g)(2) of this section, onboard training in the use of the unit's lifesaving appliances, including survival craft equipment, and in the use of the unit's fire-extinguishing appliances must be given to each member of the crew and industrial personnel as soon as possible but not later than 2 weeks after they join the unit.

(2) If crew or industrial personnel are on a regularly scheduled rotating assignment to the unit, onboard training in the use of the unit's lifesaving appliances, including survival craft equipment, and in the use of the unit's fire-extinguishing appliances must be given not later than 2 weeks after the time of first joining the unit.

(3) The crew and industrial personnel must be instructed in the use of the unit's fire-extinguishing appliances, lifesaving appliances, and in survival at sea at the same interval as the drills. Individual instruction may cover different parts of the unit's lifesaving and fire-extinguishing appliances, but all the unit's lifesaving and fire-extinguishing appliances, must be covered within any period of 2 months.

(4) Crew and industrial personnel must be given instructions which include, but are not limited to—

(i) The operation and use of the unit's inflatable liferafts;

(ii) The problems of hypothermia, first aid treatment for hypothermia and other appropriate first aid procedures;

(iii) The special instructions necessary for use of the unit's lifesaving appliances in severe weather and severe sea conditions; and

(iv) The operation and use of fire-extinguishing appliances.

(5) Onboard training in the use of davit-launched liferafts must take place at intervals of not more than 4 months on each unit with davit-launched liferafts. Whenever practicable this must include the inflation and lowering of a liferaft. If this liferaft is a special liferaft intended for training purposes only, and is not part of the unit's lifesaving

equipment, this liferaft must be conspicuously marked.

(6) Each of the industrial personnel without designated responsibility for the survival of others on board, must be instructed in at least—

(i) The emergencies which might occur on that particular type of unit;

(ii) The consequences of panic;

(iii) The location and actuation of fire alarm controls;

(iv) The location and proper method of use of firefighting equipment;

(v) Fire precautions;

(vi) The types of all lifesaving appliances carried on the unit and proper methods of using them, including—

(A) The correct method of donning and wearing a lifejacket, and if provided an immersion suit;

(B) Jumping into the water from a height while wearing a lifejacket and, if provided, an immersion suit;

(C) How to board survival craft from the unit and from the water;

(D) Operation and use of the unit's inflatable liferafts;

(E) Special instructions necessary for use of the unit's lifesaving appliances in severe weather and severe sea conditions;

(F) Swimming while wearing a lifejacket; and

(G) Keeping afloat without a lifejacket.

(vii) Where appropriate, how to survive in the water—

(A) In the presence of fire or oil on the water;

(B) In cold conditions; and

(C) If sharks may be present.

(viii) Problems of hypothermia, first aid treatment for hypothermia and other appropriate first aid procedures;

(ix) The need to adhere to the principles of survival; and

(x) The basic methods of boarding helicopters.

(7) Each member of the crew and each of the industrial personnel with designated responsibility for the survival of others on board must be instructed in at least the items covered in paragraph (g)(6) of this section, and—

(i) Methods of detection, isolation, control, and extinguishing of fire;

(ii) Checking and maintaining fire fighting equipment;

(iii) Marshaling of personnel; and

(iv) Abandonment of the unit, including—

(A) Launching survival craft;

(B) Getting survival craft quickly and safely clear of the unit; and

(C) Righting a capsized survival craft.

(v) Handling all survival craft and their equipment, including—

(A) Checking and maintaining their readiness for immediate use;

(B) Using equipment to the best advantage;

(C) Using the sea anchor;

(D) Remaining, as far as practicable, in the general vicinity of the unit, well clear of but not downwind of any hydrocarbons or fire;

(E) Recovering and, as far as practicable, caring for other survivors;

(F) Keeping a lookout;

(G) Operating available means of detection by others, including radio distress alerting and radio emergency procedures; and

(H) Making proper use of food and drinking water and using protective measures in survival craft such as those for preventing exposure to cold, sun, wind, rain, and sea, and for preventing seasickness.

(vi) Cautioning on the preservation of body fluids and the dangers of drinking seawater;

(vii) Transferring personnel from survival craft to helicopters or to work boats;

(viii) Maintaining morale; and

(ix) Methods of helicopter rescue.

(h) *Records.* (1) When musters are held, details of abandonment drills, fire drills, other lifesaving appliances, and onboard training must be recorded in the unit's official logbook. Logbook entries must include the following:

(i) Logbook entries must identify the date and time of the drill, muster, or training session.

(ii) Logbook entries must identify the survival craft and fire-extinguishing equipment used in the drills.

(iii) Logbook entries must identify the inoperative or malfunctioning equipment and the corrective action taken.

(iv) Logbook entries must identify crew members participating in drills or training sessions.

(v) Logbook entries must identify the subject of the onboard training session.

(2) If a full muster, drill, or training session is not held at the appointed time, an entry must be made in the logbook stating the circumstances and the extent of the muster, drill, or training session held.

§§ 109.215, 109.217, 109.219, 109.221, 109.225 [Removed]

88. Sections 109.215, 109.217, 109.219, 109.221, and 109.225 are removed.

89. Section 109.301 is revised to read as follows:

§ 109.301 Operational readiness, maintenance, and inspection of lifesaving equipment.

(a) *Operational readiness.* Except as provided in § 109.301(b)(3), each lifesaving appliance must be in good working order and ready for immediate use at all times when the unit is in operation.

(b) *Maintenance.* (1) The manufacturer's instructions for onboard maintenance of lifesaving appliances must be onboard and must include the following for each appliance—

(i) Checklists for use when carrying out the inspections required under § 109.301(e);

(ii) Maintenance and repair instructions;

(iii) A schedule of periodic maintenance;

(iv) A diagram of lubrication points with the recommended lubricants;

(v) A list of replaceable parts;

(vi) A list of sources of spare parts; and

(vii) A log for records of inspections and maintenance.

(2) In lieu of compliance with paragraph (b)(1) of this section, The OCMI may accept a planned maintenance program that includes the items listed in that paragraph.

(3) If lifeboats, rescue boats or rigid liferafts are maintained and repaired while the unit is in operation, there must be a sufficient number of lifeboats and liferafts remaining available for use to accommodate all persons on board.

(c) *Spare parts and repair equipment.* Spare parts and repair equipment must be provided for each lifesaving appliance and component subject to excessive wear or consumption and that needs to be replaced regularly.

(d) *Weekly inspections and tests.* (1) Each survival craft, rescue boat, and launching appliance must be visually inspected to ensure its readiness for use.

(2) Each lifeboat engine and rescue boat engine must be run ahead and astern for not less than 3 minutes, unless the ambient temperature is below the minimum temperature required for starting the engine. During this time, demonstrations should indicate that the gear box and gear box train are engaging satisfactorily. If the special characteristics of an outboard motor fitted to a rescue boat would not allow the outboard motor to be run other than with its propeller submerged for a period of 3 minutes, the outboard motor should be run for such period as prescribed in the manufacturer's handbook.

(3) The general alarm system must be tested.

(e) *Monthly inspections.* (1) Each lifesaving appliance, including lifeboat equipment, must be inspected monthly using the checklists required under paragraph (b) of this section to make sure it is complete and in good working

order. A report of the inspection, including a statement as to the condition of the equipment, must be recorded in the unit's official logbook.

(2) Each EPIRB and each SART other than an EPIRB or SART in an inflatable liferaft, must be tested monthly. The EPIRB must be tested using the integrated test circuit and output indicator to determine that it is operative.

(f) *Annual inspections.* Annual inspection and repair must include the following:

(1) Each survival craft, except for inflatable liferafts, must be stripped, cleaned, and thoroughly inspected and repaired, as needed, at least once in each year, including emptying and cleaning each fuel tank, and refilling it with fresh fuel.

(2) Each davit, winch, fall and other launching appliance must be thoroughly inspected and repaired, as needed, once in each year.

(3) Each item of survival equipment with an expiration date must be replaced during the annual inspection and repair, if the expiration date has passed.

(4) Each battery clearly marked with an expiration date, that is used in an item of survival equipment must be replaced during the annual inspection and repair, if the expiration date has passed.

(5) Except for a storage battery used in a lifeboat or rescue boat, each battery without an expiration date that is used in an item of survival equipment must be replaced during the annual inspection and repair.

(g) *Servicing of inflatable lifesaving appliances, inflated rescue boats, and marine evacuation systems.*

(1) Each inflatable lifesaving appliance and marine evacuation system must be serviced—

(i) Within 12 months of its initial packing; and

(ii) Within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the unit, provided the delay does not exceed 5 months.

(2) Each inflatable lifejacket must be serviced in accordance with servicing procedures meeting the requirements of part 160, subpart 160.176 of this chapter. Each hybrid inflatable lifejacket must be serviced in accordance with the owners manual and meet the requirements of part 160, subpart 160.077 of this chapter.

(3) Each inflatable liferaft must be serviced—

(i) Whenever the container of the raft is damaged, or the straps or seal broken; and

(ii) In accordance with servicing procedures meeting the requirements of part 160, subpart 160.051 of this chapter.

(4) Each inflated rescue boat must be repaired and maintained in accordance with the manufacturer's instructions. All repairs must be made at a servicing facility approved by the Commandant (G–MSE), except for emergency repairs carried out on board the unit.

(h) *Periodic servicing of hydrostatic release units.* Each hydrostatic release unit, other than a disposable hydrostatic release unit, must be serviced—

(1) Within 12 months of its manufacture and within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the unit, provided the delay does not exceed 5 months; and

(2) In accordance with repair and testing procedures meeting the requirements of part 160, subpart 160.062 of this chapter.

(i) *Periodic servicing of launching appliances and release gear.* (1) Launching appliances must be serviced at the intervals recommended in the manufacturer's instructions, or as set out in the shipboard planned maintenance program.

(2) Launching appliances must be thoroughly examined at intervals not exceeding 5 years and upon completion of the examination, the launching appliance must be subjected to a dynamic test of the winch brake.

(3) Lifeboat and rescue boat release gear must be serviced at the intervals recommended in the manufacturer's instructions, or as set out in the planned maintenance program.

(4) Lifeboat and rescue boat release gear must be subjected to a thorough examination by properly trained personnel familiar with the system at each inspection for certification.

(5) Lifeboat and rescue boat release gear must be operationally tested under a load of 1.1 times the total mass of the lifeboat when loaded with its full complement of persons and equipment, whenever overhauled, or at least once every 5 years.

(j) *Maintenance of falls.* (1) Each fall used in a launching appliance must be turned end-for-end at intervals of not more than 30 months and must be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.

(2) As an alternative to paragraph (j)(1) of this section, each fall may be inspected annually and renewed whenever necessary due to deterioration or at intervals of not more than 4 years, whichever is earlier.

(k) *Rotational deployment of marine evacuation systems.* In addition to or in conjunction with the servicing intervals of marine evacuation systems required by paragraph (g)(1) of this section, each marine evacuation system must be deployed from the unit on a rotational basis. Each marine evacuation system must be deployed at least once every 6 years.

§§ 109.305, 109.307, 109.313, 109.314, 109.317, 109.320, 109.321 [Removed]

90. Sections 109.305, 109.307, 109.313, 109.314, 109.317, 109.320 and 109.321 removed.

91. Section 109.323 is revised to read as follows:

§ 109.323 Manning of survival craft and supervision.

(a) There must be a sufficient number of trained persons on board the survival craft for mustering and assisting untrained persons.

(b) There must be a sufficient number of deck officers, able seamen, or certificated persons on board to operate the survival craft and launching arrangements required for abandonment by the total number of persons on board.

(c) There must be one person placed in charge of each survival craft to be used. The person in charge must—

(1) Be a deck officer, able seaman, or certificated person. The OCMI, considering the number of persons permitted on board, and the characteristics of the unit, may permit persons practiced in the handling and operation of liferafts or inflatable buoyant apparatus to be placed in charge of liferafts or inflatable buoyant apparatus;

(2) Have another person designated second-in-command of each lifeboat permitted to carry more than 40 persons. This person should be a deck officer, able seaman, or certificated person; and

(3) Have a list of the survival craft crew and must see that the crewmembers are acquainted with their duties. The second-in-command of a lifeboat must also have a list of the lifeboat crew.

(d) There must be a person assigned to each motorized survival craft who is capable of operating the engine and carrying out minor adjustments.

(e) The person in charge must make sure that the persons required under paragraphs (a), (b), and (c) of this section are equitably distributed among the unit's survival craft.

§ 109.325 [Removed]

92. Section 109.325 is removed.

§ 109.341 [Removed]

93. Section 109.341 is removed.

94. Section 109.425 is revised to read as follows:

§ 109.425 Repairs and alterations: fire detecting and extinguishing equipment.

(a) Before making repairs or alterations, except emergency repairs or alterations to fire detecting and extinguishing equipment, the master or person in charge shall report the nature of the repairs or alterations to the OCMI.

(b) When emergency repairs or alterations to fire detecting or fire-extinguishing equipment have been made, the master or person in charge shall report the nature of the repairs or alterations to the OCMI.

95. In § 109.433, paragraph (d) is revised; paragraphs (e) through (i), and (n) are removed; and paragraphs (j) through (m) are redesignated as paragraphs (e) through (h) to read as follows:

§ 109.433 Logbook entries.

* * * * *

(d) The logbook must include information on emergency training drills required in § 109.213(h).

* * * * *

96. In subpart E, the heading is revised to read as follows:

Subpart E—Emergency Signals

§ 109.501 [Removed]

97. Section 109.501 is removed.

98. In § 109.503, paragraph (a) is removed, and paragraphs (b) and (c) are redesignated as paragraphs (a) and (b), and the section heading and newly redesignated paragraph (b)(2) are revised to read as follows:

§ 109.503 Emergency signals.

* * * * *

(b) * * *

(2) If whistle signals are used to direct the handling of lifeboats and davit-launched liferafts, they must be—

(i) One short blast to lower the lifeboats and davit-launched liferafts; and

(ii) Two short blasts to stop lowering the lifeboats and davit-launched liferafts.

* * * * *

§ 109.505 [Removed]

99. Section 109.505 is removed.

SUBCHAPTER L—OFFSHORE SUPPLY VESSELS

PART 125—GENERAL

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.46.

100. In § 125.160, add definitions in alphabetical order, to read as follows:

§ 125.160 Definitions.

* * * * *

Anti-exposure suit means a protective suit designed for use by rescue boat crews and marine evacuation system parties.

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of approved equipment, including all of the approval series, is published periodically by the Coast Guard in Equipment Lists (COMDTINST M16714.3 series), available from the Superintendent of Documents.

* * * * *

Crew means all persons carried on board the OSV to provide navigation and maintenance of the OSV, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

* * * * *

Embarkation ladder means the ladder provided at survival craft embarkation stations to permit safe access to survival craft after launching.

Embarkation station means the place where a survival craft is boarded.

* * * * *

Float-free launching means that method of launching a survival craft or lifesaving appliance whereby the craft or appliance is automatically released from a sinking vessel and is ready for use.

* * * * *

Immersion suit means a protective suit that reduces loss of body heat of a person wearing it in cold water.

Inflatable appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is normally kept uninflated until ready for use.

Inflated appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is kept inflated and ready for use at all times.

* * * * *

Launching appliance or *launching arrangement* means the method or devices for transferring a survival craft or rescue boat from its stowed position to the water. For a launching arrangement using a davit, the term includes the davit, winch, and falls.

* * * * *

Lifejacket means a flotation device approved as a life preserver or lifejacket.

* * * * *

Marine evacuation system means an appliance designed to rapidly transfer large numbers of persons from an embarkation station by means of a passage to a floating platform for subsequent embarkation into associated survival craft, or directly into associated survival craft.

* * * * *

Muster station means the place where the crew and offshore workers assemble before boarding a survival craft.

Novel lifesaving appliance or arrangement means one that has new features not fully covered by the provisions of this part but that provides an equal or higher standard of safety.

* * * * *

Rescue boat means a boat designed to rescue persons in distress and to marshal survival craft.

Seagoing condition means the operating condition of the OSV with the personnel, equipment, fluids, and ballast necessary for safe operation on the waters where the OSV operates.

Survival craft means a craft capable of sustaining the lives of persons in distress from the time of abandoning the OSV on which the persons were originally carried. The term includes lifeboats, liferafts, buoyant apparatus, and lifefloats, but does not include rescue boats.

101. In § 125.180, paragraph (b) under International Maritime Organization (IMO), the entries for Resolution A.658(16) and Resolution A.760(18) are revised, and a new entry for Resolution A.520(13) is added in numerical order to read as follows:

§ 125.180 Incorporation by reference.

* * * * *

(b) * * *

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England

Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements, 17 November 1983. 133.40

Resolution A.658(16), Use and Fitting of Retroreflective Materials on Life-saving Appliances, 20 November 1989.	131.855; 131.875; 133.70
Resolution A.760(18), Symbols Related to Life-saving Appliances and Arrangements, 17 November 1993.	131.875; 133.70; 133.90
International Convention for the Safety of Life at Sea (SOLAS), Consolidated Edition, 1992	126.170

102. Part 133, consisting of §§ 133.03 through 133.175, is added to read as follows:

PART 133—LIFESAVING SYSTEMS

Subpart A—General

Subpart B—Requirements for All OSVs

Authority: 46 U.S.C. 3306; 46 CFR 1.46.

Subpart A—General

§ 133.03 Relationship to international standards.

This subpart and subpart B of this part are based on Chapter III, SOLAS. Section numbers in this subpart and subpart B of this part are generally related to the regulation numbers in Chapter III, SOLAS, but paragraph designations are not related to the numbering in Chapter III, SOLAS. To find the corresponding Chapter III, SOLAS regulation for this subpart and subpart B of this part, beginning with § 133.10, divide the section number following the decimal point by 10.

§ 133.07 Additional equipment and requirements.

The OCMI may require an OSV to carry specialized or additional lifesaving equipment other than as required in this part if the OCMI determines that the conditions of a voyage present uniquely hazardous circumstances which are not adequately addressed by existing requirements.

§ 133.09 Equivalents.

When this part requires a particular fitting, material, or lifesaving appliance or arrangement, the Commandant (G–MSE) may accept any other fitting, material, or lifesaving appliance or arrangement that is at least as effective as that required by this part. The Commandant may require engineering evaluations and tests to determine the equivalent effectiveness of the substitute fitting, material, or lifesaving appliance or arrangement.

§ 133.10 Applicability.

(a) Unless expressly provided otherwise in this part, this part applies to all inspected OSVs of the United States flag, including lifeboats.

(b) Offshore supply vessels which were constructed prior to October 1, 1996, must—

(1) By October 1, 1997, meet the requirements of §§ 133.60(a), 133.80, and 133.90;

(2) By October 1, 1997, fit retro-reflective material on all floating appliances, lifejackets, and immersion suits; and

(3) Offshore supply vessels may retain the arrangement of lifeboats, lifeboat davits, winches, inflatable liferafts, liferaft launching equipment, rescue boats, lifefloats, and buoyant apparatus previously required and approved for the OSV, as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(c) When any lifesaving appliance or arrangement on an OSV subject to this part is replaced, or when the OSV undergoes repairs, alterations, or modifications of a major character involving replacement of, or any addition to, the existing lifesaving appliances or arrangements, each new lifesaving appliance and arrangement must meet the requirements of this part, unless the OCMI determines that the OSV cannot accommodate the new appliance or arrangement.

§ 133.20 Exemptions.

(a) If a District Commander determines that the overall safety of the persons on board an OSV will not be significantly reduced, the District Commander may grant an exemption from compliance with a provision of this part to a specific OSV for a specified geographic area within the boundaries of the Coast Guard District. This exemption may be limited to certain periods of the year.

(b) Requests for exemption under this section must be in writing to the OCMI for transmission to the District Commander in the area in which the OSV is in service or will be in service.

(c) If the exemption is granted by the District Commander, the OCMI will endorse the OSV's Certificate of Inspection with a statement describing the exemption.

§ 133.40 Evaluation, testing and approval of lifesaving appliances and arrangements.

(a) Each item of lifesaving equipment required by this part to be carried on board the OSV must be approved.

(b) Each item of lifesaving equipment carried on board the OSV in addition to those required by this part must—

(1) Be approved; or

(2) Be accepted by the cognizant OCMI for use on the OSV.

(c) The Commandant (G–MSE) may accept a novel lifesaving appliance or arrangement if it provides a level of safety equivalent the requirements of this part and if the appliance or arrangement—

(1) Is evaluated and tested in accordance with IMO Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements; or

(2) Has successfully undergone evaluation and tests that are substantially equivalent to those recommendations.

(d) During an OSV's construction, and when any modification to the lifesaving arrangement is done after construction, a OSV owner must obtain acceptance of lifesaving arrangements from the Commandant (G–MSC).

(e) The OCMI may accept substitute lifesaving appliances other than those required by this part, except for—

(1) Survival craft and rescue boats; and

(2) Survival craft and rescue boat launching and embarkation appliances.

(f) Acceptance of lifesaving appliances and arrangements will remain in effect unless—

(1) The OCMI deems their condition to be unsatisfactory or unfit for the service intended; or

(2) The OCMI deems the crew's ability to use and assist others in the use of the lifesaving appliances or arrangements to be inadequate.

§ 133.45 Tests and inspections of lifesaving equipment and arrangements.

(a) *Initial inspection.* The initial inspection of lifesaving appliances and arrangements for certification includes a demonstration of—

(1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to 10 percent overload;

(2) The proper condition and operation of rescue boats, including engines and release mechanisms;

(3) The proper condition of flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment;

(4) The proper condition of distress signaling equipment, including EPIRB and pyrotechnic signaling devices;

(5) The proper condition of line-throwing appliances;

(6) The proper condition and operation of embarkation appliances, including embarkation ladders and marine evacuation systems;

(7) The ability of the crew to effectively carry out abandon-ship procedures; and

(8) The ability to meet the egress and survival craft launching requirements of this part.

(b) *Reinspections.* Tests and inspections of lifesaving equipment shall be carried out during each inspection for renewal of certification, and shall demonstrate, as applicable,—

(1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to full load;

(2) The proper condition and operation of rescue boats including engines and release mechanisms;

(3) The proper condition of flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment;

(4) That each inflatable liferaft and inflatable lifejacket has been serviced as required under this chapter;

(5) That each hydrostatic release unit, other than a disposable hydrostatic release unit, has been serviced as required under this chapter; and

(6) That the crew has the ability to effectively carry out abandon-ship procedures.

(c) *Other inspections.* Lifesaving appliances and arrangements are subject to tests and inspections described in paragraph (b) of this section during OSV boardings to ensure that the appliances and arrangements comply with applicable requirements, are in satisfactory condition, and remain fit for service.

Subpart B—Requirements for All OSVs

§ 133.60 Communications.

(a) *Emergency position indicating radiobeacons (EPIRB) and search and rescue transponders (SART).*

(1) Each OSV must carry a category 1 406 MHz satellite EPIRB meeting the requirements of 47 CFR part 80.

(2) When the OSV is underway, the EPIRB must be stowed in its float-free bracket with the controls set for automatic activation and mounted in a manner so that it will float free if the OSV sinks.

(3) Each EPIRB should have the name of the OSV plainly marked or painted on its label, except for EPIRBs in an inflatable liferaft or permanently installed in a survival craft.

(b) *Distress flares.* Each OSV must—

(1) Carry not less than 12 rocket parachute flares approved under approval series 160.136; and

(2) Stow the flares on or near the OSV's navigating bridge.

(c) *Onboard communications and alarm systems.* Each OSV must meet the requirements for onboard communications between emergency control stations, muster and embarkation stations, and strategic positions on board, and the emergency alarm system requirements in part J of this chapter, and be supplemented by either a public address system or other suitable means of communication.

(d) *Emergency position indicating radiobeacon alternative.* OSVs, as an alternative to the requirements in paragraph (a) of this section, may until February 1, 1999, have a Coast Guard-approved class A EPIRB, if the EPIRB was—

(1) Manufactured after October 1, 1988; and

(2) Installed on the OSV on or before July 5, 1996.

§ 133.70 Personal lifesaving appliances.

(a) *Lifebuoys.* Each OSV must carry lifebuoys approved under approval series 160.150 and 160.050 as follows:

(1) *Number.* The number of lifebuoys carried must be as prescribed in table 133.70 of this section.

TABLE 133.70

Length of vessel in meters (feet)	Minimum number of ring lifebuoys	
	Ocean service	Coast-wise service
Under 30 (98)	8	3
30 (98) and under 60 (196)	8	4
60 (196) and under 100 (328)	8	6
100 (328) and over ...	12	12

(2) *Stowage.* Lifebuoys must be stowed as follows:

(i) Each lifebuoy must be capable of being rapidly cast loose.

(ii) Each lifebuoy must not be permanently secured to the OSV in any way.

(iii) Each lifebuoy stowage position must be marked with either the words ''LIFEBUOY'' or ''LIFE BUOY'', or with the appropriate symbol from IMO Resolution A.760(18).

(iv) Lifebuoys must be so distributed as to be readily available on each side of the OSV and, as far as practicable, on each open deck extending to the side of the OSV. At least one lifebuoy must be located near the stern of the OSV. The lifebuoys with attached self-igniting lights must be equally distributed on both sides of the OSV.

(3) *Color and markings.* Lifebuoys must be colored and marked as follows:

(i) Each lifebuoy must be orange.

(ii) Each lifebuoy must be marked in block capital letters with the name of the OSV and the name of the port required to be marked on the stern of the OSV under § 67.13 of this chapter.

(4) *Attachments and fittings.* Lifebuoys must have the following attachments and fittings:

(i) At least one lifebuoy on each side of the OSV fitted with a buoyant lifeline that is—

(A) At least as long as twice the height where it is stowed above the waterline in the lightest seagoing condition, or 30 meters (100 feet), whichever is the greater;

(B) Non-kinking;

(C) Not less than 8 millimeters (5⁄16 inch) in diameter;

(D) Of a breaking strength which is not less than 5 kiloNewtons (1,124 pounds-force); and

(E) Resistant to deterioration from ultraviolent light. Line that is certified by the manufacturer or is synthetic and a dark color meets this requirement.

(ii) Except for an OSV in coastwise service and under 30 meters (99 feet) in length, at least one-half the total number of lifebuoys, but not less than two, must

each be fitted with a self-igniting light approved under approval series 161.010. The self-igniting light must not be attached to the lifebuoys required by this section to be fitted with lifelines. However, if the OSV carries less than four lifebuoys, a buoyant lifeline can be fitted to one of the lifebuoys with a self-igniting light.

(b) *Lifejackets.* Each OSV must carry lifejackets approved under approval series 160.002, 160.005, 160.055, 160.077, 160.155, 160.176, or 160.177. If the OSV carries inflatable lifejackets, they must be of the same or similar design and have the same method of operation.

(1) *General.* Each OSV must carry a lifejacket for each person on board and in addition, a sufficient number of lifejackets must be carried for persons on watch and for use at remotely located survival craft stations.

(2) *Stowage.* Lifejackets must be stowed as follows:

(i) The lifejackets must be readily accessible.

(ii) The lifejacket stowage positions must be marked with either the word ''LIFEJACKETS'' or with the appropriate symbol from IMO Resolution A.760(18).

(iii) The additional lifejackets required by paragraph (b)(1) of this section must be stowed on the bridge, in the engine control room, and at other manned watch stations..

(3) *Markings.* Each lifejacket must be marked—

(i) In block capital letters with the name of the OSV; and.

(ii) With type I retro-reflective material approved under approval series 164.018. The arrangement of the retro-reflective material must meet IMO Resolution A.658(16).

(4) *Lifejacket lights.* Each lifejacket must have a lifejacket light approved under approval series 161.112 or 161.012 securely attached to the front shoulder area of the lifejacket. Chemiluminescent-type lifejacket lights approved under approval series 161.012 are not permitted on OSVs certificated to operate on waters where water temperature may drop below 10 °C (50 °F).

(c) *Immersion suits or anti-exposure suits.* Immersion suits must be approved under approval series 160.171, and anti-exposure suits must be approved under approval series 160.153.

(1) *General.* Each OSV, except OSVs operating in the Gulf of Mexico or on other routes between 32 degrees north latitude and 32 degrees south latitude, must carry—.

(i) An immersion suit or anti-exposure suit of suitable size for each person assigned to the rescue boat crew; and

(ii) An immersion suit of the appropriate size for each person on board. The immersion suits required under this paragraph count toward meeting the requirements of paragraph (c)(1)(i) of this section.

(2) *Stowage.* Immersion suits and anti-exposure suits must be stowed as follows:

(i) Immersion suits and anti-exposure suits must be stowed so they are readily accessible, and the stowage positions must be marked with the words ''IMMERSION SUITS'' or ''ANTI-EXPOSURE SUITS'' as appropriate, or with the appropriate symbol from IMO Resolution A.760(18).

(ii) If watch stations, work stations, or work sites are remote from cabins, staterooms, or berthing areas and the immersion suits are stowed in those locations, there must be, in addition to the immersion suits required under paragraph (c)(1)(ii) of this section, enough immersion suits stowed at the watch stations, work stations, or work sites to equal the number of persons normally on watch in, or assigned to, those locations at any time.

(3) *Markings.* Each immersion suit or anti-exposure suit must be marked in block capital letters with the name of the OSV.

(4) *Lights for immersion suits or anti-exposure suits.* Each immersion suit or anti-exposure suit must have a lifejacket light approved under approval series 161.112 or 161.012 securely attached to the front shoulder area of the immersion suit or anti-exposure suit. Chemiluminescent-type lifejacket lights approved under approval series 161.012 are not permitted on OSVs certificated to operate on waters where water temperature may drop below 10 °C (50 °F).

(d) *Lifejacket, immersion suit, and anti-exposure suit containers.* Each lifejacket, immersion suit, and anti-exposure suit container must be marked in block capital letters and numbers with the quantity, identity, and size of the equipment stowed inside the container. The equipment may be identified in words, or with the appropriate symbol from IMO Resolution A.760(18).

§ 133.80 Emergency instructions.

(a) *General.* Copies of clear instructions must be provided on the OSV, detailing the actions that each person on board should follow in the event of an emergency.

(b) *Emergency instructions.* Illustrations and instructions in English and any other appropriate language, as determined by the OCMI, must be conspicuously displayed at each muster station and in spaces where offshore workers are carried, to inform offshore workers of—

(1) The fire and emergency signal;

(2) Their muster station;

(3) The essential actions they must take in an emergency;

(4) The location of lifejackets; and

(5) The method of donning lifejackets.

§ 133.90 Operating instructions.

Each OSV must have posters or signs displayed in the vicinity of each survival craft and the survival craft's launching controls that—

(a) Illustrate the purpose of controls;

(b) Illustrate the procedures for operating the launching device;

(c) Give relevant instructions or warnings;

(d) Can be easily seen under emergency lighting conditions; and

(e) Display symbols in accordance with IMO Resolution A.760(18).

§ 133.105 Survival craft.

(a) Each survival craft must be approved and equipped as follows:

(1) Each inflatable liferaft—

(i) On an OSV on an unlimited oceans route, must be approved under approval series 160.151 and be equipped with a SOLAS A pack;

(ii) On an OSV on an oceans route limited to within 50 nautical miles of the shore, must be approved under approval series 160.151 and be equipped with either a SOLAS A pack or SOLAS B pack; and

(iii) On an OSV on a coastwise route, must be approved under approval series 160.151 or 160.151, with any approved equipment pack.

(2) Each rigid liferaft must be approved under approval series 160.118 and be equipped as specified in table 133.175 of this part.

(3) Each inflatable buoyant apparatus must be approved under approval series 160.010.

(4) Each lifefloat must be approved under approval series 160.027 and be equipped with the following:

(i) *One boathook.*

(ii) *Two paddles.* Each paddle must be at least 1.2 meters (4 feet) long and buoyant.

(iii) *One painter.* The painter must—

(A) Be at least 30 meters (100 feet) long, but not less than three times the distance between the deck where the lifefloats are stowed and to the OSV's waterline in the lightest seagoing condition;

(B) Have a breaking strength of at least 6.7 kiloNewtons (1,500 pounds-force), except that if the capacity of the lifefloat is 50 persons or more, the breaking strength must be at least 13.4 kiloNewtons (3,000 pounds-force);

(C) If made of a synthetic material, be dark in color or certified by the manufacturer to be resistant to deterioration from ultraviolet light;

(D) Be stowed in such a way that it runs out freely when the buoyant apparatus, inflatable buoyant apparatus, or lifefloat floats away from the sinking OSV; and

(E) Have a float-free link meeting the requirements of part 160, subpart 160.073 of this chapter, connecting the painter to the OSV.

(iv) *One self-igniting light.* The self-igniting light must be approved under approval series 161.010, and must be attached to the buoyant apparatus, inflatable buoyant apparatus, or lifefloat by a 12-thread manila or equivalent lanyard, at least 5.5 meters (18 feet) long. The self-igniting light is not required on a lifefloat with a capacity of 24 persons or less.

(5) Each marine evacuation system must be approved under approval series 160.175.

(6) Lifeboats may be substituted for liferafts. If lifeboats are installed on an OSV, their installation and arrangement must meet the applicable requirements of subchapter W of this chapter.

(b) Except as provided in paragraph (c) of this section, OSVs must carry one or more liferafts with an aggregate capacity that will accommodate the total number of persons on board. The liferafts must be—

(1) Stowed in a position providing for easy side-to-side transfer at a single open deck level; or

(2) Additional liferafts must be provided to bring the total capacity available on each side to at least 100 percent of the total number of persons on board. If additional liferafts are provided and the rescue boat required under § 133.135 is also a lifeboat, it may be included in the aggregate capacity requirement.

(c) Each OSV operating in the Gulf of Mexico, as an alternative to the requirements of paragraph (b) of this section, may carry a sufficient number of inflatable buoyant apparatus or a sufficient number of lifefloats, having an aggregate capacity that, together with any lifeboats, rescue boats, and liferafts, will accommodate the total number of persons on board.

§ 133.110 Survival craft muster and embarkation arrangements.

(a) Each OSV must have muster stations that—

(1) Are near the embarkation stations, unless the muster station is the embarkation station;

(2) Permit ready access for the offshore workers to the embarkation station, unless the muster station is the embarkation station; and

(3) Have sufficient room to marshal and instruct the offshore workers.

(b) Each muster station must have sufficient space to accommodate all persons assigned to muster at that station. One or more muster stations must be close to each embarkation station.

(c) Each muster station and embarkation station must be readily accessible to accommodation and work areas.

(d) Each muster station and embarkation station must be adequately illuminated by lighting supplied from the emergency source of electrical power.

(e) Each davit-launched survival craft muster station and embarkation station must be arranged to enable stretcher cases to be placed in the survival craft.

(f) Each launching station or each two adjacent launching stations with an embarkation position more than 3 meters (10 feet) above the waterline in the lightest seagoing condition, must have an embarkation ladder as follows:

(1) Each embarkation ladder must be approved under approval series 160.117 or approval series 160.017.

(2) Each embarkation ladder must extend in a single length, from the deck to the waterline in the lightest seagoing condition under unfavorable conditions of trim and with the OSV listed not less than 15 degrees either way.

(3) Each embarkation ladder may be replaced by a device approved to provide safe and rapid access to survival craft in the water, if the OCMI permits the device, provided that there is at least one embarkation ladder on each side of the OSV.

(g) Each davit-launched liferaft must be arranged to be boarded and launched from a position immediately adjacent to the stowed position or from a position to where, under § 133.130, the liferaft is transferred before launching.

(h) If a davit-launched survival craft is embarked over the edge of the deck, the craft must be provide with a means for bringing it against the side of the OSV and holding it alongside the OSV to allow persons to safely embark.

(i) If a davit-launched survival craft or rescue boat is not intended to be moved to the stowed position with persons on board, the craft must be provided with a means for bringing it against the side of the OSV and holding it alongside the OSV to allow persons to safely disembark after a drill.

§ 133.120 Launching stations.

(a) Each launching station must be positioned to ensure safe launching with clearance from—

(1) The propeller; and

(2) The steeply overhanging portions of the hull.

(b) Each survival craft be launched down the straight side of the OSV.

(c) Each launching station in the forward part of the OSV must—

(1) Be located aft of the collision bulkhead in a sheltered position; and

(2) Have a launching appliance approved as being of sufficient strength for forward installation.

§ 133.130 Stowage of survival craft.

(a) *General.* Each survival craft must be stowed as follows:

(1) Each survival craft must be as close to the accommodation and service spaces as possible.

(2) Each survival craft must be in a way that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft or rescue boat at any other launching station.

(3) Each survival craft must be as near the water surface as is safe and practicable.

(4) Other than liferafts intended for throw-overboard launching, each survival craft must be not less than 2 meters above the waterline with the OSV—

(i) In the fully loaded condition;

(ii) Under unfavorable conditions of trim; and

(iii) Listed up to 20 degrees either way, or to the angle where the OSV's weatherdeck edge becomes submerged, whichever is less.

(5) Each survival craft must be sufficiently ready for use so that two crew members can complete preparations for embarkation and launching in less than 5 minutes.

(6) Each survival craft must be fully equipped as required under this part.

(7) Each survival craft must be in a secure and sheltered position and protected from damage by fire and explosion, as far as practicable.

(8) Each survival craft must not require lifting from its stowed position in order to launch, except that—

(i) A davit-launched liferaft may be lifted by a manually powered winch from its stowed position to its embarkation position; or

(ii) A survival craft that weights 185 kilograms (407.8 pounds) or less, may require lifting of not more than 300 millimeters (1 foot).

(b) *Additional liferaft stowage requirements.* In addition to meeting the requirements of paragraph (a) of this section, each liferaft must be stowed as follows:

(1) Each liferaft must be stowed to permit manual release from its securing arrangements.

(2) Each liferaft must be stowed at a height above the waterline in the lightest seagoing condition not greater than the maximum stowage height indicated on the liferaft container. Each liferaft without an indicated maximum stowage height must be stowed not more than 18 meters (59 feet) above the waterline in the OSV's lightest seagoing condition.

(3) Each liferaft must be arranged to permit it to drop into the water from the deck on which it is stowed. A liferaft stowage arrangement meets this requirement if it—

(i) Is outboard of the rail or bulwark;

(ii) Is on stanchions or on a platform adjacent to the rail or bulwark; or

(iii) Has a gate or other suitable opening to allow the liferaft to be pushed directly overboard and—

(A) Each gate or opening must be large enough to allow the liferaft to be pushed overboard; and

(B) If the liferaft is intended to be available for use on either side of the OSV, a gate or opening must be provided on each side.

(4) Each davit-launched liferaft must be stowed within reach of its lifting hook, unless some means of transfer is provided that is not rendered inoperable—

(i) Within the limits of trim and list and list specified in paragraph (a)(4)(iii) of this section;

(ii) By OSV motion; or

(iii) By power failure.

(5) Each rigid container for an inflatable liferaft to be launched by a launching appliance must be secured in a way that the container or parts of it are prevented from falling into the water during and after inflation and launching of the contained liferaft.

(6) Each liferaft must have a painter system providing a connection between the OSV and the liferaft.

(7) Each liferaft or group of liferafts must be arranged for float-free launching. The arrangement must ensure that the liferaft or liferafts when released and inflated, are not dragged under by the sinking OSV. A hydrostatic release unit used in a float-free arrangement must be approved under approval series 160.162.

(c) *Additional lifefloat stowage requirements.* Each lifefloat must be capable of float-free launching and be arranged as follows:

(1) Lifefloats must be secured to the OSV by—

(i) A hydrostatic release unit approved under approval series 160.062 or 160.162 and that is appropriate for the size and number of the lifefloats attached to them; or

(ii) Lashings that can be easily slipped.

(2) A painter must be secured to the lifefloat by—

(i) The attachment fitting provided by the manufacturer; or

(ii) A wire or line that encircles the body of the lifefloat and will not slip off, and meets the requirements of § 133.105(a)(4)(iii).

(3) If lifefloats are arranged in groups with each group secured by a single painter,—

(i) The combined weight of each group must not exceed 185 kilograms (407.8 pounds);

(ii) Each lifefloat must be individually attached to the group's single painter by its own painter which must be long enough to allow floating without contact with any other lifefloat in the group;

(iii) The strength of the float-free link and the strength of the group's single painter must be appropriate for the combined capacity of the group of lifefloats;

(iv) The group of lifefloats must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers; and

(v) The group of lifefloats must be stowed to prevent shifting with easily detached lashings.

§ 133.135 Rescue boats.

(a) Each OSV must carry at least one rescue boat. Each rescue boat must be approved under approval series 160.156 and equipped as specified in table 133.175 of this part.

(b) Offshore supply vessels, as an alternative to the requirement in paragraph (a) of this section, may carry a motor-propelled workboat or a launch if the workboat or launch must meet the embarkation, launching, and recovery arrangement requirements in § 133.160(a), (c), (d), (e), and (f).

(c) A rescue boat is not required for a vessel operating on the continental shelf of the United States, if—

(1) The OCMI determines the vessel is arranged to allow a helpless person to be recovered from the water;

(2) The recovery of the helpless person can be observed from the navigating bridge; and

(3) The vessel does not regularly engage in operations that restrict its maneuverability.

§ 133.140 Stowage of rescue boats.

(a) Rescue boats must be stowed as follows:

(1) Each rescue boat must be ready for launching in not more than 5 minutes.

(2) Each rescue boat must be in a position suitable for launching and recovery.

(3) Each rescue boat must be stowed in a way that neither the rescue boat nor its stowage arrangements will interfere with the operation of any survival craft at any other launching station.

(b) Each rescue boat must be provided a means for recharging the rescue boat batteries from the OSV's power supply at a supply voltage not exceeding 50 volts.

(c) Each inflated rescue boat must be kept fully inflated at all times.

§ 133.145 Marine evacuation system launching arrangements.

(a) *Arrangements.* Each marine evacuation system must have the following arrangements:

(1) Each marine evacuation system must be capable of being deployed by one person.

(2) Each marine evacuation system must enable the total number of persons for which it is designed, to be transferred from the OSV into the inflated liferafts within a period of 10 minutes from the time an abandon-ship signal is given.

(3) Each marine evacuation system must be arranged so that liferafts may be securely attached to the platform and released from the platform by a person either in the liferaft or on the platform.

(4) Each marine evacuation system must be capable of being deployed from the OSV under unfavorable conditions of trim of up to 10 degrees either way and of list of up to 20 degrees either way.

(5) If the marine evacuation system has an inclined slide, the angle of the slide from horizontal must be within a range of 30 to 35 degrees when the OSV is upright and in the lightest seagoing condition.

(6) Each marine evacuation system platform must be capable of being restrained by a bowsing line or other positioning system that is designed to deploy automatically, and if necessary, be capable of being adjusted to the position required for evacuation.

(b) *Stowage.* Each marine evacuation system must be stowed as follows:

(1) There must not be any openings between the marine evacuation system's embarkation station and the OSV's side at the OSV's waterline in the lightest seagoing condition.

(2) The marine evacuation system's launching positions must be arranged, as far as practicable, to be straight down the OSV's side and safely clear the propeller and any steeply overhanging positions of the hull.

(3) The marine evacuation system must be protected from any projections of the OSV's structure or equipment.

(4) The marine evacuation system's passage and platform, when deployed; its stowage container; and its

operational arrangement must not interfere with the operation of any other lifesaving appliance at any other launching station.

(5) Where appropriate, the marine evacuation system's stowage area must be protected from damage by heavy seas.

(c) *Stowage of associated liferafts.* Inflatable liferafts used in conjunction with the marine evacuation system must be stowed as follows:

(1) Each inflatable liferaft used in conjunction with the marine evacuation system must be close to the system container, but capable of dropping clear of the deployed chute and boarding platform.

(2) Each inflatable liferaft used in conjunction with the marine evacuation system must be capable of individual release from its stowage rack.

(3) Each inflatable liferaft used in conjunction with the marine evacuation system must be stowed in accordance with § 133.130.

(4) Each inflatable liferaft used in conjunction with the marine evacuation system must be provided with preconnected or easily connected retrieving lines to the platform.

§ 133.150 Survival craft launching and recovery arrangements: general.

(a) All survival craft required for abandonment by the total number of persons on board must be capable of being launched with their full complement of persons and equipment within 10 minutes from the time the abandon-ship signal is given.

(b) Each launching appliance for a davit-launched liferaft must be approved under approval series 160.163, with an automatic disengaging apparatus approved under approval series 160.170.

(c) Unless expressly provided otherwise, each survival craft must be provided launching appliances or marine evacuation systems, except—

(1) Those survival craft that can be boarded from a position on deck less than 4.5 meters (14.75 feet) above the waterline in the lightest seagoing condition and that have a mass of not more than 185 kilograms (407 pounds);

(2) Those survival craft that can be boarded from a position on deck less than 4.5 meters (14.75 feet) above the waterline in the lightest seagoing condition and that are stowed for launching directly from the stowed position, under unfavorable conditions of trim of 10 degrees and list of 20 degrees either way;

(3) Those survival craft that are carried in excess of the survival craft for 200 percent of the total number of persons on board the OSV, and that have a mass of not more than 185 kilograms (407 pounds);

(4) Those survival craft carried in excess of the survival craft for 200 percent of the total number of persons on board the OSV, and are stowed for launching directly from the stowed position under unfavorable conditions of trim of 10 degrees and list of 20 degrees either way;

(5) Those survival craft that are provided for use in conjunction with a marine evacuation system, and stowed for launching directly from the stowed position under unfavorable conditions of trim of 10 degrees and list of 20 degrees either way; or

(6) Liferafts installed on lifeboats.

(d) Each launching appliance must be arranged so that the fully equipped survival craft the launching appliance serves can be safely launched against unfavorable conditions of trim of up to 10 degrees either way and of list of up to 20 degrees either way,—

(1) When the survival craft is loaded with its full complement of persons; and

(2) When not more than the required operating crew is on board.

(e) A launching appliance must not depend on any means other than gravity or stored mechanical power, independent of the OSV's power supplies, to launch the survival craft the launching appliance serves, in the fully loaded and equipped condition, and also in the light condition.

(f) Each launching appliance's structural attachment to the OSV must be designed to be at least 4.5 times—

(1) The load imparted on the attachment by the launching appliance and its fully loaded survival craft under the most adverse combination of list and trim as required under paragraph (b) of this section; and

(2) The ultimate strength of the construction material.

(g) Each launching appliance must be arranged so that—

(1) All parts requiring regular maintenance by the OSV's crew are readily accessible and easily maintained;

(2) The launching appliance remains effective under conditions of icing;

(3) The same type of release mechanism is used for each similar survival craft carried on board the OSV;

(4) The preparation and handling of each survival craft at any one launching station does not interfere with the prompt preparation and handling of any other survival craft at any other station;

(5) The persons on board the OSV can safely and rapidly board the survival craft;

(6) Each davit-launched liferaft can be boarded by its full complement of persons within 3 minutes from the time the instruction to board is given: and

(7) During preparation and launching, the survival craft, its launching appliance, and the area of water into which it is to be lunched is illuminated by lighting supplied from the emergency source of electrical power.

(h) Each launching mechanism must be arranged so it may be actuated by one person, both from a position on the OSV's deck, and from a position within the survival craft. Each launching and recovery arrangement must allow the operator on the deck to observe the survival craft at all times during launching.

(i) Means must be provided outside the machinery space to prevent any discharge of water onto survival craft during abandonment.

§ 133.153 Survival craft launching and recovery arrangement using falls and a winch.

Survival craft launching and recovery arrangements, in addition to meeting the requirements in § 133.150, must meet the following requirements:

(a) Each fall wire must be of rotation-resistant and corrosion-resistant steel wire rope.

(b) The breaking strength of each fall wire and each attachment used on the fall must be at least six time the load imparted on the fall by the fully-loaded survival craft.

(c) Each fall must be long enough for the survival craft to reach the water with the OSV in its lightest seagoing condition, under unfavorable conditions of trim and with the OSV listed not less than 20 degrees either way.

(d) Each unguarded fall must not pass near any operating position of the winch, such as hand cranks, pay-out wheels, and brake levers.

(e) Each winch drum must be arranged so the fall wire winds onto the drum in a level wrap. A multiple drum winch must be arranged so that the falls wind off at the same rate when lowering, and onto the drums at the same rate when hoisting.

(f) Each fall, where exposed to damage or fouling, must have guards or equivalent protection. Each fall that leads along a deck must be covered with a guard that is not more than 300 millimeters (1 foot) above the deck.

(g) The lowering speed for a fully loaded survival craft must be not less than that obtained from the following formula:

(1) $S=0.4+(0.02\ H)$, where S is the speed of lowering in meters per second, and H is the height in meters from the davit head to the waterline at the lightest seagoing condition.

(2) S=79+(1.2 H), where S is the speed of lowering in feet per minute, and H is the height in feet.

(h) The lowering speed for a survival craft loaded with all of its equipment must be not less than 70 percent of the speed required under paragraph (g) of this section.

(i) The lowering speed for a fully loaded survival craft must be not more than 1.3 meters per second (256 feet per minute).

(j) If a survival craft is recovered by electric power, the electrical installation, including the electric power-operated boat winch, must meet the requirements in part 129 of this chapter. If a survival craft is recovered by any means of power, including a portable power source, safety devices must be provided which automatically cut off the power before the davit arms or falls reach the stops in order to avoid overstressing the falls or davits, unless the motor is designed to prevent such overstressing.

(k) Each launching appliance must be fitted with brakes that meet the following requirements:

(1) The brakes must be capable of stopping the descent of the survival craft or rescue boat and holding it securely when loaded with its full complement of persons and equipment.

(2) The brake pads must, where necessary, be protected from water and oil.

(3) Manual brakes must be arranged so that the brake is always applied unless the operator, or a mechanism activated by the operator, holds the brake control in the off position.

§ 133.160 Rescue boat embarkation, launching and recovery arrangements.

(a) Each rescue boat must be able to be boarded and launched directly from the stowed position with the number of persons assigned to crew the rescue boat on board. If the rescue boat is also a lifeboat and the other lifeboats are boarded and launched from an embarkation deck, the arrangements must be such that the rescue boat can also be boarded and launched from the embarkation deck.

(b) Each rescue boat must be capable of being launched with the OSV making headway of 5 knots in calm water. A painter may be used to meet this requirement.

(c) Each rescue boat embarkation and launching arrangement must permit the rescue boat to be boarded and launched in the shortest possible time.

(d) Rapid recovery of the rescue boat must be possible when loaded with its full complement of persons and equipment.

(e) Each rescue boat launching appliance must be fitted with a powered winch motor.

(f) Each rescue boat launching appliance must be capable of hoisting the rescue boat when loaded with its full rescue boat complement of persons and equipment at a rate of not less than 0.3 meters per second (59 feet per minute).

§ 133.170 Line-throwing appliance.

(a) *General.* Each OSV must have a line-throwing appliance that is approved under approval series 160.031 or 160.040.

(b) *Stowage.* The line-throwing appliance and its equipment must be readily accessible for use.

(c) *Additional equipment.* Each OSV must carry the following equipment for the line-throwing appliance:

(1) The equipment on the list provided by the manufacturer with the approved appliance.

(2) An auxiliary line that—

(i) For an appliance approved under approval series 160.040, is at least 450 meters (1,500 feet) long;

(ii) For an appliance approved under approval series 160.031, is at least 150 meters (500 feet) long;

(iii) Has a breaking strength of at least 40 kiloNewtons (9,000 pounds-force); and

(iv) Is, if synthetic, a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light.

§ 133.175 Survival craft and rescue boat equipment.

(a) All rescue boat equipment must be as follows:

(1) The equipment must be secured within the boat by lashings, storage in lockers or compartments, storage in brackets or similar mounting arrangements, or other suitable means.

(2) The equipment must be secured in such a manner as not to interfere with any abandonment procedures or reduce seating capacity.

(3) The equipment must be as small and of as little mass as possible.

(4) The equipment must be packed in a suitable and compact form.

(5) The equipment should be stowed so the items do not—

(i) Reduce the seating capacity;

(ii) Adversely affect the seaworthiness of the survival craft or rescue boat; or

(iii) Overload the launching appliance.

(b) Each rigid liferaft and rescue boat, unless otherwise stated in this paragraph, must carry the equipment specified for it in table 133.175 of this section. Each item in the table has the same description as in § 199.175 of this chapter.

TABLE 133.175.—SURVIVAL CRAFT EQUIPMENT

Item No.	Item	Oceans		Coastwise	
		Rigid life-raft (SOLAS A Pack)	Rescue boat	Rigid life-raft (SOLAS B Pack)	Rescue boat
1	Bailer [1]	1	1	1	1
3	Boathook	.....	1	.....	1
4	Bucket [2]	.....	1	.....	1
5	Can opener	3	.....	.....	.....
6	Compass	.....	1	.....	1
8	Drinking cup	1	.....	.....	.....
9	Fire extinguisher	.....	1	.....	1
10	First-aid kit	1	1	1	1
11	Fishing kit	1	.....	.....	.....
12	Flashlight	1	1	1	1
14	Heaving line	1	2	1	2
15	Instruction card	1	.....	1	.....
17	Knife [1 3]	1	1	1	1
18	Ladder	.....	1	.....	1
19	Mirror, signalling	1	.....	1	.....

TABLE 133.175.—SURVIVAL CRAFT EQUIPMENT—Continued

Item No.	Item	Oceans		Coastwise	
		Rigid life-raft (SOLAS A Pack)	Rescue boat	Rigid life-raft (SOLAS B Pack)	Rescue boat
20	Oars, units [4]	.....	1	.....	1
	Paddles	2	.....	2	.....
21	Painter	1	1	1	1
22	Provisions (units per person)	1	.....	.....	.....
23	Pump [5]	.....	1	.....	1
24	Radar reflector	1	1	1	1
26	Repair kit [5]	.....	1	.....	1
27	Sea anchor	2	1	2	1
28	Searchlight	.....	1	.....	1
29	Seasickness kit (units per person)	1	.....	1	.....
30	Signal, smoke	2	.....	1	.....
31	Signal, hand flare	6	.....	6	.....
32	Signal, parachute flare	4	.....	4	.....
34	Sponge [5]	2	2	2	2
35	Survival instructions	1	.....	1	.....
36	Table of lifesaving signals	1	.....	1	.....
37	Thermal protective aids (percent of persons) [6]	10%	10%	10%	10%
39	Towline	.....	1	.....	1
40	Water (liters per person)	1.5	.....	1	.....
41	Whistle	1	1	1	1

Notes:
[1] Each liferaft equipped for 13 persons or more must carry two of these items.
[2] Not required for inflated or rigid-inflated rescue boats.
[3] A hatchet counts towards this requirement in rigid rescue boats.
[4] Oars are not required on a free-fall lifeboat; a unit of oars means the number of oars specified by the boat manufacturer.
[5] Not required for a rigid rescue boat.
[6] Sufficient thermal protective aids are required for at least 10% of the persons the survival craft is equipped to carry, but not less than two.

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

103. The authority citation for part 167 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 8105; 46 U.S.C. App. 1295g; 49 CFR 1.46.

104. Section 167.05–25 is revised to read as follows:

§ 167.05–25 Nautical school ship.

The term *nautical school ship* means a vessel operated by or in connection with a nautical school or an educational institution under Section 13 of the Coast Guard Authorization Act of 1986.

105. Section 167.05–35 is added to read as follows:

§ 167.05–35 Public nautical school.

The term *public nautical school* means any school or branch thereof operated by any State or political subdivision thereof or a school operated by the United States Maritime Administration that offers instruction for the primary purpose of training for service in the merchant marine.

106. Section 167.15–28 is added to read as follows:

§ 167.15–28 Inspection of lifesaving appliances and arrangements.

The inspection of lifesaving appliances and arrangements must be in accordance with the requirements for special purpose vessels in subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

107. Section 167.35–1 is revised to read as follows:

§ 167.35–1 General.

Lifesaving appliances and arrangements on nautical school ships must be in accordance with the requirements for special purpose vessels in subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 167.35–2, 167.35–3, 167.35–5, 167.35–10, 167.35–15, 167.35–20, 167.35–25, 167.35–30, 167.35–35, 167.35–40, 167.35–45, 167.35–50, 167.35–60, 167.35–65, 167.35–70, 167.35–72, 167.35–75, 167.35–80, 167.35–85, 167.35–90 [Removed]

108. Sections 167.35–2, 167.35–3, 167.35–5, 167.35–10, 167.35–15, 167.35–20, 167.35–25, 167.35–30, 167.35–35, 167.35–40, 167.35–45, 167.35–50, 167.35–60, 167.35–65, 167.35–70, 167.35–72, 167.35–75, 167.35–80, 167.35–85, and 167.35–90 are removed.

109. In § 167.55–5, the section heading and paragraph (j) are revised and the note at the end of the section is removed to read as follows:

§ 167.55–5 Marking of fire and emergency equipment.

* * * * *

(j) *Lifesaving appliances.* Each lifesaving appliance must be marked as required under subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

* * * * *

110. Section 167.65–1 is revised to read as follows:

§ 167.65–1 Emergency training, musters, and drills.

Onboard training, musters, and drills must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§ 167.65–55 [Removed]

111. Section 167.65–55 is removed.

PART 168—CIVILIAN NAUTICAL SCHOOL VESSELS

112. The authority citation for part 168 continues to read as follows:

Authority: 46 U.S.C. 3306; 46 U.S.C. App. 1295g; 49 CFR 1.46.

113. Section 168.05–5 is revised to read as follows:

§ 168.05–5 Application of passenger vessel inspection regulations.

Where the requirements are not covered specifically in this part, all the regulations applying to passenger vessels in subchapters E (Load Lines), F (Marine Engineering), H (Passenger Vessels), J (Electrical Engineering), K (Small Passenger Vessels Carrying More Than 150 Passengers Or With Overnight Accommadations For More Than 49 Passengers), P (Manning), Q (Specifications), T (Small Passenger Vessels), and W (Lifesaving Appliances and Arrangements) of this chapter are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, except vessels of the Navy or Coast Guard.

114. Section 168.10–1 is revised to read as follows:

§ 168.10–1 Nautical school vessels.

The term *nautical school vessel* means a vessel operated by or in connection with a nautical school or an educational institution under Section 13 of the Coast Guard Authorization Act of 1986.

115. Section 168.10–5 is revised to read as follows:

§ 168.10–5 Civilian nautical school.

The term *civilian nautical school* means any school or branch thereof operated and conducted in the United States, except State nautical schools and schools operated by the United States or any agency thereof, which offers instruction for the primary purpose of training for service in the merchant marine.

SUBCHAPTER U—OCEANOGRAPHIC RESEARCH VESSELS

PART 188—GENERAL PROVISIONS

116. The authority citation for part 188 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

117. In § 188.05–10, paragraph (d) is revised to read as follows:

§ 188.05–10 Application to vessels on an international voyage.

* * * * *

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

§ 188.10–52 [Removed]

118. Section 118.10–52 is removed.

119. Section 118.10–53 is revised to read as follows:

§ 188.10–53 Oceanographic research vessel.

The term *oceanographic research vessel* means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

120. Subpart 188.27 is added to read as follows:

Subpart 188.27—Lifesaving Appliances and Arrangements

Sec.
188.27–1 Lifesaving appliances and arrangements.

Subpart 188.27—Lifesaving Appliances and Arrangements

§ 188.27–1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements shall be in accordance with the requirements for special purpose vessels in subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 189—INSPECTION AND CERTIFICATION

121. The authority citation for part 189 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

122. Section 189.15–1 is revised to read as follows:

§ 189.15–1 Standards in inspection of hulls, boilers, and machinery.

In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see part 188, subpart 188.35 of this chapter, respecting material and construction of hulls, boilers, and machinery, and certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, subchapter E (Load Lines), subchapter F (Marine Engineering), subchapter J (Electrical Engineering), and subchapter W (Lifesaving Appliances and Arrangements) of this chapter shall be accepted as standard by the inspectors.

123. In § 189.20–20, paragraph (a) is redesignated as introductory text, and paragraphs (a)(1), (2), (3), and (4) are redesignated as paragraphs (a) through (d) and newly redesignated paragraph (a) is revised to read as follows:

§ 189.20–20 Specific tests and inspections.

* * * * *

(a) For inspection procedures of lifesaving appliances and arrangements, see subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

* * * * *

124. Section 189.25–15 is revised to read as follows:

§ 189.25–15 Lifesaving equipment.

For inspection procedures of lifesaving appliances and arrangements, see subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 192—[REMOVED]

125. Part 192 is removed.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

126. The authority citation for part 195 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

127. Subpart 195.06 is added to read as follows:

Subpart 195.06—Lifesaving Appliances and Arrangements

Sec.
195.06–1 Lifesaving appliances and arrangements.

Subpart 195.06—Lifesaving Appliances and Arrangements

§ 195.06–1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements shall be in accordance with the requirements for special purpose vessels in subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

PART 196—OPERATIONS

128. The authority citation for part 196 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2213, 3306, 5115, 6101; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

129. Section 196.13–1 is revised to read as follows:

§ 196.13–1 Muster lists, emergency signals, and manning.

The requirements for muster lists, emergency signals, and manning must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 196.13–5, 196–13.10, 196.13–15, 196.13–20 [Removed]

130. Sections 196.13–5 196.13–10, 196.13–15 and 196.13–20 are removed.

Subpart 196.14—[Removed]

131. Subpart 196.14 is removed.

§ 196.15–25 [Removed]

132. Section 196.15–25 is removed.

133. Section 196.15–35 is revised to read as follows:

§ 196.15–35 Emergency training, musters, and drills.

Onboard training, musters, and drills must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 196.15–37, 196.15–40, 196.15–45, 196.15–50, 196.15–65, 196.15–70 [Removed]

134. Sections 196.15–37, 196.15–40, 196.15–45, 196.15–50, 196.15–65, and 196.15–70 are removed.

135. In § 196.35–5, paragraphs (a)(6) and (a)(8) are removed, paragraph (a) is redesignated as introductory text, and paragraphs (a)(1), (2), (3), (4), (5), (7), (9), (10), (11), (12), and (13) are redesignated as paragraphs (a) through (k) and newly designated paragraph (a) is revised to read as follows:

§ 196.35–5 Actions required to be logged.

* * * * *

(a) Onboard training, musters, and drills: held in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

* * * * *

136. Section 196.37–37 is revised to read as follows:

§ 196.37–37 Markings for lifesaving appliances, instructions to passengers, and stowage locations.

Lifesaving appliances, instructions to passengers, and stowage locations must be marked in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

§§ 196.37–40, 196.37–43, 196.37–49 [Removed]

137. Sections 196.37–40, 196.37–43, and 196.37–49 are removed.

Subpart 196.39—[Removed]

138. Subpart 196.39 is removed.

Subpart 196.90—[Removed]

139. Subpart 196.90 is removed.

140. Subchapter W, consisting of part 199, is added to read as follows:

SUBCHAPTER W—LIFESAVING APPLIANCES AND ARRANGEMENTS

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

Subpart A—General

Subpart B—Requirements for All Vessels

Subpart C—Additional Requirements for Passenger Vessels

Subpart D—Additional Requirements for Cargo Vessels

Subpart E—Additional Requirements for Vessels Not Subject to SOLAS

Subpart F—Exemptions and Alternatives for Vessels Not Subject to SOLAS

Authority: 46 U.S.C. 3306, 3703; 46 CFR 1.46.

Subpart A—General

§ 199.01 Purpose.

(a) This part sets out the requirements for lifesaving appliances and arrangements for all inspected U.S. vessels except for—

(1) Offshore supply vessels, which are covered by subchapter L of this chapter;

(2) Mobile Offshore Drilling Units (MODU), which are covered by subchapter I–A of this chapter;

(3) Small passenger vessels, which are covered by subchapters K and T of this chapter; and

(4) Sailing school vessels, which are covered by part 169 of this chapter.

(b) This subpart and subparts B, C, and D of this part set out the requirements for vessels on international voyages that are subject to the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1978, as amended (SOLAS).

(c) Subparts E and F of this part set out additional requirements, alternatives, and exemptions for vessels that are not subject to SOLAS.

§ 199.03 Relationship to international standards.

(a) This subpart and subparts B, C, and D of this part are based on Chapter III, SOLAS. Section numbers in this subpart and subparts B, C, and D of this part are generally related to the

regulation numbers in Chapter III, SOLAS, but paragraph designations are not related to the numbering in Chapter III, SOLAS. To find the corresponding Chapter III, SOLAS regulation for this subpart and subparts B, C, and D of this part, beginning with § 199.10, divide the section number following the decimal point by 10.

(b) For purposes of this part, any vessel carrying a valid Passenger Ship Safety Certificate supplemented by a Record of Equipment, or a valid Cargo Ship Safety Equipment Certificate supplemented by a Record of Equipment, is considered to have met the requirements of this part if the equipment meets § 199.40 and if, in addition to the requirements of SOLAS Chapter III, the vessel meets the following requirements:

(1) Each new lifeboat and launching appliance on a tank vessel may be of aluminum construction only if its stowage location is protected with a water spray system in accordance with § 199.290(b).

(2) Each child-size lifejacket and immersion suit must be appropriately marked and stowed separately from adult or extended-size devices as required in § 199.70(b)(2).

(3) Each lifejacket and immersion suit must be marked with the vessel's name in accordance with §§ 199.70 (b)(3) and (c)(3).

(4) Inflatable lifejackets, if carried, must be of the same or similar design as required by § 199.70(b).

(5) Containers for lifejackets, immersions suits, and anti-exposure suits must be marked as specified in § 199.70(d).

(6) Instructions for passengers must include illustrated instructions on the method of donning lifejackets as required in § 199.80(c)(5).

(7) Each liferaft must be arranged to permit it to drop into the water from the deck on which it is stowed as required in § 199.130(c)(3).

(8) Lifeboats and rescue boats must be arranged to allow safe disembarkation onto the vessel after a drill in accordance with § 199.110(h).

(9) The requirements for guarding of falls in §§ 199.153 (d) and (f) must be met.

(10) The winch drum requirements described in § 199.153(e) must be met for all survival craft winches, not just multiple drum winches.

(11) The maximum lowering speed requirements for launching arrangements using falls and a winch in §§ 199.153 (i) and (j) must be met.

(12) An auxiliary line must be kept with each line-throwing appliance in accordance with § 199.170(c)(2).

(13) Immersion suits must be carried on all cargo vessels except those operating between the 32 degrees north and 32 degrees south latitude in accordance with § 199.273.

(14) Vessels carrying immersion suits must conduct drills in accordance with §§ 199.180 (d)(11) and (d)(12).

(c) The certificates in paragraph (b) of this section will be accepted as proof of compliance with the requirements in this part unless the Officer in Charge, Marine Inspection (OCMI), determines that—

(1) The condition of the vessel or of its equipment does not correspond substantially with the particulars of its certificates; or

(2) The vessel and its equipment have not been maintained in conformance with the provisions of the regulations in this part.

§ 199.05 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Lifesaving and Fire Safety Branch (G–MSE–4), 2100 Second Street SW., Washington, DC 20593–0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

American Society for Testing and Materials (ASTM)

1916 Race Street, Philadelphia, PA 1903

ASTM D93–94, Flash Point by Pennsky-Martens Closed Cup Tester	199.261; 199.290
ASTM F1003, Standard Specification for Searchlights on Motor Lifeboats, 1986 (Reapproved 1992).	199.175
ASTM F1014, Standard Specification for Flashlights on Vessels, 1986	199.175

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England

MSC Circular 699, Revised Guidelines for Passenger Safety Instructions, 17 July 1995	199.217
Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements, 17 November 1983.	199.40
Resolution A.657(16), Instructions for Action in Survival Craft, 19 November 1989	199.175
Resolution A.658(16), Use and Fitting of Retro-reflective Materials on Life-saving Appliances, 20 November 1989.	199.70; 199.176
Resolution A.760(18), Symbols Related to Life-saving Appliances and Arrangements, 17 November 1993.	199.70; 199.90
Resolution MSC.4(48), International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), 1994.	199.30; 199.280
Resolution MSC.5(48), International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk, (IGC Code), 1993.	199.30; 199.280

§ 199.07 Additional equipment and requirements.

The OCMI may require a vessel to carry specialized or additional lifesaving equipment other than as required in this part if the OCMI determines that the conditions of a voyage present uniquely hazardous circumstances that are not adequately addressed by existing requirements.

§ 199.09 Equivalents.

When this part requires a particular fitting, material, or lifesaving appliance or arrangement, the Commandant (G–MSE) may accept any other fitting, material, or lifesaving appliance or arrangement that is at least as effective as that required by this part. The Commandant may require engineering evaluations and tests to determine the equivalent effectiveness of the substitute fitting, material, or lifesaving appliance or arrangement.

§ 199.10 Applicability.

(a) Unless expressly provided otherwise in this Chapter, this part applies to all inspected U.S. flag vessels.

(b) This part does not apply to nonself-propelled vessels without accommodations or work stations on board, and unless otherwise required by this chapter, does not apply to offshore supply vessels, mobile offshore drilling units, small passenger vessels, and sailing school vessels.

(c) For purposes of the application of this part, a cargo vessel, whenever built, which is converted to a passenger vessel is deemed to be a passenger vessel that is constructed on the date on which the conversion commences.

(d) This subpart and subparts B, C, and D of this part apply to vessels engaged on international voyages, except—

(1) Cargo vessels of less than 500 tons gross tonnage;

(2) Vessels not propelled by mechanical means;

(3) Wooden vessels of primitive build; and

(4) Vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side Anticosti Island, the 63rd meridian.

(e) Vessels engaged on international voyages which were constructed before July 1, 1986, must meet the requirements of §§ 199.70(b)(4)(i), 199.80, 199.90, 199.100, 199.180, 199.190 (paragraph (b) applies as much as practicable), 199.214, 199.217, 199.250, 199.261 (b)(2) and (e), and 199.273, and must fit retro-reflective material on all floating appliances, lifejackets and immersion suits. Except for the requirements of §§ 199.261 (b)(2) and (e), vessels may retain the number, type, and arrangement of lifesaving appliances previously required and approved for the vessel, as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(f) For the purposes of this part, the following vessels must meet the requirements for passenger vessels:

(1) Passenger vessels.

(2) Special purpose vessels carrying more than 50 special personnel.

(3) Special purpose vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(g) For the purposes of this part, the following vessels must meet the requirements for cargo vessels:

(1) Cargo vessels.

(2) Tank vessels.

(3) Special purpose vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(h) (1) Passenger vessels on international voyages must meet the requirements of this subpart and subparts B and C of this part.

(2) Cargo vessels on international voyages must meet the requirements of this subpart and subparts B and D of this part.

(3) The provisions for passenger vessels on short international voyages in this subpart and subparts B and C of this part do not apply to special purpose vessels described in paragraphs (f) (2) and (3) of this section.

(i) Vessels not on international voyages and vessels listed in paragraph (d) of this section must meet the requirements of this subpart and subparts B, C, D, and E of this part unless otherwise exempted or permitted by subpart F of this part.

(1) Vessels on other than international voyages and vessels listed in paragraph (d) of this section which were constructed prior to October 1, 1996, must—

(i) By October 1, 1997, meet the requirements of §§ 199.70(b)(4)(i), 199.80, 199.90, 199.100, 199.180, 199.190 (paragraph (b) applies as much as practicable), 199.217, 199.250, 199.273, and 199.510, and fit retro-reflective material on all floating appliances, lifejackets and immersion suits;

(ii) By October 1, 2001, passenger vessels must carry the number and type of survival craft specified in table 199.630 of this part and cargo vessels in oceans and coastwise service must carry the number and type of survival craft specified in § 199.261 (b)(2) and (e);

(iii) By October 1, 2001, passenger vessels must carry the immersion suits and thermal protective aids specified in § 199.214; and

(iv) Except for the requirements in paragraphs (i)(1)(ii) and (i)(1)(iii) of this section, vessels may retain the arrangement of lifeboats, lifeboat davits, winches, inflatable liferafts, liferaft launching equipment, rescue boats, lifefloats, and buoyant apparatus previously required and approved for the vessel, as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(2) This paragraph does not apply to public vessels.

(j) When any lifesaving appliance or arrangement on a vessel subject to this part is replaced, or when the vessel undergoes repairs, alterations or modifications of a major character involving replacement of, or any addition to, the existing lifesaving appliance or arrangements, each new lifesaving appliance and arrangement must meet the requirements of this part, unless the OCMI determines that the vessel cannot accommodate the new appliance or arrangement, except that—

(1) A survival craft is not required to meet the requirements of this part if it is replaced without replacing its davit and winch; and

(2) A davit and its winch are not required to meet the requirements of this part if one or both are replaced without replacing the survival craft.

(k) No extensive repairs or alterations, except in an emergency, may be made to a lifesaving appliance without advance notification to the OCMI. Insofar as possible, each repair or alteration must be made with material and tested in the manner specified in this subchapter and applicable to the new construction requirements in subchapter Q of this chapter. Emergency repairs or alterations must be reported as soon as practicable to the OCMI, where the vessel may call after such repairs are made. Lifeboats, rescue boats, or rigid liferafts may not be reconditioned for use on a vessel other than the one they were originally built for, unless specifically accepted by the OCMI.

§ 199.20 Exemptions.

(a) *Vessels engaged on international voyages.* (1) The following types of vessels engaged on international voyages may request an exemption from Commandant (G–MCO) from requirements of this part:

(i) A vessel for which the sheltered nature and conditions of an international voyage would render the application of any specific requirements of this part unreasonable or unnecessary and which in the course of the voyage does not proceed more than 20 miles from the nearest land.

(ii) A vessel embodying features of a novel kind to which the application of any provision of this part would seriously impede research into the development of such features and their incorporation on vessels engaged on international voyages.

(2) A written request for exemption under this section must be submitted to the cognizant OCMI for review and forwarding to Commandant (G–MCO).

(b) *Single voyage exemption from SOLAS requirements.* A vessel that is not normally engaged on international voyages, but which, under exceptional

circumstances, is required to undertake a single international voyage, may be exempted from the applicable requirements in this subpart and subparts B, C, and D of this part by the Commandant (G–MCO). A written request for exemption under this paragraph must be submitted to the cognizant OCMI for review and forwarding to Commandant (G–MCO).

(c) *Exemption Certificates.* When Commandant (G–MCO) grants an exemption under paragraph (a) or (b) of this section, an Exemption Certificate describing the exemption will be issued by the appropriate OCMI. The Exemption Certificate must be carried on board the vessel at all times and must be available to Coast Guard personnel upon request.

(d) *Vessels not engaged on international voyages.* (1) If a District Commander determines that the overall safety of the persons on board a vessel will not be significantly reduced, the District Commander may grant an exemption from compliance with a provision of this part to a specific vessel for a specified geographic area within the boundaries of the Coast Guard District. This exemption may be limited to certain periods of the year.

(2) Requests for exemption under this paragraph must be made in writing to the OCMI for transmission to the district Commander for the area in which the vessel is in service or will be in service.

(3) If the exemption is granted by the District Commander, the OCMI will endorse the vessel's Certificate of Inspection with a statement describing the exemption.

§ 199.30 Definitions.

The following definitions apply to this part:

Accommodation means a cabin, or other covered or enclosed place, intended to be occupied by persons. Each place in which passengers and special personnel is carried is considered an accommodation, whether or not it is covered or enclosed. Accommodations include, but are not limited to halls, dining rooms, mess rooms, lounges, corridors, lavatories, cabins, offices, hospitals, cinemas, game and hobby rooms, and other similar places open to persons on board.

Anti-exposure suit means a protective suit designed for use by rescue boat crews and marine evacuation system parties.

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of approved equipment, including all of the approval series, is published periodically by the Coast Guard in Equipment Lists (COMDTINST M16714.3 series), available from the Superintendent of Documents.

Approved means carrying an approval granted by the Commandant under subchapter Q of this chapter.

Cargo vessel means any vessel that is not a passenger vessel.

Certificated person means a person holding a U.S. merchant mariner's document with an endorsement as a lifeboatman or another inclusive rating under part 12 of this chapter.

Child, for the purpose of determining the number of lifejackets required under this part, means a person less than 41 kilograms (90 pounds) in mass.

Civilian nautical school means any school or branch thereof operated and conducted in the United States, except State nautical schools and schools operated by the United States or any agency thereof, which offers instruction for the primary purpose of training for service in the merchant marine.

Coastwise voyage means a voyage on the waters of any ocean or the Gulf of Mexico no more than 20 nautical miles offshore.

Commandant means the Commandant of the U.S. Coast Guard.

Crew means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

District Commander means an officer of the U.S. Coast Guard designated by the Commandant to command all Coast Guard activities within a Coast Guard District. Coast Guard Districts are described in 33 CFR part 2.

Detection means the determination of the location of survivors or survival craft.

Embarkation ladder means the ladder provided at survival craft embarkation stations to permit safe access to survival craft after launching.

Embarkation station means the place where a survival craft is boarded.

Extended-size lifejacket means a lifejacket that is approved for use by adults as well as by some larger children.

Ferry means a vessel as described in § 70.10–15 of this chapter.

Float-free launching means that method of launching a survival craft or lifesaving appliance whereby the craft or appliance is automatically released from a sinking vessel and is ready for use.

Free-fall launching means that method of launching a survival craft whereby the craft, with its full complement of persons and equipment on board, is released and allowed to fall into the sea without any restraining apparatus.

Immersion suit means a protective suit that reduces loss of body heat of a person wearing it in cold water.

Inflatable appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is normally kept uninflated until ready for use.

Inflated appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is kept inflated and ready for use at all times.

International voyage means a voyage from the United States to a port outside the United States or conversely; or, a voyage originating and terminating at ports outside the United States. Voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska, shall be considered international voyages for the purposes of this part.

Lakes, bays, and sounds means the waters of any lakes, bays, or sounds other than the waters of the Great Lakes.

Launching appliance or *launching arrangement* means the method or devices designed to transfer a survival craft or rescue boat from its stowed position to the water. For a launching arrangement using a davit, the term includes the davit, winch, and falls.

Length of vessel, means the load-line length defined in § 42.13–15(a) of this chapter.

Lifejacket means a flotation device approved as a life preserver or lifejacket.

Major character means any repair, alteration or modification to a vessel that is a major conversion as decided by the Commandant (G–MCO).

Major conversion means a conversion of a vessel that—

(a) Substantially changes the dimensions or carrying capacity of the vessel;

(b) Changes the type of the vessel;

(c) Substantially prolongs the life of the vessel; or

(d) Otherwise so changes the vessel that it is essentially a new vessel.

Marine evacuation system means an appliance designed to rapidly transfer large numbers of persons from an embarkation station by means of a passage to a floating platform for subsequent embarkation into associated survival craft, or directly into associated survival craft.

Mobile offshore drilling unit (MODU) means a vessel capable of engaging in

drilling operations for the exploration or exploitation of subsea resources.

Muster station means the place where persons on board assemble before boarding a survival craft.

Nautical school vessel means a vessel operated by or in connection with a nautical school or an educational institution under Section 13 of the Coast Guard Authorization Act of 1986.

Novel lifesaving appliance or arrangement means a lifesaving appliance or arrangement that has new features not fully covered by the provisions of this part but that provides an equal or higher standard of safety.

Ocean means the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

Oceanographic research vessel means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

Officer in Charge, Marine Inspection (OCMI), means a Coast guard Officer responsible for marine inspection functions in a Marine Inspection Zone. Marine Inspection Zones are described in 33 CFR part 2.

Passenger means—

(a) On an international voyage, every person other than—

(1) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and

(2) A child under 1 year of age.

(b) On other than an international voyage, an individual carried on the vessel, except—

(1) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(2) The master; or

(3) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

Passenger for hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

Passenger vessel means—

(a) On an international voyage, a vessel of at least 100 tons gross tonnage carrying more than 12 passengers; and

(b) On other than an international voyage, a vessel of at least 100 tons gross tonnage—

(1) Carrying more than 12 passengers, including at least one passenger for hire; or

(2) That is chartered and carrying more than 12 passengers.

Public nautical school means any school or branch thereof operated by any State or political subdivision thereof or a school operated by the United States Maritime Administration that offers instruction for the primary purpose of training for service in the merchant marine.

Public vessel means a vessel that—

(a) Is owned, or demise chartered, and operated by the U.S. Government or a government of a foreign country including a vessel operated by the Coast Guard or Saint Lawrence Seaway Development Corporation, but not a vessel owned or operated by the Department of Transportation or any corporation organized or controlled by the Department; and

(b) Is not engaged in commercial service.

Rescue boat means a boat designed to rescue persons in distress and to marshal survival craft.

Retrieval means the safe recovery of survivors.

Rivers, in relation to vessel service, means operating exclusively in the waters of rivers and/or canals.

Seagoing condition means the operating condition of the vessel with the personnel, equipment, fluids, and ballast necessary for safe operation on the waters where the vessel operates.

Scientific personnel means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.

Similar stage of construction means the stage at which—

(a) Construction identifiable with a specific vessel begins; and

(b) Assembly of that vessel has commenced comprising at least 50 metric tons (55.1 U.S. tons) or 1 percent of the estimated mass of all structural material, whichever is less.

Short international voyage is an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination, nor the return voyage, may exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the vessel commences its return voyage to the country in which the voyage began.

Special personnel means all persons who are not passengers or members of the crew and who are carried on board a special purpose vessel in connection with the special purpose of that vessel or because of special work being carried out aboard that vessel. Special personnel include—

(a) On oceanographic research vessels, scientific personnel; and

(b) On nautical school vessels, students, cadets, and instructors who are not members of the crew.

Special purpose vessel means a mechanically self-propelled vessel which by reason of its function carries on board more than 12 special personnel including passengers. Special purpose vessels include oceanographic research vessels and nautical school vessels.

Survival craft means a craft capable of sustaining the lives of persons in distress from the time of abandoning the vessel on which the persons were originally carried. The term includes lifeboats, liferafts, buoyant apparatus, and lifefloats, but does not include rescue boats.

Tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(a) Is a vessel of the United States;

(b) Operates on the navigable waters of the United States; or

(c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

Toxic vapor or gas means a product for which emergency escape respiratory protection is required under Subchapter 17 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) and under Subchapter 19 of the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk (IGC Code).

Vessel constructed means a vessel, the keel of which is laid or which is at a similar stage of construction.

Warm water means water where the monthly mean low water temperature is normally more than 15 °C (59 °F).

§ 199.40 Evaluation, testing and approval of lifesaving appliances and arrangements.

(a) Each item of lifesaving equipment required by this part to be carried on board the vessel must be approved.

(b) Each item of lifesaving equipment carried on board the vessel in addition to those required by this part must—

(1) Be approved; or

(2) Be accepted by the cognizant OCMI for use on the vessel.

(c) The Commandant (G–MSE) may accept a novel lifesaving appliance or arrangement if it provides a level of safety equivalent to the requirements of this part and the appliance or arrangement—

(1) Is evaluated and tested in accordance with IMO Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements; or

(2) Has successfully undergone evaluation and tests that are substantially equivalent to those recommendations.

(d) During the vessel's construction and when any modification to the lifesaving arrangement is done after construction, a vessel owner must obtain acceptance of lifesaving arrangements from the Commandant (G–MSC).

(e) The OCMI may accept substitute lifesaving appliances other than those required by this part except for—

(1) Survival craft and rescue boats; and

(2) Survival craft and rescue boat launching and embarkation appliances.

(f) Acceptance of lifesaving appliances and arrangements will remain in effect unless—

(1) The OCMI deems their condition to be unsatisfactory or unfit for the service intended; or

(2) The OCMI deems the crew's ability to use and assist others in the use of the lifesaving appliances or arrangements to be inadequate.

§ 199.45 Tests and inspections of lifesaving equipment and arrangements.

(a) *Initial inspection.* The initial inspection of lifesaving appliances and arrangements for certification includes a demonstration of—

(1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to 10 percent overload;

(2) The proper condition and operation of lifeboats and rescue boats, including engines and release mechanisms;

(3) The proper condition of flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment;

(4) The proper condition of distress signaling equipment, including emergency position indicating radiobeacons (EPIRB), search and rescue transponders (SART), and pyrotechnic signaling devices;

(5) The proper condition of line-throwing appliances;

(6) The proper condition and operation of embarkation appliances, including embarkation ladders and marine evacuation systems;

(7) The ability of the crew to effectively carry out abandon-ship and fire-fighting procedures; and

(8) The ability to meet the egress and survival craft launching requirements of this part.

(b) *Reinspections.* Tests and inspections of the lifesaving equipment shall be carried out during each inspection for renewal of certification, and shall include, as applicable, a demonstration of—

(1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to full load, except that any portion of the load test conducted in connection with replacement or end-for-ending of a fall since the vessel's last inspection or reinspection, need not be repeated;

(2) The proper condition and operation of lifeboats and rescue boats, including engines and release mechanisms;

(3) The proper condition of flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment;

(4) The proper servicing of each inflatable liferaft and inflatable lifejacket has been serviced as required under this chapter;

(5) The proper servicing of each hydrostatic release unit, other than a disposable hydrostatic release unit, as required under this chapter; and

(6) The ability of crew to effectively carry out abandon-ship and fire-fighting procedures.

(c) *Other inspections.* (1) Lifesaving appliances and arrangements are subject to tests and inspections described in paragraph (a) of this section whenever a new lifesaving appliance is installed on the vessel. The test in paragraph (a)(1) of this section must be carried out whenever a wire fall for a launching appliance is replaced or turned end-for-end.

(2) Lifesaving appliances and arrangements are subject to tests and inspections described in paragraph (b) of this section during vessel boardings to ensure that the appliances and arrangements comply with applicable requirements, are in satisfactory condition, and remain fit for the service.

Subpart B—Requirements for All Vessels

§ 199.60 Communications.

(a) *Radio lifesaving appliances.* Radio lifesaving appliance installations and arrangements must meet the requirements of 47 CFR part 80.

(b) *Emergency position indicating radiobeacons (EPIRB) and search and rescue transponders (SART).* Each EPIRB and SART should have the name of the vessel plainly marked or painted on its label, except for EPIRBs or SARTs in an inflatable liferaft or permanently installed in a survival craft.

(c) *Distress signals.* Each vessel must—

(1) Carry not less than 12 rocket parachute flares approved under approval series 160.136; and

(2) Stow the flares on or near the vessel's navigating bridge.

(d) *Onboard communications and alarm systems.* Each vessel must meet the requirements for onboard communications between emergency control stations, muster and embarkation stations, and strategic positions on board. Each vessel must also meet the emergency alarm system requirements in subchapter J of this chapter, which must be supplemented by either a public address system or other suitable means of communication.

§ 199.70 Personal lifesaving appliances.

(a) *Lifebuoys.* Each vessel must carry lifebuoys approved under approval series 160.150 as follows:

(1) *Stowage.* Lifebuoys must be stowed as follows:

(i) Each lifebuoy must be capable of being rapidly cast loose.

(ii) No lifebuoy may be permanently secured to the vessel in any way.

(iii) Each lifebuoy stowage position must be marked with either the words ''LIFEBUOY'' or ''LIFE BUOY'', or with the appropriate symbol from IMO Resolution A.760(18).

(iv) Lifebuoys must be so distributed as to be readily available on each side of the vessel and, as far as practicable, on each open deck extending to the side of the vessel. At least one lifebuoy must be located near the stern of the vessel. The lifebuoys with attached self-igniting lights must be equally distributed on both sides of the vessel.

(v) At least two lifebuoys, each with attached self-activating smoke signals, must be stowed where they can be quickly released from the navigating bridge and should, when released, fall directly into the water without striking any part of the vessel.

(2) *Markings.* Each lifebuoy must be marked in block capital letters with the name of the vessel and the name of the port required to be marked on the stern of the vessel under § 67.13 of this chapter.

(3) *Attachments and fittings.* Lifebuoys must have the following attachments and fittings:

(i) At least one lifebuoy on each side of the vessel fitted with a buoyant lifeline that is—

(A) At least as long as twice the height where it is stowed above the waterline with the vessel in its lightest seagoing condition, or 30 meters (100 feet) in length, whichever is the greater;

(B) Non-kinking;

(C) Not less than 8 millimeters (5/16 inch) in diameter;

(D) Of a breaking strength which is not less than 5 kiloNewtons (1,124 pounds-force); and

(E) Is, if synthetic, a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light.

(ii) At least one-half the total number of lifebuoys on the vessel must each be fitted with a self-igniting light approved under approval series 161.010. The self-igniting light may not be attached to the lifebuoys required by this section to be fitted with lifelines.

(iii) At least two lifebuoys on the vessel must be fitted with a self-activating smoke signal approved under approval series 160.157. Lifebuoys fitted with smoke signals must also be fitted with lights.

(b) *Lifejackets.* Each vessel must carry lifejackets approved under approval series 160.155, 160.176 or 160.177. If the vessel carries inflatable lifejackets, they must be of the same or similar design and have the same method of operation.

(1) *General.* Each vessel must carry a lifejacket for each person on board, and in addition—

(i) A number of lifejackets suitable for children equal to at least 10 percent of the total number of passengers on board must be provided, or such greater number as may be required to provide a lifejacket of suitable size for each person smaller than the lower size limit of the adult-size lifejacket; and

(ii) A sufficient number of lifejackets must be carried for persons on watch and for use at remotely located survival craft stations.

(2) *Stowage.* Lifejackets must be stowed as follows:

(i) The lifejackets must be readily accessible.

(ii) The child-size lifejackets must be stowed separately from the adult lifejackets.

(iii) The lifejackets stowage positions must be marked with the words ''LIFEJACKETS'' or ''CHILD LIFEJACKETS'' as appropriate, or with the appropriate symbol from IMO Resolution A.760(18).

(iv) The additional lifejackets for persons on watch required by paragraph (b)(1)(ii) of this section must be stowed on the bridge, in the engine control room, and at other manned watch stations.

(v) Where, due to the particular arrangements of the vessel, the lifejackets required by paragraph (b) of this section may become inaccessible, alternative provisions must be made to the satisfaction of the OCMI that may include an increase in the number of lifejackets to be carried.

(3) *Markings.* Each lifejacket must be marked—

(1) In block capital letters with the name of the vessel; and

(ii) With Type I retro-reflective material approved under approval series 164.018. The arrangement of the retro-reflective material must meet IMO Resolution A.658(16).

(4) *Attachments and fittings.* Lifejackets must have the following attachments and fittings:

(i) Each lifejacket must have a lifejacket light approved under approval series 161.112 securely attached to the front shoulder area of the lifejacket.

(ii) Each lifejacket must have a whistle firmly secured by a cord to the lifejacket.

(c) *Rescue boat and marine evacuation system immersion suits or anti-exposure suits.* (1) *General.* Each vessel, except vessels operating on routes between 32 degrees north latitude and 32 degrees south latitude, must carry immersion suits approved under approval series 160.171 or anti-exposure suits approved under approval series 160.153 of suitable size for each person assigned to the rescue boat crew and each person assigned to a marine evacuation system crew.

(2) *Stowage.* Immersion suits or anti-exposure suits must be stowed so they are readily accessible. The stowage positions must be marked with either the words ''IMMERSION SUITS'' or ''ANTI-EXPOSURE SUITS'' as appropriate, or with the appropriate symbol from IMO Resolution A.760(18).

(3) *Markings.* Each immersion suit or anti-exposure suit must be marked in block capital letters with the name of the vessel.

(4) *Attachments and fittings.* Immersion suits or anti-exposure suits must have the following attachments and fittings:

(i) Each immersion suit or anti-exposure suit must have a lifejacket light approved under approval series 161.112 securely attached to the front shoulder area of the immersion suit or anti-exposure suit.

(ii) Each immersion suit or anti-exposure suit must have a whistle firmly secured by a cord to the immersion suit or anti-exposure suit.

(d) *Lifejacket, immersion suit, and anti-exposure suit containers.* Each lifejacket, immersion suit, and anti-exposure suit container must be marked in block capital letters and numbers with the quantity, identity, and size of the equipment stowed inside the container. The equipment may be identified in words or with the appropriate symbol from IMO Resolution A.760(18).

§ 199.80 Muster list and emergency instructions.

(a) *General.* Clear instructions must be provided on the vessel that detail the actions each person on board should follow in the event of an emergency.

(b) *Muster list.* Copies of the muster list must be posted in conspicuous places throughout the vessel including on the navigating bridge, in the engine room, and in crew accommodation spaces. The muster list must be posted before the vessel begins its voyage. After the muster list has been prepared, if any change takes place that necessitates an alteration in the muster list, the master must either revise the existing muster list or prepare a new one. Each muster lists must at least specify—

(1) The instructions for operating the general emergency alarm system and public address system;

(2) The emergency signals;

(3) The actions to be taken by the persons on board when each signal is sounded;

(4) The order to abandon the vessel will be given;

(5) The officers that are assigned to make sure that lifesaving and firefighting appliances are maintained in good condition and ready for immediate use;

(6) The duties assigned to the different members of the crew. Duties to be specified include—

(i) Closing the watertight doors, fire doors, valves, scuppers, sidescuttles, skylights, portholes, and other similar openings in the vessel's hull;

(ii) Equipping the survival craft and other lifesaving appliances;

(iii) Preparing and launching the survival craft;

(iv) Preparing other lifesaving appliances;

(v) Mustering the passengers and other persons on board;

(vi) Using communication equipment;

(vii) Manning the emergency squad assigned to deal with fires and other emergencies; and

(viii) Using firefighting equipment and installations.

(7) The duties assigned to members of the crew in relation to passengers and other persons on board in case of an

emergency. Assigned duties to be specified include—

(i) Warning the passengers and other persons on board;

(ii) Seeing that passengers and other persons on board are suitably dressed and have donned their lifejackets or immersion suits correctly;

(iii) Assembling passengers and other persons on board at muster stations;

(iv) Keeping order in the passageways and on the stairways and generally controlling the movements of the passengers and other persons on board; and

(v) Making sure that a supply of blankets is taken to the survival craft; and

(8) The substitutes for key persons if they are disabled, taking into account that different emergencies require different actions.

(c) *Emergency instructions.* Illustrations and instructions in English, and any other appropriate language as determined by the OCMI, must be posted in each passenger cabin and in spaces occupied by persons other than crew, and must be conspicuously displayed at each muster station. The illustrations and instructions must include information on—

(1) The fire and emergency signal;

(2) Their muster station;

(3) The essential actions they must take in an emergency;

(4) The location of lifejackets, including child-size lifejackets; and

(5) The method of donning lifejackets.

§ 199.90 Operating instructions.

Each vessel must have posters or signs displayed in the vicinity of each survival craft and the survival craft's launching controls that—

(a) Illustrate the purpose of controls;

(b) Illustrate the procedures for operating the launching device;

(c) Give relevant instructions or warnings;

(d) Can be easily seen under emergency lighting conditions; and

(e) Display symbols in accordance with IMO Resolution A.760(18).

§ 199.100 Manning of survival craft and supervision.

(a) There must be a sufficient number of trained persons on board the vessel for mustering and assisting untrained persons.

(b) There must be a sufficient number of deck officers, able seamen, or certificated persons on board the vessel to operate the survival craft and launching arrangements required for abandonment by the total number of persons on board.

(c) There must be one person placed in charge of each survival craft to be used. The person in charge must—

(1) Be a deck officer, able seaman, or certificated person. The OCMI, considering the nature of the voyage, the number of persons permitted on board, and the characteristics of the vessel, may permit persons practiced in the handling and operation of liferafts or inflatable buoyant apparatus to be placed in charge of liferafts or inflatable buoyant apparatus; and

(2) Have a list of the survival craft crew and ensure that the crewmembers are acquainted with their duties.

(d) There must be a second-in-command designated for each lifeboat. This person should be a deck officer, able seaman, or certificated person. The second-in-command of a lifeboat must also have a list of the lifeboat crew.

(e) There must be a person assigned to each motorized survival craft who is capable of operating the engine and carrying out minor adjustments.

(f) The master must make sure that the persons required under paragraphs (a), (b), (c), and (d) of this section are equitable distributed among the vessel's survival craft.

§ 199.110 Survival craft muster and embarkation arrangements.

(a) Each muster station must have sufficient space to accommodate all persons assigned to muster at that station. One or more muster stations must be close to each embarkation station.

(b) Each muster station and embarkation station must be readily accessible to accommodation and work areas.

(c) Each muster station and embarkation station must be adequately illuminated by lighting with power supplied from the vessel's emergency source of electrical power.

(d) Each alleyway, stairway, and exit giving access to a muster and embarkation station must be adequately illuminated by lighting that is capable of having its power supplied by the vessel's emergency source of electrical power.

(e) Each davit-launched and free-fall survival craft muster station and embarkation station must be arranged to enable stretcher cases to be placed in the survival craft.

(f) Each launching station, or each two adjacent launching stations, must have an embarkation ladder as follows:

(1) Each embarkation ladder must be approved under approval series 160.117 or be a rope ladder approved under approval series 160.017.

(2) Each embarkation ladder must extend in a single length from the deck to the waterline with the vessel in its lightest seagoing condition under unfavorable conditions of trim and with the vessel listed not less than 15 degrees either way.

(3) Provided that there is at least one embarkation ladder on each side of the vessel, the OCMI may permit additional embarkation ladders to be other approved devices that provide safe and rapid access to survival craft in the water.

(4) The OCMI man accept other safe and effective means of embarkation for use with a liferaft required under § 199.261(e).

(g) If a davit-launched survival craft is embarked over the edge of the deck, the craft must be provided with a means for bringing it against the side of the vessel and holding it alongside the vessel to allow persons to safely embark.

(h) If a davit-launched survival craft is not intended to be moved to the stowed position with persons on board, the craft must be provided with a means for bringing it against the side of the vessel and holding it alongside the vessel to allow persons to safely disembark after a drill.

§ 199.120 Launching stations.

(a) Each launching station must be positioned to ensure safe launching with clearance from the propeller and from the steeply overhanging portions of the hull.

(b) Each survival craft must be launched down the straight side of the vessel, except for free-fall launched survival craft.

(c) Each launching station in the forward part of the vessel must—

(1) Be in a sheltered position that is located aft of the collision bulkhead; and

(2) Have a launching appliance approved with an endorsement as being of sufficient strength for forward installation.

§ 199.130 Stowage of survival craft.

(a) *General.* Each survival craft must be stowed—

(1) As close to the accommodation and service spaces as possible;

(2) So that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft or rescue boat at any other launching station;

(3) As near the water surface as is safe and practicable;

(4) Except for liferafts intended for throw-overboard launching, not less than 2 meters above the waterline with the vessel—

(i) In the fully loaded condition;

(ii) Under unfavorable conditions of trim; and

(iii) Listed up to 20 degrees either way, or to the angle at which the vessel's weatherdeck edge becomes submerged, whichever is less.

(5) Sufficiently ready for use so that two crew members can complete preparations for embarkation and launching in less than 5 minutes;

(6) In a secure and sheltered position and protected from damage by fire and explosion, as far as practicable; and

(7) So as not to require lifting from its stowed position in order to launch, except that—

(i) A davit-launched liferaft may be lifted by a manually powered winch from its stowed position to its embarkation position; or

(ii) A survival craft that weights 185 kilograms (407.8 pounds) or less may be lifted not more than 300 millimeters (1 foot) in order to launch.

(b) *Additional lifeboat stowage requirements.* In addition to the requirements of paragraph (a) of this section, each lifeboat must be stowed as follows:

(1) Each lifeboat for lowering down the side of the vessel must be stowed as far forward of the vessel's propeller as practicable. Each lifeboat, in its stowed position, must be protected from damage by heavy seas.

(2) Each lifeboat must be stowed attached to its launching appliance.

(3) Each lifeboat must have a means for recharging the lifeboat batteries from the vessel's power supply at a supply voltage not exceeding 50 volts.

(c) *Additional liferaft stowage requirements.* In addition to the requirements of paragraph (a) of this section, each liferaft must be stowed as follows:

(1) Each liferaft must be stowed to permit manual release from its securing arrangements.

(2) Each liferaft must be stowed at a height above the waterline not greater than the maximum stowage height indicated on the liferaft container with the vessel in its lightest seagoing condition. Each liferaft without an indicated maximum stowage height must be stowed not more than 18 meters (59 feet) above the waterline with the vessel in its lightest seagoing condition.

(3) Each liferaft must be arranged to permit it to drop into the water from the deck on which it is stowed. A liferaft stowage arrangements meets this requirement if it—

(i) Is outboard of the rail or bulwark;

(ii) Is on stanchions or on a platform adjacent to the rail or bulwark; or

(iii) Has a gate or other suitable opening large enough to allow the liferaft to be pushed directly overboard and, if the liferaft is intended to be available for use on either side of the vessel, such gate or opening is provided on each side of the vessel.

(4) Each davit-launched liferaft must be stowed within reach of its lifting hook, unless some means of transfer is provided that is not rendered inoperable—

(i) Within the limits of trim and list specified in paragraph (a)(4) of this section;

(ii) By vessel motion; or

(iii) By power failure.

(5) Each rigid container for an inflatable liferaft to be launched by a launching appliance must be secured so that the container or parts of it do not fall into the water during and after inflation and launching of the contained liferaft.

(6) Each liferaft must have a painter system providing a connection between the vessel and the liferaft.

(7) Each liferaft or group of liferafts must be arranged for float-free launching. The arrangement must ensure that the liferaft or liferafts, when released and inflated, are not dragged under by the sinking vessel. A hydrostatic release unit used in a float-free arrangement must be approved under approval series 160.162.

§ 199.140 Stowage of rescue boats.

(a) *General.* Rescue boats must be stowed—

(1) To be ready for launching in not many than 5 minutes;

(2) In a position suitable for launching and recovery;

(3) In a way that neither the rescue boat nor its stowage arrangements will interfere with the operation of any survival craft at any other launching station; and

(4) If it is also a lifeboat, in compliance with the requirements of § 199.130.

(b) Each rescue boat must have a means provided for recharging the rescue boat batteries from the vessel's power supply at a supply voltage not exceeding 50 volts.

(c) Each inflated rescue boat must be kept fully inflated at all times.

§ 199.145 Marine evacuation system launching arrangements.

(a) *Arrangements.* Each marine evacuation system must—

(1) Be capable of being deployed by one person;

(2) Enable the total number of persons for which it is designed, to be transferred from the vessel into the inflated liferafts within a period of 30 minutes in the case of a passenger vessel and 10 minutes in the case of a cargo vessel from the time an abandon-ship signal is given;

(3) Be arranged so that liferafts may be securely attached to and released from the marine evacuation system platform by a person either in the liferaft or on the platform;

(4) Be capable of being deployed from the vessel under unfavorable conditions of trim of up to 10 degrees either way and of list of up to 20 degrees either way;

(5) If the marine evacuation system has an inclined slide, it must—

(i) Be arranged so the angle of the slide from horizontal is within a range of 30 to 35 degrees when the vessel is upright and in its lightest seagoing condition; and

(ii) If the vessel is a passenger vessel, be arranged so the angle of the slide from horizontal is no more than 55 degrees in the final stage of flooding as described in subchapter S of this chapter; and

(6) Be capable of being restrained by a bowsing line or other positioning system that is designed to deploy automatically and if necessary, is capable of being adjusted to the position required for evacuation.

(b) *Stowage.* Each marine evacuation system must be stowed as follows:

(1) There must not be any openings between the marine evacuation system's embarkation station and the vessel's side at the waterline with the vessel in its lightest seagoing condition.

(2) The marine evacuation system's launching positions must be arranged, as far as practicable, to be straight down the vessel's side and to safely clear the propeller and any steeply overhanging positions of the hull.

(3) The marine evacuation system must be protected from any projections of the vessel's structure or equipment.

(4) The marine evacuation system's passage and platform, when deployed; its stowage container; and its operational arrangement must not interfere with the operation of any other lifesaving appliance at any other launching station.

(5) The marine evacuation system's stowage area must be protected from damage by heavy seas.

(c) *Stowage of associated liferafts.* Inflatable liferafts used in conjunction with the marine evacuation system must be stowed—

(1) Close to the system container, but capable of dropping clear of the deployed chute and boarding platform;

(2) So it is capable of individual release from its stowage rack;

(3) In accordance with the requirements of § 199.130; and

(4) With pre-connected or easily connected retrieving lines to the platform.

§ 199.150 Survival craft launching and recovery arrangements; general.

(a) (1) Each launching appliance for a lifeboat must be approved under approval series 160.132 with a winch approved under approval series 160.115.

(2) Each launching appliance for a davit-launched liferaft must be approved under approval series 160.163 with an automatic disengaging apparatus approved under approval series 160.170.

(b) Unless expressly provided otherwise in this part, each survival craft must be provided with a launching appliance or marine evacuation system, except those survival craft that—

(1) Can be boarded from a position on deck less than 4.5 meters (14.75 feet) above the waterline with the vessel in its lightest seagoing condition and that are stowed for launching directly from the stowed position under unfavorable conditions of trim of 10 degrees and list of 20 degrees either way;

(3) Are carried in excess of the survival craft for 200 percent of the total number of persons on board the vessel, and that have a mass of not more than 185 kilograms (407 pounds);

(4) Are carried in excess of the survival craft for 200 percent of the total number of persons on board the vessel and that are stowed for launching directly from the stowed position under unfavorable conditions or trim of 10 degrees and list of 20 degrees either way; or

(5) Are provided for use in conjunction with a marine evacuation system and that are stowed for launching directly from the stowed position under unfavorable conditions of trim of 10 degrees and list of 20 degrees either way.

(c) With the exception of the secondary means of launching for free-fall lifeboats, each launching appliance must be arranged so that the fully equipped survival craft it serves can be safely launched against unfavorable conditions of trim of up to 10 degrees either way and of list of up to 20 degrees either way—

(1) When the survival craft is loaded with its full complement of persons; and

(2) When not more than the required operating crew is on board.

(d) A launching appliance must not depend on any means other than gravity or stored mechanical power, independent of the vessel's power supplies, to launch the survival craft it serves in both the fully loaded and equipped condition and in the light condition.

(e) Each launching appliance's structural attachment to the vessel must be designed, based on the ultimate strength of the construction material, to be at least 4.5 times the load imparted on the attachment by the launching appliance and its fully loaded survival craft under the most adverse combination of list and trim under paragraph (c) of this section.

(f) Each launching appliance must be arranged so that—

(1) All parts requiring regular maintenance by the vessel's crew are readily accessible and easily maintained;

(2) The launching appliance remains effective under conditions of icing;

(3) The same type of release mechanism is used for each similar survival craft carried on board the vessel;

(4) The preparation and handling of each survival craft at any one launching station does not interfere with the prompt preparation and handling of any other survival craft at any other station;

(5) The persons on board the vessel can safely and rapidly board the survival craft; and

(6) During preparation and launching, the survival craft, its launching appliance, and the area of water into which it is to be launched are illuminated by lighting supplied from the vessel's emergency source of electrical power.

(g) Each launching and recovery arrangement must allow the operator on the deck to observe the survival craft at all times during launching.

(h) Means must be provided outside the machinery space to prevent any discharge of water onto survival craft during launching.

(i) If there is a danger of the survival craft being damaged by the vessel's stabilizer wings, the stabilizer wings must be able to be brought inboard using power from the emergency source of electrical power. Indicators operated by the vessel's emergency power system must be provided on the navigating bridge to show the position of the stabilizer wings.

§ 199.153 Survival craft launching and recovery arrangements using falls and a winch.

Survival craft launching and recovery arrangements, in addition to meeting the requirements in § 199.150, must meet the following requirements:

(a) Each launching mechanism must be arranged so it may be actuated by one person from a position on the vessel's deck, and except for secondary launching appliances for free-fall launching arrangements, from a position within the survival craft.

(b) Each fall wire must be of rotation-resistant and corrosion-resistant steel wire rope.

(c) The breaking strength of each fall wire and each attachment used on the fall must be at least six times the load imparted on the fall by the fully-loaded survival craft.

(d) Each fall must be long enough for the survival craft to reach the water with the vessel in its lightest seagoing condition, under unfavorable conditions of trim, and with the vessel listed not less than 20 degrees either way.

(e) Each unguarded fall must not pass near any operating position of the winch, such as hand cranks, pay out wheels, and brake levers.

(f) Each winch drum must be arranged so the fall wire winds onto the drum in a level wrap. A multiple drum winch must be arranged so that the falls wind off at the same rate when lowering and onto the drums at the same rate when hoisting.

(g) Each fall, where exposed to damage or fouling, must have guards or equivalent protection. Each fall that leads along a deck must be covered with a guard that is not more than 300 millimeters (1 foot) above the deck.

(h) The lowering speed for a fully loaded survival craft must be not less than the speed obtained from one of the following formulas:

(1) $S=0.4+(0.02\ H)$, where S the lowering speed in meters per second and H is the lowering height in meters from the davit head to the waterline with the vessel in its lightest seagoing condition, with H not greater than 30 regardless of the actula lowering height.

(2) $S=79+(1.2\ H)$, where S is the lowering speed in feet per minute and H is the lowering height in feet from the davit head to thee waterline with the vessel in its lightest seagoing condition, with H not greater than 99 regardless of the actual lowering height.

(i) The lowering speed for a survival craft loaded with all of its equipment must be not less than 70 percent of the speed required under paragraph (g) of this section.

(j) The lowering speed for a fully loaded survival craft must be not more than 1.3 meters per second (256 feet per minute).

(k) If a survival craft is recovered by electric power, the electrical installation, including the electric power-operated boat winch, must meet the requirements in subchapter J of this chapter. If a survival craft is recovered by any means using power, including a portable power source, safety devices

must be provided that automatically cut off the power before the davit arms or falls reach the stops in order to avoid overstressing the falls or davits, unless the motor is designed to prevent such overstressing.

(l) Each launching appliance must be fitted with brakes that meet the following requirements:

(1) The brakes must be capable of stopping the descent of the survival craft or rescue boat and holding the survival craft or rescue boat securely when loaded with its full complement of persons and equipment.

(2) The brake pads must, where necessary, be protected from water and oil.

(3) Manual brakes must be arranged so that the brake is always applied unless the operator, or a mechanism activated by the operator, holds the brake control in the off position.

§ 199.155 Lifeboat launching and recovery arrangements.

Lifeboat launching and recovery arrangements, in addition to meeting the requirements in §§ 199.150 and 199.153, must meet the following requirements:

(a) Each lifeboat must be provided with a launching appliance. The launching appliance must be capable of launching and recovering the lifeboat with its crew.

(b) Each launching appliance arrangement must allow the operator on the vessel to observe the lifeboat at all times during recovery.

(c) Each launching appliance arrangement must be designed to ensure persons can safely disembark from the survival craft prior to its stowage.

(d) Each lifeboat, other than a totally enclosed lifeboat, must be provided with a davit span with not less than two lifelines of sufficient length to reach the water with the vessel in its lightest seagoing condition, under unfavorable conditions of trim, and with the vessel listed up to 20 degrees either way.

§ 199.157 Free-fall lifeboat launching and recovery arrangements.

(a) The launching appliance for a free-fall lifeboat must be designed and installed so that the launching appliance and the lifeboat it serves operate as a system to protect the occupants from harmful acceleration forces and to effectively clear the vessel.

(b) The launching appliance must be designed and arranged so that, in its ready to launch position, the distance from the lowest point on the lifeboat it serves to the water surface with the vessel in its lightest seagoing condition does not exceed the lifeboat's certificated free-fall height.

(c) The launching appliance must be arranged to preclude accidental release of the lifeboat in its unattended stowed position. If the means provided to secure the lifeboat cannot be released from inside the lifeboat, the means to secure the lifeboat must be arranged to preclude boarding the lifeboat without first releasing it.

(d) Each free-fall launching arrangement must be provided with a secondary means to launch the lifeboat by falls. Such means must comply with the requirements of §§ 199.150, 199.153, and 199.155. Notwithstanding § 199.150(c), the secondary launching appliance must be capable of launching the lifeboat against unfavorable conditions of trim of 2 degrees either way and of list of 5 degrees either way. The secondary launching appliance need not comply with the speed requirements of §§ 199.153 (g), (h), and (i). If the secondary launching appliance is not dependent on gravity, stored mechanical power, or other manual means, the launching arrangement must be connected both to the vessel's main and emergency power supplies.

§ 199.160 Rescue boat embarkation, launching and recovery arrangements.

(a) Each rescue boat must be capable of being launched with the vessel making headway of 5 knots in calm water. A painter may be used to meet this requirement.

(b) Each rescue boat embarkation and launching arrangement must permit the rescue boat to be boarded and launched in the shortest possible time.

(c) The rescue boat must meet the embarkation and launching arrangement requirements of §§ 199.110 (e) and (g), 199.150, 199.155, and if the launching arrangement uses falls and a winch, § 199.153.

(d) If the rescue boat is one of the vessel's survival craft, the rescue boat must also meet the following requirements:

(1) The rescue boat must meet the muster and embarkation arrangement requirements of § 199.110 and the launching station requirements of § 199.120.

(2) If the launching arrangement uses a single fall, the rescue boat may have an automatic disengaging apparatus approved under approval series 160.170 instead of a lifeboat release mechanism.

(e) Rapid recovery of the rescue boat must be possible when loaded with its full complement of persons and equipment. If the rescue boat is also a lifeboat, rapid recovery must be possible when loaded with its lifeboat equipment and an approved rescue boat complement of at least six persons.

(f) Each rescue boat launching appliance must be fitted with a powered winch motor.

(g) Each rescue boat launching appliance must be capable of hoisting the rescue boat when loaded with its full rescue boat complement of persons and equipment at a rate of not less than 0.3 meters per second (59 feet per minute).

§ 199.170 Line-throwing appliance.

(a) *General.* Each vessel must have a line-throwing appliance approved under approval series 160.040.

(b) *Stowage.* The line-throwing appliance and its equipment must be readily accessible for use.

(c) *Additional equipment.* Each vessel must carry the following equipment for the line-throwing appliance—

(1) The equipment on the list provided by the manufacturer with the approved appliance; and

(2) An auxiliary line that—

(i) Is at least 450 meters (1,500 feet) long;

(ii) Has a breaking strength of at least 40 kiloNewtons (9,000 pounds-force); and

(iii) Is, if synthetic, of a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light.

§ 199.175 Survival craft and rescue boat equipment.

(a) All lifeboat and rescue boat equipment—

(1) Must be secured within the boat by lashings, by storage in lockers or compartments, by storage in brackets or similar mounting arrangements, or by other suitable means;

(2) Must be secured in such a manner as not to interfere with any abandonment procedures or reduce seating capacity;

(3) Must be as small and of as little mass as possible;

(4) Must be packed in a suitable and compact form; and

(5) Should be stowed so the items do not—

(i) Reduce the seating capacity;

(ii) Adversely affect the seaworthiness of the survival craft or rescue boat; or

(iii) Overload the launching appliance.

(b) Each lifeboat, rigid liferaft, and rescue boat, unless otherwise stated in this paragraph, must carry the equipment listed in this paragraph and specified for it in table 199.175 of this section under the vessel's category of service. A lifeboat that is also a rescue boat must carry the equipment in the table column marked for a lifeboat.

(1) *Bailer.* The bailer must be buoyant.

(2) *Bilge pump.* The bilge pump must be approved under approval series 160.044 and must be installed in a ready-to-use condition as follows:

(i) The bilge pump for a lifeboat approved for less than 70 persons must be either size 2 or size 3.

(ii) The bilge pump for a lifeboat approved for 70 persons or more must be size 3.

(3) *Boathook.* In the case of a boat launched by falls, the boathook must be kept free for fending-off purposes. For inflated rescue boats and for rigid-inflated rescue boats, each boathook must be designed to minimize the possibility of damage to the inflated portions of the hull.

(4) *Bucket.* The bucket must be made of corrosion-resistant material and should either be buoyant or have an attached lanyard at least 1.8 meters (6 feet) long.

(5) *Can opener.* A can opener may be in a jackknife approved under approval series 160.043.

(6) *Compass.* The compass and its mounting arrangement must be approved under approval series 160.014. In a totally enclosed lifeboat, the compass must be permanently fitted at the steering position; in any other boat it must be provided with a binnacle, if necessary to protect it from the weather, and with suitable mounting arrangements.

(7) *Dipper.* The dipper must be rustproof and attached to a lanyard that should be at least 0.9 meters (3 feet) long.

(8) *Drinking cup.* The drinking cup must be graduated and rustproof. The cup should also be of a breakage-resistant material.

(9) *Fire extinguisher.* The fire extinguisher must be approved under approval series 162.028. The fire extinguisher must be type B–C, size II, or larger. Two type B–C, size I fire extinguishers may be carried in place of a type B–C, size II fire extinguisher.

(10) *First aid kit.* The first aid kit in a lifeboat and in a rescue boat must be approved under approval series 160.041. The first aid kit in a rigid liferaft must be approved under approval series 160.054.

(11) *Fishing kit.* The fishing kit must be approved under approval series 160.061.

(12) *Flashlight.* The flashlight must be a type I or type III that is constructed and marked in accordance with the American Society of Testing and Materials (ASTM) F1014. One spare set of batteries and one spare bulb, stored in a watertight container, must be provided for each flashlight.

(13) *Hatchet.* The hatchet must be approved under approval series 160.013. The hatchet should be stowed in brackets near the release mechanism and, if more than one hatchet is carried, the hatchets should be stowed at opposite ends of the boat.

(14) *Heaving line.* The heaving line must be buoyant, must be at least 30 meters (99 feet) long, must have a buoyant rescue quoit attached to one end, and should be at least 8 millimeters (5⁄16 inches) in diameter.

(15) *Instruction card.* The instruction card must be waterproof and contain the information required by IMO Resolution A.657(16). The instruction card should be located so that it can be easily seen upon entering the liferaft.

(16) *Jackknife.* The jackknife must be approved under approval series 160.043 and must be attached to the boat by its lanyard.

(17) *Knife.* The knife must be of the non-folding type with a buoyant hanle as follows:

(i) The knife for a rigid liferaft must be secured to the raft by a lanyard and stowed in a pocket on the exterior of the canopy near the point where the painter is attached to the liferaft. If an approved jackknife is substituted for the second knife required on a liferaft equipped for 13 or more persons, the jackknife must also be secured to the liferaft by a lanyard.

(ii) The knife in an inflated or rigid-inflated rescue boat must be of a type designed to minimize the possibility of damage to the fabric portions of the hull.

(18) *Ladder.* The boarding ladder must be capable of being used at each entrance on either side or at the stern of the boat to enable persons in the water to board the boat. The lowest step of the ladder must be not less than 0.4 meters (15.75 inches) below the boat's light waterline.

(19) *Mirror.* The signalling mirror must be approved under approval series 160.020.

(2) *Oars and paddles.* Each lifeboat and rescue boat must have buoyant oars or paddles of the number, size, and type specified by the manufacturer of the boat. An oarlock or equivalent device, either permanently installed or attached to the boat by a lanyard or chain, must be provided for each oar. Each oar should have the vessel's name marked on it in block letters.

(21) *Painter.* (i) One painter on a lifeboat and the painter on a rescue boat must be attached by a painter release device at the forward end of the lifeboat. The second painter on a lifeboat must be secured at or near the bow of the lifeboat, ready for use. On lifeboats to be launched by free-fall launching, both painters must be stowed near the bow ready for use.

(A) If the painter is of synthetic material, the painter must be of a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light.

(B) The painter for a lifeboat and each painter for a rescue boat must be of a length that is at least twice the distance from the stowage position of the boat to the waterline with the vessel in its lightest seagoing condition, or must be meters (50 feet) long, whichever is the greater.

(C) The painter must have a breaking strength of at least 34 kiloNewtons (7,700 pounds-force).

(D) The painter for a rigid liferaft must be of a length that is at least 20 meters (66 feet) plus the distance from the liferaft's stowed position to the waterline with the vessel in its lightest seagoing condition, or must be 15 meters (50 feet) long, whichever is the greater.

(E) If the painter is of synthetic material, the painter must be of a dark color or certified by the manufacturer to be resistant to deterioration from ultraviolet light.

(F) The painter must have a breaking strength of at least 15 kiloNewtons (3,937 pounds-force) for liferafts approved for more than 25 persons, of at least 20 kiloNewtons (2,250 pounds-force) for liferafts approved for 9 to 25 persons, and of at least 7.5 kiloNewtons (1,687 pounds-force) for any other liferaft.

(G) The painter must have a float-free link meeting the requirements of part 160, subpart 160.073 of this chapter secured to the end of the painter that is attached to the vessel. The float-free link arrangement must break under a load of 2.2±0.4 kiloNewtons (400 to 536 pounds-force).

(22) *Provisions.* Each unit of provisions must be approved under approval series 160.046 and must provide at least 10,000 kiloJoules (2,390 calories). Individual provision packages may provide less than 10,000 kiloJoules, as long as the total quantity of provisions on board provides for at least 10,000 kiloJoules per person.

(23) *Pump.* The pump or bellows must be manually operated and should be arranged so it is capable of inflating any part of the inflatable structure of the rescue boat.

(24) *Radar reflector.* The radar reflector must be capable of detection at a distance of 4 nautical miles and must have a mounting arrangements to install it on the boat in its proper orientation. A 9-GigaHertz radar transponder may be

substituted for the radar reflector if the transponder is accepted by the Federal Communications Commission as meeting the requirements of 47 CFR part 80 and is stowed in the boat or raft.

(25) *Rainwater collection device.* The rainwater collection device must be arranged to collect falling rain and direct it into the water tanks in the lifeboat. If the lifeboat carries a manually-powered, reverse osmosis desalinator approved under approval series 160.058, a rainwater collection device is not required.

(26) *Repair kit.* The repair kit for an inflated and a rigid-inflated rescue boat must be packed in a suitable container and include at least—

(i) Six sealing clamps;

(ii) Five 50-millimeter (2-inch) diameter tube patches;

(iii) A roughing tool; and

(iv) A container of cement compatible with the tube fabric. The cement must have an expiration date on its container that is not more than 24 months after the date of manufacture of the cement.

(27) *Sea anchor.* (i) The sea anchor for a lifeboat must be approved under approval series 160.019.

(ii) Each sea anchor for a rigid liferaft must be of the type specified by the liferaft manufacturer and must be fitted with a shock resistant hawser. It may also be fitted with a tripping line. One sea anchor must be permanently attached to the liferaft in such a way that, when the liferaft is waterborne, it will cause the liferaft to lie oriented to the wind in the most stable manner. The second sea anchor must be stowed in the liferaft as a spare. A davit-launched liferaft and a liferaft on a passenger vessel must have the permanently attached sea anchor arranged to deploy automatically when the liferaft floats free.

(iii) The sea anchor for a rescue boat must be of the type specified by the rescue boat manufacturer, and must have a hawser of adequate strength that is at least 10 meters (33 feet) long.

(28) *Searchlight.* (i) The searchlight must be of the type originally provided with the approved lifeboat or rescue boat, or must be certified by the searchlight manufacturer to meet ASTM F1003. The boat must carry two spare bulbs.

(ii) The searchlight must be permanently mounted on the canopy or must have a stanchion-type or collapsible-type, portable mounting on the canopy. The mounting must be located to enable operation of the searchlight by the boat operator.

(iii) The searchlights power source must be capable of operating the light without charging or recharging for not less than—

(A) Three hours of continuous operation; or

(B) Six hours total operation when it is operated in cycles of 15 minutes on and 5 minutes off.

(iv) If the searchlight's power source is an engine starting battery, there must be sufficient battery capacity to start the engine at the end of either operating period specified in paragraph (b)(28)(iii) of this section.

(v) The searchlight's power source must be connected to the searchlight using watertight electrical fittings.

(29) *Seasickness kit.* The seasickness kit must be in a waterproof package and must include one waterproof seasickness bag, anti-seasickness medication sufficient for one person for 48 hours, and instructions for using the medication. Each seasickness kit should be stowed within reach of the seat for which it is intended.

(30) *Signal, smoke.* The smoke signal must be approved under approval series 160.122.

(31) *Signal, hand flare.* The hand flare must be approved under approval series 160.121.

(32) *Signal, rocket parachute flare.* The rocket parachute flare must be approved under approval series 160.136.

(33) *Skates and fenders.* The skates and fenders must be as specified by the lifeboat or rescue boat manufacturer to facilitate launching and prevent damage to a lifeboat intended for launching down the side of a vessel.

(34) *Sponge.* The sponge must be suitable for soaking up water.

(35) *Survival instructions.* The survival instructions must be as described in IMO Resolution A.657(16), Annex I for liferafts and Annex II for lifeboats.

(36) *Table of lifesaving signals.* The table of lifesaving signals must be as described in Annex IV to the International Regulations for Preventing Collisions at Sea 1972, as amended, and must be printed on a waterproof card or stored in a waterproof container.

(37) *Thermal protective aid.* The thermal protective aid must be approved under approval series 160.174.

(38) *Tool kit.* The tool kit must contain sufficient tools for minor adjustments to the engine and its accessories.

(39) *Towline.* The towline must be buoyant and at least 50 meters (164 feet) long. The towline must have a breaking strength of not less than 13.3 kiloNewtons (3,000 pounds-force) or be of sufficient strength to tow the largest liferaft carried on the vessel when loaded with its full complement of persons and equipment at a speed of at least 2 knots.

(40) *Water.* The water must be emergency drinking water approved under approval series 160.026.

(i) The requirement for up to one-third of the emergency drinking water may be met by a desalting apparatus approved under approval series 160.058 that is capable of producing the substituted amount of water in 2 days.

(ii) The requirement for up to two-thirds of the emergency drinking water may be met by a manually-powered, reverse osmosis desalinator approved under approval series 160.058 and that is capable of producing the substituted amount of water in 2 days.

(41) *Whistle.* The whistle must be corrosion-resistant, and should be a ball-type or multi-tone whistle that is attached to a lanyard.

TABLE 199.175.—SURVIVAL CRAFT EQUIPMENT

Item No.	Item	International voyage			Short international voyage		
		Lifeboat	Rigid life-raft (SOLAS A pack)	Rescue boat	Lifeboat	Rigid life-raft (SOLAS B pack)	Rescue boat
1	Bailer[1]	1	1	1	1	1	1
2	Bilge pump[2]	1	.....	.....	1	.....	.....
3	Boathook	2	.....	1	2	.....	1
4	Bucket[3]	2	.....	1	2	.....	1
5	Can opener	3	3	.....	3	.....	.....
6	Compass	1	.....	1	1	.....	1
7	Dipper	1	.....	.....	1	.....	.....

TABLE 199.175.—SURVIVAL CRAFT EQUIPMENT—Continued

Item No.	Item	International voyage			Short international voyage		
		Lifeboat	Rigid life-raft (SOLAS A pack)	Rescue boat	Lifeboat	Rigid life-raft (SOLAS B pack)	Rescue boat
8	Drinking cup	1	1	.....	1	.....	.....
9	Fire extinguisher	1	.....	1	1	.....	1
10	First aid kit	1	1	1	1	1	1
11	Fishing kit	1	1	.....	.....	.....	.....
12	Flashlight	1	1	1	1	1	1
13	Hatchet	2	.....	.....	2	.....	.....
14	Heaving line	2	1	2	2	1	2
15	Instruction card	.....	1	.....	.....	1	.....
16	Jackknife	1	.....	.....	1	.....	.....
17	Knife[1 4]	.....	1	1	.....	1	1
18	Ladder	1	.....	1	1	.....	1
19	Mirror, signalling	1	1	.....	1	1	.....
20	Oars, units[5 6]	1	.....	1	1	.....	1
	Paddles	.....	2	.....	.....	2	.....
21	Paddles	2	1	1	2	1	1
22	Provisions (units per person)	1	1	.....	.....	.....	.....
23	Pump[7]	.....	.....	1	.....	.....	1
24	Radar reflector	1	1	1	1	1	1
25	Rainwater collection device	1	.....	.....	1	.....	.....
26	Repair kit[7]	.....	.....	1	.....	.....	1
27	Sea anchor	1	2	1	1	2	1
28	Searchlight	1	.....	1	1	.....	1
29	Seasickness kit (units per person)	1	1	.....	1	1	.....
30	Signal, smoke	2	2	.....	2	1	.....
31	Signal, hand flare	6	6	.....	6	3	.....
32	Signal, parachute flare	4	4	.....	4	2	.....
33	Skates and fenders[8]	1	.....	1	1	.....	1
34	Sponge[7]	.....	2	2	.....	2	2
35	Survival instructions	1	1	.....	1	1	.....
36	Table of lifesaving signals	1	1	.....	1	1	.....
37	Thermal protective aids	10%	10%	10%	10%	10%	10%
38	Tool kit	1	.....	.....	1	.....	.....
39	Towline[10]	1	.....	1	1	.....	1
40	Water (liters per person)	3	1.5	.....	3	.....	.....
41	Whistle	1	1	1	1	1	1

Notes:
[1] Each liferaft equipped for 13 persons or more must carry two of these items.
[2] Not required for boats of self-bailing design.
[3] Not required for inflated or rigid-inflated rescue boats.
[4] A hatchet counts towards this requirement in rigid rescue boats.
[5] Oars are not required on a free-fall lifeboat; a unit of oars means the number of oars specified by the boat manufacturer.
[6] Rescue boats may substitute buoyant paddles for oars, as specified by the manufacturer.
[7] Not required for a rigid rescue boat.
[8] Required if specified by the boat manufacturer.
[9] Sufficient thermal protective aids are required for at least 10% of the persons the survival craft is equipped to carry, but not less than two.
[10] Required only if the lifeboat is also the rescue boat.

§ 199.176 Markings on lifesaving appliances.

(a) *Lifeboats and rescue boats.* Each lifeboat and rescue boat must be plainly marked as follows:

(1) Each side of each lifeboat and rescue boat bow must be marked in block capital letters and numbers with—

(i) The name of the vessel; and

(ii) The name of the port required to be marked on the stern of the vessel to meet the requirements of part 67, subpart 67.13 of this chapter.

(2) The length and beam of the boat and the number of persons for which the boat is equipped must be clearly marked, preferably on the bow, in permanent characters. The number of persons for which the boat is equipped must not exceed the number of persons shown on its nameplate.

(3) The number of the boat and a means of identifying the vessel to which the boat belongs, such as the vessel's name, must be plainly marked or painted so that the markings are visible from above the boat.

(4) The Type II retro-reflective material approved under approval series 164.018 must be placed on the boat to meet the arrangement requirements in IMO Resolution A.658(16).

(b) *Rigid liferafts.* Each rigid liferaft must be marked as follows:

(1) The name of the vessel must be marked on each rigid liferaft.

(2) The name of the port required to be marked on the stern of the vessel to meet the requirements of part 67, subpart 67.13 of this chapter must be marked on each rigid liferaft.

(3) The rigid liferaft must be marked with the words ''SOLAS A pack'' or ''SOLAS B pack'', to reflect the pack inside.

(4) The length of the painter must be marked on each rigid liferaft.

(5) At each entrance of each rigid liferaft, the number of persons for which the rigid liferaft is equipped must be marked in letters and numbers at least 100 millimeters (4 inches) high and in a color contrasting to that of the liferaft. The number of persons for which the

liferaft is equipped must not exceed the number of persons shown on its nameplate.

§ 199.178 Marking of stowage locations.

(a) Containers, brackets, racks, and other similar stowage locations for lifesaving equipment must be marked with symbols in accordance with IMO Resolution A.760(18) indicating the device stowed in that location.

(b) If more than one device is stowed in a location, the number of devices stowed must be indicated.

(c) Survival craft should be numbered consecutively starting from the vessel's bow. Survival craft on the starboard side should be numbered with odd numerals and survival craft on the port side should be numbered with even numerals.

(d) Each liferaft stowage location should be marked with the capacity of the liferaft stowed there.

§ 199.180 Training and drills.

(a) *Training materials.* Training material must be on board each vessel and must consist of a manual of one or more volumes written in easily understood terms and illustrated wherever possible, or of audiovisual training aids, or of both as follows:

(1) If a training manual is used, a copy must be in each crew messroom and recreation room or in each crew cabin. If audiovisual training aids are used, they must be incorporated into the onboard training sessions described in paragraph (g) of this section.

(2) The training material must explain in detail—

(i) The procedure for donning lifejackets, immersion suits, and anti-exposure suits carried on board;

(ii) The procedure for mustering at the assigned stations;

(iii) The procedure for boarding, launching, and clearing the survival craft and rescue boats;

(iv) The method of launching from within the survival craft;

(v) The procedure for releasing survival craft from launching appliances;

(vi) The methods and use of devices for protection in launching areas, where appropriate;

(vii) The illumination in the launching areas;

(viii) The use of all survival equipment;

(ix) The use of all detection equipment;

(x) With the assistance of illustrations, the use of radio lifesaving appliances;

(xi) The use of sea anchors;

(xii) The use of the survival craft engine and accessories;

(xiii) The recovery of survival craft and rescue boats, including stowage and securing;

(xiv) The hazards of exposure and the need for warm clothing;

(xv) The best use of the survival craft for survival;

(xvi) The methods of retrieval, including the use of helicopter rescue gear such as slings, baskets, and stretchers; the use of breeches-buoy and shore lifesaving apparatus; and the use of the vessel's line-throwing apparatus;

(xvii) All other functions contained in the muster list and emergency instructions; and

(xviii) The instructions for emergency repair of the lifesaving appliances.

(b) *Familiarity with emergency procedures.* (1) Every crewmember with emergency duties assigned on the muster list must be familiar with their assigned duties before the voyage begins.

(2) On a vessel engaged on voyage when the passengers or special personnel are scheduled to be on board for more than 24 hours, musters of the passengers and special personnel must take place within 24 hours after their embarkation. Passengers and special personnel must be instructed in the use of the lifejackets and the action to take in an emergency.

(3) Whenever new passengers or special personnel embark, a safety briefing must be given immediately before sailing or immediately after sailing. The briefing must include the instructions required by § 199.80 and must be made by means of an announcement in one or more languages likely to be understood by the passengers and special personnel. The announcement must be made on the vessel's public address system or by other equivalent means likely to be heard by the passengers and special personnel who have not yet heard it during the voyage. The briefing may be included in the muster required by paragraph (b)(2) of this section if the muster is held immediately upon departure. Information cards or posters, or video programs displayed on the vessel video displays, may be used to supplement the briefing, but may not be used to replace the announcement.

(c) *Drills—general.* (1) Drills must, as far as practicable, be conducted as if there were an actual emergency.

(2) Every crewmember must participate in at least one abandon-ship drill and one fire drill every month. The drills of the crew must take place within 24 hours of the vessel leaving a port if more than 25 percent of the crew have not participated in abandon-ship and fire drills on board that particular vessel in the previous month.

(3) Drills must be held before sailing when a vessel enters service for the first time, after modification of a major character, or when a new crew is engaged.

(4) The OCMI may accept other equivalent drill arrangements for those classes of vessels for which compliance with this paragraph is impracticable.

(d) *Abandon-ship drills.* (1) Abandon-ship drills must include—

(i) Summoning persons on board to muster stations with the general alarm followed by drill announcements on the public address or other communication system and ensuring that the persons on board are made aware of the order to abandon ship;

(ii) Reporting to stations and preparing for the duties described in the muster list;

(iii) Checking that persons on board are suitably dressed;

(iv) Checking that lifejackets or immersion suits are correctly donned;

(v) Lowering of at least one lifeboat after any necessary preparation for launching;

(vi) Starting and operating the lifeboat engine; and

(vii) Operating davits used for launching the liferafts.

(2) Abandon-ship drills should also include conducting a mock search and rescue of passengers or special personnel trapped in their staterooms, and giving instructions in the use of radio lifesaving appliances.

(3) Different lifeboats must, as far as practicable, be lowered to comply with the requirements of paragraph (d)(1)(v) of this section at successive drills.

(4) Except as provided in paragraphs (d)(5) and (d)(6) of this section, each lifeboat must be launched with its assigned operating crew aboard and maneuvered in the water at least once every 3 months during an abandon-ship drill.

(5) Lowering into the water, rather than launching of a lifeboat arranged for free-fall launching, is acceptable when free-fall launching is impracticable, provided that the lifeboat is free-fall launched with its assigned operating crew aboard and is maneuvered in the water at least once every 6 months. However, when compliance with the 6-month requirement is impracticable, the OCMI may extend this period to 12 months, provided that arrangements are made for simulated launching at intervals of not more than 6 months.

(6) The OCMI may exempt a vessel operating on short international voyages from the requirement to launch the lifeboats on both sides of the vessel if

berthing arrangements in port and operations do not permit launching of lifeboats on one side. However, all lifeboats on the vessel must be lowered at least once every 3 months and launched at least annually.

(7) As far as is reasonable and practicable, rescue boats, other than lifeboats which are also rescue boats, must be launched with their assigned crew aboard and maneuvered in the water each month. Such launching and maneuvering must occur at least once every 3 months.

(8) If lifeboat and rescue boat launching drills are carried out with the vessel making headway, such drills must, because of the dangers involved, be practiced in sheltered waters only and be under the supervision of an officer experienced in such drills.

(9) If a vessel is fitted with marine evacuation systems, drills must include an exercising of the procedures required for the deployment of such a system up to the point immediately preceding actual deployment of the system. This aspect of drills should be augmented by regular instruction using the on board training aids. Additionally, every crewmember assigned to duties involving the marine evacuation system must, as far as practicable, participate in a full deployment of a similar system into water, either on board a vessel or ashore, every 2 years but not longer than every 3 years. This training may be associated with the deployments required by § 199.190(k).

(10) Emergency lighting for mustering and abandonment must be tested at each abandon-ship drill.

(11) If a vessel carries immersion suits or anti-exposure suits, the suits must be worn by crewmembers in at least one abandon-ship drill per month. If wearing the suits is impracticable due to warm weather, the crewmembers must be instructed on their donning and use.

(12) If a vessel carries immersion suits for persons other than the crew, the abandon-ship drill must include instruction to these persons on the stowage, donning, and use of the suits.

(e) *Line-throwing appliance.* A drill must be conducted on the use of the line-throwing appliance at least once every 3 months. The actual firing of the appliance is at the discretion of the master.

(f) *Fire drills.* (1) Fire drills must, as far as practicable, be planned with due consideration given to the various emergencies that may occur for that type of vessel and its cargo.

(2) Each fire drill must include—

(i) Reporting to stations and preparing for the duties described in the station bill for the particular fire emergency being simulated;

(ii) Starting of fire pumps and the use of two jets of water to determine that the system is in proper working order;

(iii) Checking the firemen's outfits and other personal rescue equipment;

(iv) Checking the relevant communications equipment;

(v) Checking the operation of watertight doors, fire doors, and fire dampers and main inlets and outlets of ventilation systems in the drill area; and

(vi) Checking the necessary arrangements for subsequent abandonment of the vessel.

(3) The equipment used during drills must immediately be brought back to its fully operational condition. Any faults and defects discovered during the drills must be remedied as soon as possible.

(g) *Onboard training and instruction.* (1) Onboard training in the use of the vessel's lifesaving appliances, including survival craft equipment, and in the use of the vessel's fire-extinguishing appliances must be given as soon as possible but not later than 2 weeks after a crewmember joins the vessel.

(2) If the crewmember is on a regularly scheduled rotating assignment to the vessel, the training required in paragraph (g)(1) of this section need be given only within 2 weeks of the time the crewmember first joins the vessel.

(3) The crew must be instructed in the use of the vessel's fire-extinguishing and lifesaving appliances and in survival at sea at the same interval as the drills. Individual units of instruction may cover different parts of the vessel's lifesaving and fire-extinguishing appliances, but all the vessel's lifesaving and fire-extinguishing appliances must be covered within any period of 2 months.

(4) Every crewmember must be given instructions that include, but are not limited to—

(i) The operation and use of the vessel's inflatable liferafts;

(ii) The problems of hypothermia, first aid treatment for hypothermia, and other appropriate first aid procedures;

(iii) Any special instructions necessary for use of the vessel's lifesaving appliances in severe weather and severe sea conditions; and

(iv) The operation and use of fire-extinguishing appliances.

(5) Onboard training in the use of davit-launched liferafts must take place at intervals of not more than 4 months on each vessel with davit-launched liferafts. Whenever practicable, this training must include the inflation and lowering of a liferaft. If this liferaft is a special liferaft intended for training purposes only and is not part of the vessel's lifesaving equipment, this liferaft must be conspicuously marked.

(h) *Records.* (1) When musters are held, details of abandon-ship drills, fire drills, drills of other lifesaving appliances, and onboard training must be recorded in the vessel's official logbook. Logbook entries must include—

(i) The date and time of the drill, muster, or training session;

(ii) The survival craft and fire-extinguishing equipment used in the drills;

(iii) Identification of inoperative or malfunctioning equipment and the corrective action taken;

(iv) Identification of crewmembers participating in drills or training sessions; and

(v) The subject of the onboard training session.

(2) If a full muster, drill, or training session is not held at the appointed time, an entry must be made in the logbook stating the circumstances and the extent of the muster, drill, or training session held.

§ 199.190 Operational readiness, maintenance, and inspection of lifesaving equipment.

(a) *Operational readiness.* Before the vessel leaves port and at all times during the voyage, each lifesaving appliance must be in working order and ready for immediate use.

(b) *Maintenance.* (1) The manufacturer's instructions for onboard maintenance of lifesaving appliances must be on board the vessel. The following must be provided for each appliance.

(i) Checklists for use when carrying out the inspections required under paragraph (e) of this section.

(ii) Maintenance and repair instructions.

(iii) A schedule of periodic maintenance.

(iv) A diagram of lubrication points with the recommended lubricants.

(v) A list of replaceable parts.

(vi) A list of sources of spare parts.

(vii) A log of records of inspections and maintenance.

(2) In lieu of compliance with paragraph (b)(1) of this section, the OCMI may accept a shipboard planned maintenance program that includes the items listed in that paragraph.

(c) *Spare parts and repair equipment.* Spare parts and repair equipment must be provided for each lifesaving appliance and component that is subject to excessive wear or consumption and that needs to be replaced regularly.

(d) *Weekly inspections and tests.* (1) Each survival craft, rescue boat, and

launching appliance must be visually inspected to ensure its readiness for use.

(2) Each lifeboat engine and rescue boat engine must be run ahead and astern for not less than 3 minutes, unless the ambient temperature is below the minimum temperature required for starting the engine. During this time, demonstrations should indicate that the gear box and gear box train are engaging satisfactorily. If the special characteristics of an outboard motor fitted to a rescue boat do not allow the outboard motor to be run for a period of 3 minutes other than with its propeller submerged, the outboard motor should be run for such period as prescribed in the manufacturer's handbook.

(3) The general alarm system must be tested.

(e) *Monthly inspections.* (1) Each lifesaving appliance, including lifeboat equipment, must be inspected monthly using the checklists required under paragraph (b)(1)(i) of this section to make sure the appliance and the equipment are complete and in good working order. A report of the inspection, including a statement as to the condition of the equipment, must be recorded in the vessel's official logbook.

(2) Each EPIRB and each SART, other than an EPIRB or SART in an inflatable liferaft, must be tested monthly. The EPIRB must be tested using the integrated test circuit and output indicator to determine that it is operative.

(f) *Annual inspections.* Annual inspections must include the following:

(1) Each survival craft, except for inflatable craft, must be stripped, cleaned, and thoroughly inspected and repaired, as needed, at least once each year and each fuel tank must be emptied, cleaned, and refilled with fresh fuel.

(2) Each davit, winch, fall, and other launching appliance must be thoroughly inspected and repaired, as needed, once each year.

(3) Each item of survival equipment with an expiration date must be replaced during the annual inspection if the expiration date has passed.

(4) Each battery clearly marked with an expiration date and used in an item of survival equipment must be replaced during the annual inspection if the expiration date has passed.

(5) Except for a storage battery used in a lifeboat or rescue boat, each battery without an expiration date that is used in an item of survival equipment must be replaced during the annual inspection.

(g) *Servicing of inflatable lifesaving appliances, inflated rescue boats, and marine evacuation systems.*

(1) Each inflatable lifesaving appliance and marine evacuation system must be serviced—

(i) Within 12 months of its initial packing; and

(ii) Within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel, provided the delay does not exceed 5 months.

(2) Each inflatable lifejacket must be serviced in accordance with servicing procedures meeting the requirements of part 160, subpart 160.176 of this chapter. Each hybrid inflatable lifejacket must be serviced in accordance with the owners manual and meet the requirements of part 160, subpart 160.077 of this chapter.

(3) Each inflatable liferaft must be serviced—

(i) In accordance with servicing procedures meeting the requirements of part 160, subpart 160.051 of this chapter; and

(ii) Whenever the container of the raft is damaged, or the straps or seal broken.

(4) Each inflated rescue boat must be repaired and maintained in accordance with the manufacturer's instructions. All repairs must be made at a serving facility approved by the Commandant (G–MSE), except for emergency repairs carried out on board the vessel.

(h) *Periodic servicing of hydrostatic release units.* Each hydrostatic release unit, other than a disposable hydrostatic release unit, must be serviced in accordance with repair and testing procedures meeting the requirements of part 160, subpart 160.062 of this chapter—

(1) Within 12 months of its manufacture; and

(2) Within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel, provided the delay does not exceed 5 months.

(i) *Periodic serving of launching appliances and release gear.* (1) Launching appliances must be serviced at the intervals recommended in the manufacturer's instructions or as set out in the shipboard planned maintenance program.

(2) Launching appliances must be thoroughly examined at intervals not exceeding 5 years and, upon completion of the examination, the launching appliance must be subjected to a dynamic test of the winch brake.

(3) Lifeboat and rescue boat release gear must be serviced at the intervals recommended in the manufacturer's instructions, or as set out in the shipboard-planned-maintenance program.

(4) Lifeboat and rescue boat release gear must be subjected to a thorough examination by properly trained personnel familiar with the system at each inspection for certification.

(5) Lifeboat and rescue boat release gear must be operationally tested under a load of 1.1 times the total mass of the lifeboat when loaded with its full complement of persons and equipment whenever overhauled or at least once every 5 years.

(j) *Maintenance of falls.* (1) Each fall used in a launching appliance must—

(i) Be turned end-for-end at intervals of not more than 30 months; and

(ii) Be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.

(2) As an alternative to paragraph (j)(1) of this section, each fall may—

(i) Be inspected annually; and

(ii) Be renewed whenever necessary due to deterioration or at intervals of not more than 4 years, whichever is earlier.

(k) *Rotational deployment of marine evacuation systems.* In addition, to or in conjunction with, the servicing intervals of marine evacuation systems required by paragraph (g)(1) of this section, each marine evacuation system must be deployed from the vessel on a rotational basis. Each marine evacuation system must be deployed at least once every 6 years.

Subpart C—Additional Requirements for Passenger Vessels

§ 199.200 General.

Passenger vessels and special purpose vessels described in § 199.10(f), must meet the requirements in this subpart in addition to the requirements in subparts A and B of this part.

§ 199.201 Survival craft.

(a) Each survival craft must be approved and equipped as follows:

(1) Each lifeboat must be approved under approval series 160.135 and equipped as specified in table 199.175 of this part.

(2) Each inflatable liferaft must be approved under approval series 160.151 and equipped with—

(i) A SOLAS A pack; or

(ii) For a passenger vessel on a short international voyage, a SOLAS B pack.

(3) Each rigid liferaft must be approved under approval series 160.118 and equipped as specified in table 199.175 of this part.

(4) Each marine evacuation system must be approved under approval series 160.175.

(5) Each liferaft must have a capacity of six persons or more.

(b) Each passenger vessel must carry the following:

(1) A combination of lifeboats and liferafts that have an aggregate capacity sufficient to accommodate the total number of persons on board, provided that—

(i) On each side of the vessel, lifeboats with an aggregate capacity sufficient to accommodate at least 37.5 percent of the total number of persons on board are carried; and

(ii) Any liferafts that are provided in combination with the lifeboats are served by launching appliances or marine evacuation systems equally distributed on each side of the vessel.

(2) In addition to the survival craft required in paragraph (b)(1) of this section, additional liferafts must be provided that have a aggregate capacity sufficient to accommodate at least 25 percent of the total number of persons on board. The additional liferafts—

(i) Must be served by at least one launching appliance or marine evacuation system on each side of the vessel. These launching appliances or marine evacuation systems must be those described under paragraph (b)(1)(ii) of this section or be equivalent approved appliances capable of being used on both sides of the vessel; and

(ii) Are not required to be stowed in accordance with § 199.130(c)(4).

(c) Each passenger vessel engaged on a short international voyage that also complies with the standards of subdivision requirements for vessels on short international voyages as described in subchapter S of this chapter may, as an alternative to the lifeboat requirements in paragraph (b)(1)(i) of this section, carry lifeboats with an aggregate capacity sufficient to accommodate at least 30 percent of the total number of persons on board. These lifeboats must be equally distributed, as far as practicable, on each side of the vessel.

(d) Each passenger vessel that is less than 500 tons gross tonnage and is certificated to permit less than 200 persons on board is not required to meet the requirements of paragraphs (b) or (c) of this section if it meets the following:

(1) On each side of the vessel—

(i) Liferafts are carried with an aggregate capacity sufficient to accommodate the total number of persons on board and are stowed in a position providing for easy side-to-side transfer at a single open deck level; or

(ii) Liferafts are carried with an aggregate capacity sufficient to accommodate 150 percent of the total number of persons on board. If the rescue boat required under § 199.202 is also a lifeboat, its capacity may be included to meet the aggregate capacity requirement.

(2) If the largest survival craft on either side of the vessel is lost or rendered unserviceable, there must be survival craft available for use on each side of the vessel, including those which are stowed in a position providing for side-to-side transfer at a single open deck level, with a capacity sufficient to accommodate the total number of persons on board.

§ 199.202 Rescue boats.

(a) Each passenger vessel of 500 tons gross tonnage and over must carry on each side of the vessel at least one rescue boat approved under approval series 160.156 that is equipped as specified in table 199.175 of this part.

(b) Each passenger vessel of less than 500 tons gross tonnage must carry at least one rescue boat approved under approval series 160.156 that is equipped as specified in table 199.175 of this part.

(c) A lifeboat is accepted as a rescue boat if, in addition to being approved under approval series 160.135, it is also approved under approval series 160.156.

§ 199.203 Marshalling of liferafts.

(a) Each passenger vessel must have a lifeboat or rescue boat for each six liferafts when—

(1) Each lifeboat and rescue boat is loaded with its full complement of persons; and

(2) The minimum number of liferafts necessary to accommodate the remainder of the persons on board have been launched.

(b) A passenger vessel engaged on a short international voyage that also complies with the standards of subdivision requirements for vessels on short international voyages as described in subchapter S of this chapter may have a lifeboat or rescue boat for each nine liferafts when—

(1) Each lifeboat and rescue boat is loaded with its full complement of persons; and

(2) The minimum number of liferafts necessary to accommodate the remainder of the persons on board have been launched.

§ 199.211 Lifebuoys.

(1) Each passenger vessel must carry the number of lifebuoys prescribed in table 199.211 of this section.

TABLE 199.211.—REQUIREMENTS FOR LIFEBUOYS FOR PASSENGER VESSELS

Length of vessel in meters (feet)	Minimum number of lifebuoys
Under 60 (196)	8
60(196) and under 120(393)	12
120(393) and under 180 (590)	18
180 (590) and under 240 (787)	24
240 (787) and over	30

(b) Notwithstanding § 199.70(a)(3)(ii), each passenger vessel under 60 meters (196 feet) in length must carry at least six lifebuoys with self-igniting lights.

§ 199.212 Lifejackets.

(a) In addition to the lifejackets required under § 199.70(b), each passenger vessel must carry lifejackets for at least 5 percent of the total number of persons on board. These lifejackets must be stowed in conspicuous places on deck or at muster stations.

(b) Where lifejackets for persons other than the crew are stowed in staterooms located remotely from direct routes between public spaces and muster stations, any additional lifejackets required by § 199.70(b)(2)(v) for these persons must be stowed in the public spaces, near muster stations, or on direct routes between them. These lifejackets must be stowed so that their distribution and donning does not impede orderly movement to muster stations and survival craft embarkation stations.

§ 199.214 Immersion suits and thermal protective aids.

(a) Each passenger vessel must carry at least three immersion suits approved under approval series 160.171 for each lifeboat on the vessel.

(b) In addition to the requirements in paragraph (a) of this section, each passenger vessel must carry a thermal protective aid approved under approval series 160.174 for each person not provided with an immersion suit.

(c) The immersion suits and thermal protective aids required under paragraphs (a) and (b) of this section are not required if the passenger vessel operates only on routes between 32 degrees north and 32 degrees south latitude.

§ 199.217 Muster list and emergency instructions.

(a) The format of each passenger vessel muster list required under § 199.80 must be approved by the OCMI.

(b) The passenger vessel muster list or emergency instructions must include procedures for locating and rescuing persons other than the crew who may be trapped in their staterooms.

(c) As an alternative to the requirements in § 199.80(c), the passenger vessel emergency instructions may meet the requirements of MSC Circular 699 (Guidelines for Passenger Safety Instructions).

§ 199.220 Survival craft and rescue boat embarkation arrangements.

(a) Survival craft embarkation arrangements must be designed for—

(1) Each lifeboat to be boarded and launched either directly from the stowed position or from an embarkation deck, but not both; and

(2) Davit-launched liferafts to be boarded and launched from a position immediately adjacent to the stowed positions or from a position where, as described under § 199.130(b)(4), the liferaft is transferred before launching.

(b) Each rescue boat must be able to be boarded and launched directly from the stowed position with the number of persons assigned to crew the rescue boat on board. Notwithstanding paragraph (a)(1) of this section, if the rescue boat is also a lifeboat and the other lifeboats are boarded and launched from an embarkation deck, the arrangements must be such that the rescue boat can also be boarded and launched from the embarkation deck.

§ 199.230 Stowage of survival craft.

(a) To meet the requirements of § 199.130(b)(1), each lifeboat on a passenger vessel of 80 meters (262 feet) in length and upwards must be stowed where the after-end of the lifeboat is at least 1.5 times the length of the lifeboat forward of the vessel's propeller.

(b) The stowage height of a survival craft must take into account the vessel's escape provisions, the vessel's size, and the weather conditions likely to be encountered in the vessel's intended area of operation.

(c) The height of the davit head of each davit when it is in position to launch the survival craft should, as far as practicable, not exceed 15 meters (49 feet) to the waterline when the vessel is in its lightest seagoing condition.

§ 199.240 Muster stations.

Each passenger vessel must, in addition to meeting the requirements of § 199.110, have muster stations that—

(a) Are near the embarkation stations, unless a muster station is also an embarkation station;

(b) Permit ready access to the embarkation station, unless a muster station is also an embarkation station; and

(c) Have sufficient room to marshal and instruct passengers and special personnel.

§ 199.245 Survival craft embarkation and launching arrangements.

(a) Each davit-launched liferaft must be arranged to be rapidly boarded by its full complement of persons.

(b) All survival craft required for abandonment by the total number of persons on board must be capable of being launched with the survival crafts' full complement of persons and equipment within a period of 30 minutes from the time the abandon-ship signal is given.

§ 199.250 Drills.

(a) An abandon-ship drill and a fire drill, as described in § 199.180, must be conducted on each passenger vessel at least weekly.

(b) The entire crew does not have to be involved in every drill, but each crewmember must participate in an abandon-ship drill and a fire drill each month.

(c) Passengers and special personnel must be strongly encouraged to attend abandon-ship and fire drills.

Subpart D—Additional Requirements for Cargo Vessels

§ 199.260 General.

Cargo vessels and special purpose vessels, as described in § 199.10(g), must meet the requirements in this subpart in addition to the requirements in subparts A and B of this part.

§ 199.261 Survival craft.

(a) Each survival craft must be approved and equipped as follows:

(1) Each lifeboat must be a totally enclosed lifeboat approved under approval series 160.135 and equipped as specified in table 199.175 of this part.

(2) Each inflatable liferaft must be approved under approval series 160.151 and be equipped with a SOLAS A pack.

(3) Each rigid liferaft must be approved under approval series 160.118 and be equipped as specified in table 199.175 of this part.

(4) Each liferaft must have a capacity of six persons or more.

(5) Each marine evacuation system must be approved under approval series 160.175.

(b) Each cargo vessel must carry—

(1) On each side of the vessel, lifeboats with an aggregate capacity sufficient to accommodate the total number of persons on board; and

(2) Liferafts—

(i) With an aggregate capacity sufficient to accommodate the total number of persons on board and that are stowed in a position providing for easy side-to-side transfer at a single open deck level; or

(ii) With an aggregate capacity on each side sufficient to accommodate the total number of persons on board.

(c) A cargo vessel is not required to meet the requirements of paragraph (b) of this section if it carries—

(1) Lifeboats capable of being free-fall launched over the stern of the vessel that have an aggregate capacity sufficient to accommodate the total number of persons on board; and

(2) On each side of the vessel, liferafts with an aggregate capacity sufficient to accommodate the total number of persons on board with the liferafts on at least one side of the vessel being served by launching appliances or marine evacuation systems.

(d) Cargo vessels less than 85 meters (278 feet) in length, with the exception of tank vessels, are not required to meet paragraphs (b) or (c) of this section if they meet the following:

(1) On each side of the vessel—

(i) Liferafts are carried with an aggregate capacity sufficient to accommodate the total number of persons on board and are stowed in a position providing for easy side-to-side transfer at a single open deck level; or

(ii) Liferafts are carried with an aggregate capacity sufficient to accommodate 150 percent of the total number of persons on board. If the rescue boat required under § 199.262 is also a lifeboat, its capacity may be included to meet the aggregate capacity requirement.

(2) In the event the largest survival craft on either side of the vessel is lost or rendered unserviceable, there must be survival craft available for use on each side of the vessel, including those which are stowed in a position providing for side-to-side transfer at a

single open deck level, with a capacity sufficient to accommodate the total number of persons on board.

(e) Each cargo vessel on which the horizontal distance from the extreme end of the stem or stern of the vessel to the nearest end of the closest survival craft is more than 100 meters (328 feet) must carry, in addition to the liferafts required by paragraphs (b)(2) and (c)(2) of this section, a liferaft stowed as far forward or aft, or one as far forward and another as far aft, as is reasonable and practicable. The requirement for the liferaft to float free under § 199.130(c)(7) does not apply to a liferaft under this paragraph, provided it is arranged for quick manual release.

(f) Each lifeboat on a tank vessel certificated to carry cargos that emit toxic vapors or gases must be approved as a lifeboat with a self-contained air support system or a fire-protected lifeboat.

(g) Each lifeboat must be approved as a fire-protected lifeboat if it is carried on a tank vessel certificated to carry cargos that have a flashpoint less than 60 °C as determined under ASTM D93–94.

§ 199.262 Rescue boats.

(a) Each cargo vessel must carry at least one rescue boat. Each rescue boat must be approved under approval series 160.156 and be equipped as specified in table 199.175 of this part.

(b) A lifeboat is accepted as a rescue boat if, in addition to being approved under approval series 160.135, it also is approved under approval series 160.156.

§ 199.271 Lifebuoys.

Each cargo vessel must carry the number of lifebuoys prescribed in table 199.271 of this section.

TABLE 199.271.—REQUIREMENTS FOR LIFEBUOYS ON CARGO VESSELS

Length of vessel in meters (feet)	Minimum number of lifebuoys
Under 100 (328)	8
100 (328) and under 150 (492)	10
150 (492) and under 200 (656)	12
200 (656) and over	14

§ 199.273 Immersion suits.

(a) Each cargo vessel must carry an immersion suit approved under approval series 160.171 of an appropriate size for each person on board.

(b) If watch stations, work stations, or work sites are remote from cabins, staterooms, or berthing areas and the immersion suits stowed in those locations, there must be, in addition to the immersion suites required under paragraph (a) of this section, enough immersion suits stowed at the watch stations, work stations, or work sites to equal the number of persons normally on watch in, or assigned to, those locations at any time.

(c) The immersion suits required under paragraphs (a) and (b) of this section are not required if the cargo vessel operates only on routes between 32 degrees north and 32 degrees south latitude.

(d) The immersion suits required under this section can be included to meet the requirements of § 199.70(c).

§ 199.280 Survival craft embarkation and launching arrangements.

(a) Each lifeboat must be arranged to be boarded and launched directly from the stowed position.

(b) Each davit-launched liferaft must be arranged to be boarded and launched from a position immediately adjacent to the stowed position or from a position where, under § 199.130(b)(4), the liferaft is transferred before launching.

(c) Cargo vessels of 20,000 tons gross tonnage or more must carry lifeboats that are capable of being launched, using painters if necessary, with the vessel making headway at speeds up to 5 knots in clam water.

(d) All survival craft required for abandonment by the total number of persons on board must be capable of being launched with their full complement of persons and equipment within 10 minutes from the time the abandon-ship signal is given.

(e) On a tank vessel carrying crude oil, product, chemicals, or liquefied gases, notwithstanding the requirements of § 199.150(b), each launching appliance, together with its lowering and recovery gear, must be arranged so that the fully equipped survival craft the launching appliance serves can be safely lowered on the lower side of the vessel at the angle of heel after damage calculated in accordance with—

(1) The International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocal of 1978 (MARPOL 73/78), in the case of an oil tanker;

(2) The International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk, in the case of a chemical tanker; or

(3) The International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk, in the case of a gas carrier.

§ 199.290 Stowage of survival craft.

(a) To meet the requirements of § 199.130(b)(1), each lifeboat—

(1) On a cargo vessel 80 meters (262 feet) or more in length but less than 120 meters (393 feet) in length, must be stowed with the after-end of the lifeboat at a distance not less than one length of the lifeboat forward of the vessel's propeller; and

(2) On a cargo vessel 120 meters (393 feet) or more in length, must be stowed with the after end of the lifeboat not less than 1.5 times the length of the lifeboat forward of the vessel's propeller.

(b) On a tank vessel certificated to carry cargos that have a flashpoint less the 60 °C as determined under ASTM D93–94, each lifeboat or launching appliance of aluminum construction must be protected by a water spray system meeting the requirements of part 34, subpart 34.25 of this chapter.

(c) Other than the stowage position for the liferaft required under § 199.261(e), no stowage position or muster and embarkation station for a survival craft on a tank vessel may be located on or above a cargo tank, slop tank, or other tank containing explosives or hazardous liquids.

(d) Each lifeboat and davit-launched liferaft must be arranged to be boarded by its full complement of persons within 3 minutes from the time the instruction to board is given.

Subpart E—Additional Requirements for Vessels Not Subject to SOLAS

§ 199.500 General.

This subpart sets out requirements in addition to the requirements in subparts A, B, C, and D of this part applicable to vessels not subject to SOLAS.

§ 199.510 EPIRB requirements.

(a) Each vessel must carry a category 1 406 MHz satellite EPIRB meeting the requirements of 47 CFR part 80.

(b) When the vessel is underway, the EPIRB must be stowed in its float-free bracket with the controls set for automatic activation and be mounted in a manner so that it will float free if the vessel sinks.

§ 199.520 Lifeboat requirements.

When the vessel's lifeboats are used to carry persons to and from the vessel in a harbor or at an anchorage, the survival craft remaining on the vessel must have an aggregate capacity sufficient to accommodate all persons remaining on board.

Subpart F—Exemptions and Alternatives for Vessels Not Subject to SOLAS

§ 199.600 General.

This subpart sets out specific exemptions and alternatives to requirements in subparts A, B, C, D, and E of this part for vessels not subject to SOLAS.

§ 199.610 Exemptions for vessels in specified services.

(a) *All vessels.* Vessels operating in coastwise; Great Lakes; lakes, bays, and sounds; and rivers service are exempt from requirements in subparts A through E of this part as specified in this paragraph and in table 199.610(a) of this section.

(1) *Non-self propelled vessels.* Non-self propelled vessels need not meet the EPIRB requirement in § 199.510 and the rescue boat requirements in §§ 199.202 or 199.262 if they are in tow, moored to or alongside a MODU or a self-propelled vessel, or moored to shore.

(2) *Vessels operating on short runs.* The distress signals requirement in § 199.60(c) need not be met if the vessel operates on a route with a duration of 30 minutes or less.

(3) *Vessels operating in shallow water.* The float-free link described in §§ 199.175(b)(21)(ii)(B) and 199.640(j)(4)(E) is not required if the vessel operates on a route on which the water depth is never more than the length of the painter.

(4) *Vessels operating in fresh water.* The survival craft fall renewal described in § 199.190(j) is not required if the vessel operates on a fresh water route and inspection shows that the falls are not damaged by corrosion.

TABLE 199.610(a).—EXEMPTIONS FOR ALL VESSELS IN SPECIFIED SERVICES

Section or paragraph in this part	Service			
	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.60(c): Distress signals	Not Exempt	Not Exempt	Exempt	Exempt.
199.70(a)(3)(iii): Lifebuoys fitted with smoke signals	Exempt	Exempt	Exempt	Exempt.
199.70(b)(1)(i): Carriage of additional child-size lifejackets	(1)	(1)	(1)	(1).
199.70(b)(4)(i): Lifejacket lights	(2)	(2)	Exempt	Exempt.
199.70(b)(4)(ii): Lifejacket whistles	Exempt	Exempt	Exempt	Exempt.
199.70(c): Immersion suits for rescue boat crew members	Not Exempt	Not Exempt	Exempt	Exempt.
199.70(c)(4)(ii): Immersion suit whistles	Exempt	Exempt	Exempt	Exempt.
199.100(c)(1): Requirements for person-in-charge of survival craft	Not Exempt	Not Exempt	Not Exempt	Exempt.
199.100(d): Designation of second-in-command of survival craft	(3)	(3)	(3)	Exempt.
199.100(f): Embarkation ladders at launching stations	(4)	(4)	(4)	(4).
199.130(a)(4): Survival craft embarkation position	Not Exempt	Not Exempt	Exempt	Exempt.
199.170: Line-throwing appliance	Not Exempt	Exempt	Exempt	Exempt.
199.510: EPIRB requirement	(5)	(6)	Exempt	Exempt.

Notes:
(1) Exempt if the vessel does not carry persons smaller than the lower size limit of the lifejackets carried.
(2) Exempt if the vessel is a ferry or has no overnight accommodations.
(3) Exempt if the survival craft has a carrying capacity of less than 40 persons.
(4) Exempt if the distance is less than 3 meters (10 feet) from the embarkation deck to the water with the vessel in its lightest seagoing operating condition.
(5) Exempt if the vessel is a cargo vessel under 300 tons gross tonnage and operates on a route no more than 3 nautical miles from shore.
(6) Exempt if the vessel operates on a route no more than 3 nautical miles from shore.

(b) *Passenger vessels.* In addition to the exemptions in paragraph (a) of this section, passenger vessels operating in coastwise; Great Lakes; lakes, bays, and sounds; and rivers service are exempt from requirements in subparts A through E of this part as specified in table 199.610(b) of this section.

TABLE 199.610(b).—EXEMPTIONS FOR PASSENGER VESSELS IN SPECIFIED SERVICES

Section or paragraph in this part	Service			
	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.203: Marshalling of liferafts	Not Exempt	Exempt	Exempt	Exempt.
199.211(b): Lights on lifebuoys	(1)	(1)	(1)	(1)
199.212(a): Carriage of additional five percent lifejackets	Exempt	Exempt	Exempt	Exempt.
199.214: Immersion suits and thermal protective aids in lifeboats	Not Exempt	Not Exempt	Exempt	Exempt.

Note:
[1] Exept if the length of vessel is under 60 meters (197 feet) and there are self-igniting lights attached to at least one-half the required lifebuoys.

(c) *Cargo vessels.* In addition to the exemptions in paragraph (a) of this section, cargo vessels operating in coastwise; Great Lakes; lakes, bays, and sounds; and rivers service are exempt from requirements in subparts A

through E of this part as specified in table 199.610(c) of this section.

TABLE 199.610(c).—EXEMPTIONS FOR CARGO VESSELS IN SPECIFIED SERVICES

Section or paragraph in this part	Service				
	Oceans	Coastwise	Great Lakes	Lakes, Bays, and Sounds	Rivers
199.70(a)(3)(ii): Lights on lifebuoys	Not exempt	(1)	(1)	(1)	(1)
199.80(b): Muster list	(2)	(2)	(2)	(2)	(2)
199.262(a): Rescue boats	(2,3)	(3)	(3)	(3)	(3)
199.273: Immersion suits	Not exempt	Not exempt	Not exempt	Exempt	Exempt

Notes:
[1] Exempt if the length of vessel is under 30 meters (99 feet).
[2] Exempt if the vessel is under 500 tons gross tonnage.
[3] Exempt if—(i) the OCMI determines the vessel is arranged to allow a helpless person to be recovered from the water.
(ii) recovery of the helpless person can be observed from the navigating bridge; and
(iii) the vessel does not regularly engage in operations that restrict its maneuverability.

§ 199.620 Alternatives for all vessels in a specified service.

(a) *General.* Vessels operating in oceans; coastwise; Great Lakes; lakes, bays, and sounds; and rivers service may comply with alternative requirements to subparts A through E of this part as described in this section for the services specified in table 199.620(a) of this section.

TABLE 199.620(a).—ALTERNATIVE REQUIREMENTS FOR ALL VESSELS IN A SPECIFIED SERVICE

Section or paragraph in this part	Service and reference to alternative requirement section or paragraph				
	Oceans	Coastwise	Great Lakes	Lakes, Bays and Sounds	Rivers
199.70(a): Lifebuoy approval series	199.620(b)[1]	199.620(b)[1]	199.620(b)	199.620(b)	199.620(b).
199.70(b): Lifejacket approval series.	199.620(c)[2]	199.620(c)[2]	199.620(c)	199.620(c)	199.620(c).
199.70(b)(1): Number of lifejackets carried.	No Alternative	199.620(d)	199.620(d)	199.620(d)	199.620(d).
199.70(b)(4)(i): Lifejacket light approval series.	No Alternative	199.620(e)	199.620(e)	Not Applicable	Not Applicable.
199.110(f): Embarkation ladder	199.620(f)	199.620(f)	199.620(f)	199.620(f)	199.620(f).
199.130(b): Survival craft stowage position.	No Alternative	No Alternative	199.625(g)	199.625(g)	199.625(g).
199.170: Line-throwing appliance approval series.	199.620(h)[2]	199.620(h)[3]	Not Applicable	Not Applicable	Not Applicable.
199.201(a)(2) or .261(a)(2): Inflatable liferaft equipment.	199.620(l)[4]	199.620(l)	199.620(l)	199.620(l)	199.620(l).
199.175: Lifeboat, rescue boat, and rigid liferaft equipment.	199.620(i)[4]	199.620(i)	199.620(j)	199.620(j)	199.620(j).
199.201(a)(2) and 199.261: Liferaft approval series.	No Alternative	199.620(k)	199.620(k)	199.620(k)	199.620(k).
199.510: EPIRB requirement	199.620(m)(1)	199.620(m)(1)	199.620(m)	Not Applicable	Not Applicable.
199.190(c): Spares and repair equipment.	199.620(n)	199.620(n)	199.620(n)	199.620(n)	199.620(n).

Notes:
[1] Alternative applies if lifebuoy is orange.
[2] Alternative applies only to cargo vessels that are less than 500 tons gross tonnage.
[3] Alternative applies to cargo vessels that are less than 500 tons gross tonnage and to all passenger vessels.
[4] Alternative applies to passenger vessels limited to operating no more than 50 nautical miles from shore.

(b) *Lifebuoy approval series.* As an alternative to a lifebuoy approved under approval series 160.150, vessels may carry a lifebuoy approved under approval series 160.050.

(c) *Lifejackets approval series.* As an alternative to a lifejacket meeting the approval requirements in § 199.70, vessels may carry a lifejacket approved under approval series 160.002, 160.005, 160.055, or 160.077.

(d) *Lifejacket quantity.* Vessels may carry lifejackets as follows:

(1) If lifejackets are stowed in cabins, staterooms, or berthing areas that are readily accessible to each watch or work station, the requirement in § 199.70(b)(2)(iv) to have lifejackets at each watch or work station need not be met.

(2) If the vessel carries lifejackets that are designated extended-size, then the number of child-size lifejackets carried to meet § 199.70(b)(1)(i) may be reduced. To take the reduction in child-size lifejackets, extended-size lifejackets having the same lower size limit must be substituted for all of the required adult lifejackets. The number of child-size lifejackets required depends on the lower size limit of the extended-size lifejackets and is calculated by any one of the following formulas where PC is the number of child-size lifejackets expressed as a percentage of the number

of lifejackets required under § 199.70(b)(1):

(i) PC=LS÷4.1, where LS equals the lower size limit expressed in kilograms.

(ii) PC=LS÷9, where LS equals the lower size limit expressed in pounds.

(iii) PC=(LS − 81)÷7.6, where LS equals the lower size limit expressed in centimeters.

(iv) PC=(LS − 32)÷3, where LS equals the lower size limit expressed in inches.

(e) *LIfejacket light approval series.* As an alternative to lights approved under approval series 161.112, vessels may use lights for lifejackets and immersions suits approved under series 161.012. Chemiluminescent-type lifejacket lights approved under approval series 161.012 are not permitted on vessels certificated to operate on waters where water temperature may drop below 10 °C (50 °F).

(f) *Embarkation ladder.* An embarkation ladder may be a chain ladder approved under approval series 160.017.

(g) *Survival craft stowage positions.* Vessels having widely separated accommodation and service spaces may have, as an alternative to the requirements of § 199.130(b), all required lifeboats and 50 percent of the required liferafts stowed as close as possible to the accommodation and service space that normally holds the greatest number of persons, with the remainder of the liferafts stowed as close as possible to each other accommodation and service space.

(h) *Line-throwing appliance approval series.* As an alternative to a line-throwing appliance that meets the requirements in § 199.170, vessels may carry a line-throwing appliance approved under approval series 160.031, which may have an auxiliary line that is at least 150 meters (500 feet).

(i) *Lifeboat, rescue boat, and rigid liferaft equipment; oceans and coastwise.* Lifeboats, rescue boats, and rigid liferafts may carry the equipment specified in table 199.175 of this part for vessels on a short international voyage.

(j) *Lifeboat, rescue boat, and rigid liferaft equipment; other services.* As an alternative to meeting the survival craft equipment requirements of § 199.175, a vessel may carry the equipment specified in table 199.620(j) of this section under the vessel's category of service. Each item in the table has the same description as in § 199.175.

TABLE 199.620(j).—SURVIVAL CRAFT EQUIPMENT

Item No.	Item	Great Lakes			Lakes, bays and sounds			Rivers		
		Lifeboat	Rigid life-raft	Rescue boat	Lifeboat	Rigid life-raft	Rescue boat	Lifeboat	Rigid life-raft	Rescue boat
1	Bailer[1]	1	1	1	1	1	1	.....	.....	.....
2	Bilge pump[2]	1	.....	.....	.....	.....	.....	.....	.....	.....
3	Boathook	1	.....	1	1	.....	1	1	.....	1
4	Bucket[3]	1	.....	1	1	.....	.....	1	.....	.....
9	Fire extinguisher	1	.....	1	1	.....	1	1	.....	1
12	Flashlight	1	1	1	.....	.....	.....	.....	.....	.....
13	Hatchet	2	.....	.....	1	.....	.....	1	.....	.....
15	Instruction card	.....	1	.....	.....	1	.....	.....	1	.....
18	Ladder	1	.....	1	.....	.....	.....	.....	.....	.....
20	Oars, units[4 5]	1	.....	1	1	.....	1	1	.....	1
	Paddles	.....	2	.....	.....	2	.....	.....	2	.....
21	Painter	2	1	1	1	1	1	1	1	1
23	Pump[6]	.....	.....	1	.....	.....	1	.....	.....	1
26	Repair kit[6]	.....	.....	1	.....	.....	1	.....	.....	1
27	Sea anchor	1	2	1	.....	.....	.....	.....	.....	.....
28	Searchlight	1	.....	1	.....	.....	.....	.....	.....	.....
31	Signal, hand flare	6	6	.....	6	6	.....	.....	.....	.....
32	Signal, parachute flare	4	4	.....	.....	.....	.....	.....	.....	.....
33	Skates and fenders[7]	1	.....	1	1	.....	1	1	.....	1
34	Sponge[6]	.....	2	2	.....	2	2	.....	.....	.....
35	Survival instructions	1	1	.....	1	1	.....	.....	.....	.....
38	Tool kit	1	.....	.....	1	.....	.....	1	.....	.....
39	Towline[8]	1	.....	1	1	.....	1	1	.....	1

Notes:
[1] Each liferaft approved for 13 persons or more must carry two of these items.
[2] Not required for boats of self-bailing design.
[3] Not required for inflated or rigid-inflated rescue boats.
[4] Oars not required on a free-fall lifeboat; a unit of oars means the number of oars specified by the boat manufacturer.
[5] Rescue boats may substitute buoyant paddles for oars, as specified by the manufacturer.
[6] Not required for a rigid rescue boat.
[7] Required if specified by the manufacturer.
[8] Required only if the lifeboat is also the rescue boat.

(k) *Liferaft approval series.* As an alternative to liferafts that meet the requirements in §§ 199.201(a) and 199.261(a), vessels may—

(1) Carry inflatable liferafts approved under approval series 160.051; and

(2) Have liferafts with a capacity less than six persons.

(l) *Inflatable liferaft equipment.* As an alternative to the SOLAS A Pack, vessels may have a SOLAS B Pack for each inflatable liferaft.

(m) *EPIRB requirements.* As an alternative to EPIRBs that meet the requirements in § 199.510, vessels may have the following:

(1) Until February 1, 1999, a Coast Guard-approved Class A EPIRB manufactured after October 1, 1988, and installed on the vessel on or before October 1, 1996.

(2) Until February 1, 1999, two Class C EPIRBs installed on the vessel on or before October 1, 1996. Class C EPIRBs must be installed—

(i) In a weathertight enclosure;

(ii) In a readily accessible location;

(iii) One on each side of the vessel;

(iv) If the vessel has two or more widely separated deckhouses, at separate deckhouses; and

(v) At or near a principal embarkation station.

(n) *Spare parts and repair equipment.* As an alternative to carrying spare parts and repair equipment as required in § 199.190(c), a vessel need not carry spare parts and repair equipment if it operates daily out of a shore base where spare parts and repair equipment are available.

§ 199.630 Alternatives for passenger vessels in a specified service.

(a) In addition to the alternatives for certain requirements in § 199.620, passenger vessels operating in oceans; coastwise; Great Lakes; lakes, bays, and sounds; and rivers service may comply with alternative requirements to subparts A through C of this part as described in this section for the services specified in table 199.630(a) of this section.

TABLE 199.630(a).—ALTERNATIVE REQUIREMENTS FOR PASSENGER VESSELS IN A SPECIFIED SERVICE

Section or paragraph in this part	Service and reference to alternative requirement section or paragraph				
	Oceans	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.60(c): Distress signals	No Alternative	No Alternative	199.630(b)	Not Applicable	Not Applicable.
199.201(b): Number and type of survival craft carried.	199.630(c)[1]	199.630(c) or 199.630(d)[2].	199.630(c) or 199.630(d)[2] or 199.630(e) or 199.630(f)[2] or 199.630(g)[2 3] or 199.630(h)[4].	199.630(c) or 199.630(d) or 199.630(e) or 199.630(f)[2] or 199.630(g)[2 3] or 199.630(h)[4].	199.630(c) or 199.630(d) or 199.630(e) or 199.630(f) or 199.630(g) or 199.630(h).[4]
199.202: Rescue boat approval series.	No Alternative	No Alternative	No Alternative	199.630(i)[5]	199.630(i).
19.203: Marshalling of liferafts	No Alternative	199.630(j)	Not Applicable	Not Applicable	Not Applicable.
1992.211(a): Quantity of lifebuoys.	No Alternative	199.630(k)	199.630(k)	199.630(k)	199.630(k).

Notes:
(1) Alternative applies if the vessel operates on a route no more than 50 nautical miles from shore.
(2) Alternative applies if the vessel is a ferry or has no overnight accommodations.
(3) Alternative applies during periods of the year the vessel operates in warm water.
(4) Alternative applies if the vessel operates in shallow water not more than 3 miles from shore where the vessel cannot sink deep enough to submerge the topmost deck.
(5) Alternative applies if the vessel operates on sheltered lakes or harbors.

(b) As an alternative to distress signals that meet the requirements of § 199.60, vessels may carry at least 12 hand red flare distress signals approved under approval series 160.021 or 160.121.

(c) As an alternative to the lifeboat capacity requirements of § 199.201(b)(1)(i), vessels may carry lifeboats with an aggregate capacity sufficient to accommodate not less than 30 percent of the total number of persons on board. These lifeboats must be equally distributed, as far as practicable, on each side of the vessel.

(d) As an alternative to the survival craft requirements of § 199.201(b), vessels may carry inflatable buoyant apparatus having an aggregate capacity, together with the capacities of any lifeboats, rescue boats, and liferafts carried on board sufficient to, accommodate the total number of persons on board. These inflatable buoyant apparatus must—

(1) Be served by launching appliances or marine evacuation systems evenly distributed on each side of the vessel if the embarkation deck is more than 3 meters (10 feet) above—

(i) The waterline under normal operating conditions; or

(ii) The equilibrium waterline after the vessel is subjected to the assumed damage and subdivision requirements in part 171 of this chapter;

(2) Be stowed in accordance with the requirements of §§ 199.130 (a) and (c); and

(3) Be equipped in accordance with the requirements in table 199.640(j) of this part.

(e) As an alternative to the survival craft requirements of § 199.201(b), vessels may carry—

(1) Liferafts having an aggregate capacity, together with the capacities of any lifeboats carried on board, sufficient to accommodate the total number of persons on board that are served by launching appliances or marine evacuation systems evenly distributed on each side of the vessel; and

(2) In addition to the liferafts required in paragraph (e)(1) of this section, additional liferafts that have an aggregate capacity sufficient to accommodate at least 10 percent of the total number of persons, or equal to the capacity of the largest single survival craft on the vessel, whichever is the greater. The additional liferafts are not required to be stowed in accordance with § 199.130(c), but they must be served by at least one launching appliance or marine evacuation system on each side of the vessel.

(f) As an alternative to the survival craft requirements of § 199.201(b), vessels must have a safety assessment approved by the local OCMI that addresses the following:

(1) The navigation and vessel safety conditions within the vessel's planned operating area including—

(i) The scope and degree of the risks or hazards to which the vessel will be subject during normal operations;

(ii) The existing vessel traffic characteristics and trends, including traffic volume; the sizes and types of vessels involved; potential interference with the flow of commercial traffic; the presence of any unusual cargoes; and other similar factors;

(iii) The port and waterway configuration and variations in local conditions of geography, climate, and other similar factors; and

(iv) Environmental factors.

(2) A comprehensive shipboard safety management and contingency plan that is tailored to the particular vessel, is easy to use, is understood by vessel management personnel both on board and ashore, is updated regularly, and includes—

(i) Guidance to assist the vessel's crew in meeting the demand of catastrophic vessel damage;

(ii) Procedures to mobilize emergency response teams;

(iii) Procedures for moving passengers from the vessel's spaces to areas protected from fire and smoke, to embarkation areas, and off the vessel. The procedures must address provisions for passengers with physical or mental impairments;

(iv) Lifts of external organizations that the vessel's operator would call for assistance in the event of an incident;

(v) Procedures for establishing and maintaining communications on board the vessel and with shoreside contacts; and

(vi) Guidance on theoretical, practical, and actual simulation training that includes the personnel or organizations identified in the plan so they can practice their roles in the event of an incident.

(g) As an alternative to the survival craft requirements of § 199.201(b), vessels may carry inflatable buoyant apparatus having an aggregate capacity, together with the capacities of any lifeboats, rescue boats and liferafts carried on board, sufficient to accommodate 67 percent of the total number of persons on board. These inflatable buoyant apparatus must meet the arrangement requirements of §§ 199.630 (d)(1) through (d)(3).

(h) A vessel need not comply with the requirements for survival craft in § 199.201(b) if the vessel operates—

(1) On a route that is in shallow water not more than 3 miles from shore and the vessel cannot sink deep enough to submerge the topmost deck; or

(2) Where the cognizant OCMI determines that survivors can wade ashore.

(i) As an alternative to the rescue boat required in § 199.202, vessels may carry a rescue boat meeting the requirements of part 160, subpart 160.056 of this chapter if it is equipped with a motor and meets the following:

(1) The towline for the rescue boat must be at least the same size and length as the rescue boat painter.

(2) The rescue boat must meet the embarkation, launching, and recovery arrangement requirements in §§ 199.160 (b) through (f). The OCMI may allow deviations from the rescue boat launching requirements based on the characteristics of the boat and the conditions of the vessel's route.

(j) As an alternative to the requirements of § 199.203(a), a vessel that meets the subdivision requirements in § 171.068 of this chapter may meet the requirements of § 199.203(b).

(k) Vessels carrying lifebuoys may carry—

(1) The number of lifebuoys specified in table 199.630(k) of this section instead of the number required in § 199.199.211; and

(2) If the vessel carries less than four lifebuoys, at least two with a self-igniting light attached to the lifebuoy. A buoyant lifeline may be fitted to one of the lifebuoys with a self-igniting light.

TABLE 199.630(k).—REQUIREMENTS FOR LIFEBUOYS

Length of vessel in meters (feet)	Minimum number of lifebuoys
Under 30 (98)	3
30 (98) and under 60 (196)	4
60 (196) and under 90 (297)	5
90 (297) and under 120 (393)	12
120 (393) and under 180 (590)	18
180 (590) and under 240 (787)	24
240 (787) and over	30

§ 199.640 Alternatives for cargo vessels in a specified service.

(a) In addition to the alternatives for certain requirements in § 199.620, cargo vessels operating in oceans; coastwise; Great Lakes; lakes, bays, and sounds; and rivers service may comply with alternative requirements to subparts A, B, and D of this part as described in this section for the services specified in table 199.640(a) of this section.

TABLE 199.640(a)—ALTERNATIVE REQUIREMENTS FOR CARGO VESSELS IN A SPECIFIED SERVICE

Section or paragraph in this part	Service or reference to alternative requirement section				
	Oceans	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.60(c): Distress signals	199.640(b)[1]	199.640(b)[1]	199.640(b)[1] or 199.630(b).	Not Applicable	Not Applicable.
199.261: Number and type of survival craft carried.	199.640(c)[6]	199.640(c)[6]	199.640(c)[2] or 199.640(d) or 199.640(e)[3] or 199.640(f)[4].	199.640(c)[2] or 199.640(d) or 199.640(e)[3] or 199.640(f)[4].	199.640(c) or 199.640(d) or 199.640(e)[3] or 199.640(f).[4]
199.262: Rescue boat substitution.	No Alternative	199.640(g)	199.640(g)	199.640(g) or 199.640(h)[5].	199.640(g) or 199.640(h).
199.271: Lifebuoy quantity	No Alternative	199.640(i)	199.640(i)	199.640(i)	199.640(i).

Notes:

[1] Alternative applies to vessels less than 150 tons gross tonnage that do not carry passengers or persons in addition to the crew.

[2] Alternative applies to cargo vessels less than 85 meters in length, tank vessels less than 500 tons gross tonnage, and nonself-propelled vessels.

[3] Alternative applies during periods of the year that the vessel operates in warm water.

[4] Alternative applies if the vessel operates in shallow water not more than 3 miles from shore where the vessel cannot sink deep enough to submerge the topmost deck.

[5] Alternative applies if the vessel operates on sheltered lakes or harbors.

[6] Alternative applies to vessels less than 500 tons gross tonnage.

(b) Vessels of less than 150 tons gross tonnage that do not carry persons other than the crew, may carry, as an alternative to distress signals that meet the requirements of § 199.60, six hand red flare distress signals approved under approval series 160.021 and six hand orange smoke distress signals approved under approval series 160.037.

(c) As an alternative to the survival craft requirements of §§ 199.261(b), (c), or (d), vessels may carry one or more liferafts with an aggregate capacity sufficient to accommodate the total number of persons on board. The liferafts must be—

(1) Readily transferable for launching on either side of the vessel; or

(2) Supplemented with additional liferafts to bring the total capacity of the liferafts available on each side of the vessel to at least 100 percent of the total

number of persons on board. If additional liferafts are provided and the rescue boat required under § 199.262 is also a lifeboat, its capacity may be included in meeting the aggregate capacity requirement.

(d) As an alternative to the survival craft requirements in §§ 199.261 (b), (c), or (d), vessels may carry one or more totally enclosed lifeboats with an aggregate capacity sufficient to accommodate the total number of persons on board and one or more liferafts with an aggregate capacity sufficient to accommodate the total number of persons on board. This combination of survival craft must meet the following:

(1) The aggregate capacity of the lifeboats and liferafts on each side of the vessel must be sufficient to accommodate the total number of persons on board.

(2) If the survival craft are stowed more than 100 meters (328 feet from either the stem or the stern of the vessel, an additional liferaft must be carried and stowed as far forward or aft as is reasonable and practicable. The requirement for the liferaft to float free under § 199.290(b) does not apply to a liferaft under this paragraph, provided the liferaft is arranged for quick manual release.

(e) As an alternative to the survival craft requirements in §§ 199.261 (b), (c), or (d), during periods of the year the vessel operates in warm water, a vessel may carry lifefloats with an aggregate capacity sufficient to accommodate the total number of people on board. The lifefloat launching arrangement, stowage, and equipment must meet the requirements in § 199.640(j).

(f) A vessel need not comply with the requirements for survival craft in §§ 199.261 (b), (c), or (d) if the vessel operates—

(1) On a route that is in shallow water not more than 3 miles from shore and where the vessel cannot sink deep enough to submerge the topmost deck; or

(2) Where the cognizant OCMI determines that survivors can wade ashore.

(g) As an alternative to the rescue boat requirement in § 199.262(a), vessels may carry a motor-propelled workboat or a launch that meets all the embarkation, launching, and recovery arrangement requirements in §§ 199.160 (b) through (f). The OCMI may allow deviations from the rescue boat launching requirements based on the characteristics of the boat and the conditions of the vessel's route.

(h) An an alternative to the rescue boat requirement in § 199.262, vessels may carry a rescue boat meeting the requirements of part 160, subpart 160.056 of this chapter if the rescue boat is equipped with a motor and meets the following:

(1) The towline for the rescue boat must be at least the same size and length as the rescue boat painter.

(2) The rescue boat must meet the embarkation, launching, and recovery arrangement requirements in §§ 199.160 (b) through (f). The OCMI may allow deviations from the rescue boat launching requirements based on the characteristics of the boat and the conditions of the vessel's route.

(i) As an alternative to the number of lifebuoys required in § 199.271, vessels may carry—

(1) If the vessel is self-propelled, the number of lifebuoys specified in table 199.640(i) of this section; or

(2) If the vessel is non self-propelled, one lifebuoy on each end of the vessel.

TABLE 199.640(i)—REQUIREMENTS FOR LIFEBUOYS

Length of vessel in meters (feet)	Minimum No. of Lifebuoys
Under 30 (98)	3
30 (98) and under 60 (196)	4
60 (196) and under 100 (328)	6
100 (328) and under 150 (492)	10
150 (492) and under 200 (656)	12
200 (256) and over	14

(j) *Vessels carrying buoyant apparatus, inflatable buoyant apparatus, or lifefloats.* Vessels carrying buoyant apparatus, inflatable buoyant apparatus, or lifefloats must meet the following:

(1) *General.* Each buoyant apparatus and inflatable buoyant apparatus must be approved under approval series 160.010. Each lifefloat must be approved under approval series 160.027.

(2) *Stowage.* Each buoyant apparatus, inflatable buoyant apparatus, or lifefloat must, in addition to meeting the general stowage requirements of § 199.130(a), be stowed as follows:

(i) Each inflatable buoyant apparatus must meet the liferaft stowage requirements in § 199.130(c).

(ii) Each buoyant apparatus and lifefloat must—

(A) Meet the liferaft stowage requirements in §§ 199.130(c) (1), (2), (3), (6), and (7); or

(B) Meet the liferaft stowage requirements in §§ 199.130(c) (1), (2), (3), and (6), and have lashings that can be easily released.

(iii) A painter must be secured to the buoyant apparatus or lifefloat by—

(A) The attachment fitting provided by the manufacturer; or

(B) A wire or line that encircles the body of the buoyant apparatus or lifefloat, that will not slip off, and that meets the requirements of paragraph (4)(iii) of this section.

(iv) If buoyant apparatus or lifefloats are arranged in groups with each group secured by a single painter—

(A) The combined mass of each group must not exceed 185 kilograms (407.8 pounds);

(B) Each buoyant apparatus or lifefloat must be individually attached to the group's single painter by its own painter, which must be long enough to allow the buoyant apparatus or lifefloat to float without contacting any other buoyant apparatus or lifefloat in the group;

(C) The strength of the float-free link and the strength of the group's single painter must be appropriate for the combined capacity of the group of buoyant apparatus or lifefloats;

(D) The group of buoyant apparatus or lifefloats must not be stowed in more than four tiers and, when stowed in tiers, the separate units must be kept apart by spacers; and

(E) The group of buoyant apparatus or lifefloats must be stowed to prevent shifting with easily detached lashings.

(3) *Marking.* Each buoyant apparatus or lifefloat must be marked plainly in block capital letters and numbers with the name of the vessel and the number of persons approved to use the device as shown on its nameplate.

(4) *Equipment.* Unless otherwise stated in this paragraph, each buoyant apparatus and lifefloat must carry the equipment listed in this paragraph and specified for it in table 199.640(j) of this section under the vessel's category of service.

(i) *Boathook.*

(ii) *Paddle.* Each paddle must be at least 1.2 meters (4 feet) long and buoyant.

(iii) *Painter.* The painter must—

(A) Be at least 30 meters (100 feet) long, but not less than three times the distance from the deck where the buoyant apparatus, inflatable buoyant apparatus, or lifefloats are stowed to the vessel's waterline with the vessel in its lightest seagoing condition;

(B) Have a breaking strength of at least 6.7 kiloNewtons (1,500 pounds-force), or if the capacity of the buoyant apparatus or lifefloat is 50 persons or more, have a breaking strength of at least 13.4 kiloNewtons (3,000 pounds-force);

(C) If made of a synthetic material, be of a dark color or be certified by the

manufacturer to be resistant to deterioration from ultraviolet light;

(D) Be stowed in such a way that it runs out freely when the buoyant apparatus or lifefloat floats away from the sinking vessel; and

(E) Have a float-free link meeting the requirements of part 160, subpart 160.073 of this chapter secured to the end of the painter that is attached to the vessel, that is of the proper strength for the size and number of the buoyant apparatus or lifefloats attached to the float-free link.

(iv) *Self-igniting light.* The self-igniting light must be approved under approval series 161.010 and must be attached to the buoyant apparatus or lifefloat by a 12-thread manila or equivalent lanyard that is at least 5.5 meters (18 feet) long.

TABLE 199.640(j).—BUOYANT APPARATUS AND LIFEFLOAT EQUIPMENT

Item No.	Item	Oceans, coast-wise, and Great Lakes	Lakes, bays, sounds, and rivers
i	Boathook [1]	1	1
ii	Paddles [1]	2	2
iii	Painter	1	1
iv	Self-igniting light [2]	1	.....

Notes:
[1] Not required to be carried on buoyant apparatus.
[2] Not required to be carried on buoyant apparatus or life floats with a capacity of 24 persons or less.

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Monday
May 20, 1996

Part III

Department of Health and Human Services

Office of Community Services

Community Food and Nutrition Programs; Fiscal Year 1996, Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

[Program Announcement No. OCS 96–07]

Request for Applications Under the Office of Community Services' Fiscal Year 1996 Community Food and Nutrition Program

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for applications under the Office of Community Services' Community Food and Nutrition Program.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under Section 681A of the Community Services Block Grant Act of 1981 as amended. This Program Announcement contains forms and instructions for submitting an application. The awarding of grants under this Program Announcement is subject to the availability of funds for support of these activities.

CLOSING DATE AND TIME: The closing date and time for receipt of applications is July 19, 1996 at 4:30 p.m., eastern time zone. Applications received after 4:30 p.m. on that day will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline date and time at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447, Attention: Application for Community Food and Nutrition Program. Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline date and time.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, between Monday and Friday (excluding Federal holidays).

(Applicants are cautioned that express/overnight mail services do not always deliver as agreed)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

FOR FURTHER INFORMATION CONTACT: Joseph Carroll, Acting Director, OCS, Division of Community Discretionary Programs, Attention: CFN Programs, 370 L'Enfant Promenade S.W., Washington, D.C. 20447, (202) 401–9345.

Table of Contents

Part A—Preamble

1. Legislative Authority

The Community Services Block Grant Act, as amended, authorizes the Secretary of Health and Human Services to make funds available under several programs to support program activities which will result in direct benefits targeted to low-income people. This Program Announcement covers the grant authority found at Section 681A, Community Food and Nutrition, which authorizes the Secretary to make funds available for grants to be awarded on a competitive basis to eligible entities for local and statewide programs (1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income communities; (2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and (3) to develop innovative approaches at the State and local levels to meet the nutrition needs of low-income people.

2. Definitions of Terms

For purposes of this Program Announcement the following definitions apply:

—*Displaced worker:* An individual who is in the labor market but has been unemployed for six months or longer.

—*Indian tribe:* A tribe, band, or other organized group of Native American Indians recognized in the State or States in which it resides or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

—*Innovative project:* One that departs from or significantly modifies past program practices and tests a new approach.

—*Migrant Farmworker:* An individual who works in agricultural employment of a seasonal or other temporary nature who is required to be absent from his/her place of permanent residence in order to secure such employment.

—*Seasonal farmworker:* Any individual employed in agricultural work of a seasonal or other temporary nature who is able to remain at his/her place of permanent residence while employed.

—*Underserved area (as it pertains to child nutrition programs):* A locality in which less than one-half of the low-income children eligible for assistance participate in any child nutrition program.
—*Budget Period:* The term ''budget period'' refers to the interval of time into which a grant period of assistance (project period) is divided for budgetary and funding purposes.
—*Eligible Entity:* States and other public and private non-profit agencies/organizations including Community Action Agencies. (See Part B.1.)
—*Project Period:* The term ''project period'' refers to the total time for which a project is approved for support, including any approved extensions.
—*Self-Sufficiency:* A condition where an individual or family does not need and is not eligible for public assistance.

3. Purpose of Community Food and Nutrition Program

The Department of Health and Human Services (DHHS) is committed to improving the overall health and nutritional well-being of individuals through improved preventive health care and promotion of personal responsibility. The DHHS encourages the approach to health promotion and nutritional responsibility with personal messages aimed at families and communities, in various settings and environments in which individuals and groups can most effectively be reached.

The DHHS is specifically interested in improving the health and nutrition status of low-income persons through improved access to healthy nutritious foods or by other means. DHHS encourages community efforts to improve the coordination and integration of health and social services for all low-income families, and to identify opportunities for collaborating with other programs and services for this population. Such collaboration can increase a community's capacity to leverage resources and promote an integrated approach to health and nutrition through existing programs and services.

4. Project Requirements

Projects funded under this program should:

(a) Be designed and intended to provide nutrition benefits, including those which incorporate the benefits of disease prevention, to a targeted low-income group of people;

(b) Provide outreach and public education to inform eligible low-income individuals and families of other nutritional services available to them under the various Federally assisted programs;

(c) Carry out targeted communications/social marketing to improve dietary behavior and increase program participation among eligible low-income populations. Populations to be targeted can include displaced workers, elderly people, children, and the working poor.

(d) Consult with and/or inform local offices that administer other food programs such as W.I.C. and Food Stamps, where applicable, to ensure effective coordination which can jointly target services to increase their effectiveness. Such consultation may include involving these offices in the planning of grant applications.

(e) Focus on one or more legislatively mandated program activities: (1) Coordination of existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations; (2) assistance to low-income communities in identifying potential sponsors of child nutrition programs and initiating new programs in unserved or underserved areas; and (3) development of innovative approaches at the state or local levels to meet the nutrition needs of low-income people.

OCS views this program as a capacity building program, rather than as a service delivery program.

Part B—Application Requirements

1. Eligible Applicants

Eligible applicants are States and public and private non-profit agencies/organizations with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above. OCS encourages Historically Black Colleges and Universities and minority institutions to submit applications. Eligible applicants with programs benefitting Native Americans and Migrant Farmworkers are also encouraged to submit applications.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Services's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS tax code or by providing a copy of the currently valid IRS tax exemption certificate or by providing a copy of the applicant's Articles of Incorporation bearing the seal of the State in which the corporation or association is domiciled.

2. Availability of Funds and Grant Amounts

a. Fiscal Year 1996 Funding

The funds expected to be available for grant awards under the CFN Program in fiscal year 1996 are $1,600,000 for General Projects.

b. Grant Amounts

No individual grant application will be considered for an amount which is in excess of $50,000.

c. Mobilization of Resources

OCS would like to mobilize as many resources as possible to enhance projects funded under this program. OCS supports and encourages applications submitted by applicants whose programs will leverage other resources, either cash or third-party in-kind.

3. Project Periods and Budget Periods

For most projects OCS will grant funds for one year. However, in rare instances, depending on the characteristics of any individual project and on the justification presented by the applicant in its application, a grant may be made for a period of up to 17 months.

4. Administrative Costs/Indirect Costs

There is no administrative cost limitation for projects funded under this program. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable. Applicants should enclose a copy of the current approved rate agreement. However, it should be understood that indirect costs are part of, and not in addition to, the amount of funds awarded in the subject grant.

5. Program Beneficiaries

Projects proposed for funding under this Announcement must result in direct benefits targeted toward low-income people as defined in the most recent Annual Update of Poverty Income Guidelines published by DHHS. Attachment A to this Announcement is an excerpt from the most recently published guidelines. Annual revisions of these guidelines are normally published in the Federal Register in February or early March of each year and are applicable to projects being implemented at the time of publication. Grantees will be required to apply the most recent guidelines throughout the project period. The Federal Register may be obtained from public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office,

Washington, D.C. 20402. No other government agency or privately defined poverty guidelines are applicable to the determination of low-income eligibility for this OCS program.

6. Number of Projects in Application

An application may contain only one project and this project must address the basic criteria found in Parts C and D. Applications which are not in compliance with these requirements will be ineligible for funding.

7. Multiple Submittal

There is no limit to the number of applications that can be submitted as long as each application is for a different project. However, no applicant can receive more than one grant.

8. Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the eligible applicant is primarily to serve as a conduit for funds to other organizations.

Part C—Program Area

General Projects

The application should include a description of the target area and population to be served as well as a discussion of the nature and extent of the problem to be solved. The application must contain a detailed and specific work program that is both sound and feasible. Projects funded under this Announcement must produce permanent and measurable results that fulfill the purposes of this program as described above. The OCS grant funds, in combination with private and/or other public resources, must be targeted to low-income individuals and communities.

Applicants will certify in their submission that projects will only serve the low-income population as stipulated in the DHHS Poverty Income Guidelines (Attachment A). Failure to comply with the income guidelines may result in the application being ineligible for consideration for funding.

If an applicant is proposing a project which will affect a property listed in or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has complied with the provisions of Section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed in or eligible for inclusion in the National Register of Historic Places, applicant should consult with the State Historic Preservation Officer. The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to DHHS.

In the case of projects proposed for funding which mobilize or improve the coordination of existing public and private food assistance resources, the guidelines governing those resources apply. However, in the case of projects providing direct assistance to beneficiaries through grants funded under this program, beneficiaries must fall within the official DHHS Poverty Income Guidelines as set forth in Attachment A.

Applications which propose the use of grant funds for the development of any printed or visual materials must contain convincing evidence that these materials are not available from other sources. OCS will not provide funding for such items if justification is not sufficient. Approval of any films or visual presentations proposed by applicants approved for funding will be made part of the grant award. In cases where material outlays for equipment (audio and visual) are requested, specific evidence must be presented that there is a definite programmatic connection between the equipment (audio and visual) usage and the outreach requirements described in Part A.3 of this Announcement.

OCS is also interested in projects that address the needs of homeless families and welcomes applications which seek to develop innovative approaches to promote health, and nutritional awareness among low-income populations.

Part D—Review Criteria

Applications which pass the initial screening and pre-rating review (See Part F, Section 5) will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in the Announcement.

The in-depth evaluation and review process will use the following criteria coupled with the specific requirements as described in Part F.

When writing their Project Narrative applicants should respond to the review criteria using the same sequential order.

(Note: The following review criteria reiterate the information requirements contained in Part B of this Announcement.)

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

Criterion I

Analysis of Needs/Priorities (Maximum: 10 Points)

(a) Target area and population to be served are adequately described (0–4 Points).

In addressing the above criterion, the applicant should include a description of the target area and population to be served including specific details on any minority population(s) to be served.

(b) Nature and extent of problem(s) and/or need(s) to be addressed are adequately described and documented (0–6 Points).

In addressing the above criterion, the applicant should include a discussion of the nature and extent of the problem(s) and/or need(s), including specific information on minority populations(s).

Criterion II

Adequacy of Work Program (Maximum: 25 Points)

(a) Realistic quarterly time targets are set forth by which the various work tasks will be completed (0–10 Points).

(b) Activities are adequately described and appear reasonably likely to achieve results which will have a desired impact on the identified problems and/or needs (0–15 Points).

In addressing the above Criterion, the applicant should address the basic criteria and legislatively-mandated activities found in Parts A–1 and A–3 and should include:

1. Project priorities and rationale for selecting them which relate to the specific nutritional problem(s) and/or need(s) of the target population which were identified under Criterion I;

2. Goals and objectives which speak to the(se) problem(s) and/or need(s); and

3. Project activities which if successfully carried out can be reasonably expected to result in the achievement of these goals and objectives.

Criterion III

Significant and Beneficial Impact (Maximum: 30 Points)

(a) Applicant proposes to significantly improve or increase nutrition services to low-income people and such improvements or increases are quantified (0–15 Points).

(b) Project incorporates promotional health and social services activities for low-income people, along with nutritional services (0–5 Points).

(c) Project will significantly leverage or mobilize other community resources

and such resources are detailed and quantified (0–5 Points).

(d) Project addresses problem(s) which can be resolved by one-time OCS funding or demonstrates that non-Federal funding is available to continue the project without Federal support (0–5 Points).

In addressing the above Criterion, the applicant *must include* quantitative data for Items (a), (b), and (c), and discuss how the beneficial impact relates to the relevant legislatively-mandated program activities identified in Part A.1 and the problems and/or needs described under Criterion I.

Criterion IV

Coordination/Services Integration (Maximum: 15 Points)

(a) Project shows evidence of coordinated community-based planning in its development, including strategies in the Work Program to carry on activities in collaboration with other locally funded Federal programs (such as DHHS health and social services and USDA Food and Consumer Service programs) in ways that will eliminate duplication and will, for example, (1) unite funding streams at the local level to increase program outreach and effectiveness, (2) facilitate access to other needed social services by coordinating and simplifying intake and eligibility certification processes for clients, or (3) bring project participants into direct interaction with holistic family development resources in the community where needed. (0–10 Points)

(b) Community Empowerment Consideration—Special consideration will be given to applicants who are located in areas which are characterized by poverty and other indicators of socio-economic distress such as a poverty rate of at least 20 percent, designation as an Empowerment Zone or Enterprise Community, high levels of unemployment, and high levels of incidences of violence, gang activity, crime, or drug use. Applicants should document that they were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner. (0–5 Points)

If the applicant is receiving funds from the State for community food and nutrition activities, the applicant should address how the funds are being utilized, and how they will be coordinated with the proposed project to maximize the effectiveness of both. If State funds are being used in the project for which OCS funds are being requested, their usage should be specifically described.

Criterion V

Organization Experience in Program Area and Staff Responsibilities (Maximum 15 Points)

(a) Organizational experiences in program area (0–5 Points)

Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population. Organizations which propose providing training and technical assistance have detailed competence in the program area and as a deliverer with expertise in the fields of training and technical assistance. If applicable, information provided by these applicants also addresses related achievements and competence of each cooperating or sponsoring organization.

(b) Management History (0–5 Points)

Applicants must demonstrate their ability to implement sound and effective management practices and if they have been recipients of other Federal or other governmental grants, they must also document that they have consistently complied with financial and program progress reporting and audit requirements. Such documentation may be in the form of references to any available audit or progress reports and should be accompanied by a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted.

(c) Staffing Skills, Resources and Responsibilities (0–5 Points)

The application adequately describes the experience and skills of the proposed project director showing that the individual is not only well qualified, but that his/her professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description which indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. The application must indicate that the applicant has adequate facilities and resources (i.e. space and equipment) to successfully carry out the work plan.

In addressing the above Criterion, the applicant *must clearly show* that sufficient time of the Project Director and other senior staff will be budgeted to assure timely implementation and oversight of the project and that the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

Criterion VI

Adequacy of Budget (Maximum: 5 Points)

The budget is adequate and administrative costs are appropriate in relation to the services proposed. (0–5 Points)

Part E—Instructions for Completing Application Package

The standard forms attached to this Announcement shall be used when submitting applications for all funds under this Announcement. It is recommended that you reproduce single-sided copies of the SF–424, SF–424A and SF–424B, and type your application on the copies. Please prepare your application in accordance with instructions provided on the forms as well as with the OCS specific instructions set forth below:

1. SF–424—Application for Federal Assistance (Attachment B–1)

Item 1. *Type of Submission*—For the purposes of this Announcement, all projects are considered *Applications*; there are no *Pre-Applications.*

Item 2. *Date Submitted* and *Applicant Identifier*—Enter the date the application is submitted to the Administration for Children and Families (ACF) and the applicant's internal control number, if applicable.

Item 3. *Date Received by State*—N/A

Item 4. *Date Received by Federal Agency*—Leave blank

Items 5. & 6. *Applicant Information* & *Employer Identification Number*—The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous DHHS grantee, enter the Central Registry System/Employee Identification Number (CRS/EIN) and the Payment Identifying Number (PIN), if one has been assigned, in the Block entitled *Federal Identifier* located at the top right hand corner of the form.

Item 7. *Type of Applicant*—If the applicant is a non-profit corporation, enter the letter ''N'' in the box and specify non-profit corporation in the space marked ''Other''. Proof of non-profit status, such as IRS certification, Articles of Incorporation, or By-laws, must be included as an appendix to the project narrative.

Item 8. *Type of Application*—Check ''New''

Item 9. *Name of Federal Agency*—Enter ''DHHS–ACF/OCS''

Item 10. *The Catalog of Federal Domestic Assistance (CFDA) Number*—The CFDA number for the OCS program covered under this Announcement is 93.571. The title is ''Community Services Block Grant Discretionary Awards—Community Food and Nutrition Program''.

Item 11. *Descriptive Title of Project*—Enter a brief descriptive title of the project.

Item 12. *Areas Affected by Project*—List only the largest unit or units affected, such as State, county or city.

Item 13. *Proposed Project Dates*—Show 12-month project period. (See Part B.3) In addition, the project period start date must be on or before September 30, 1996.

Item 14. *Congressional District of Applicant/Project*—Enter the number(s) of the Congressional District where the applicant's principal office is located and the number(s) of the Congressional District(s) where the project will be located.

Item 15. *Estimated Funding*—(15a.) Show the total amount requested for the entire project period; (15b. thru 15e.) For each line item, show both cash and third-party in-kind contributions for the total project period; (15f.) Show the estimated amount of program income for the total project period; (15g.) Enter the sum of all the lines.

2. SF–424A—Budget Information—Non-Construction Programs (Attachment B–2)

See the Instructions accompanying the Attachment as well as the Instructions set forth below.

In completing these sections, the *Federal Funds* budget entries will relate to the requested OCS Community Food and Nutrition Program funds only, and *Non-Federal* will include mobilized funds from all other sources—applicants, State, and other. Federal funds other than those requested from the Community Food and Nutrition Program should be included in *Non-Federal* entries.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (mobilized) funds.

Section A—Budget Summary

Lines 1–4

Column (a) Line 1—Enter OCS CFN Program
Column (b) Line 1—Enter 93.571
Columns (c) and (d)—Not Applicable
Columns (e), (f), and (g)—For lines 1 through 4, enter in appropriate amounts needed to support the project for the entire project period.

Line 5

Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period of 12 months will be entered in Column (1).

Allocability of costs is governed by applicable cost principles set forth in the *Code of Federal Regulations (CFR),* Title 45, Parts 74 and 92.

Budget estimates for administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *other,* identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives; large dollar amounts; local, regional, or other travel; new positions; major equipment purchases; and training programs.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Line 6a

Personnel—Enter the total costs of salaries and wages.

Justification—Identify the project director. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b

Fringe Benefits—Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on Line 6j.

Justification—Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Line 6c

Travel—Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification—Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances.

Line 6d

Equipment—Enter the total costs of all equipment to be acquired by the project. *Equipment* means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for financial statement purposes, or (b) $5,000. [*Note:* If an applicant's current rate agreement was based on another definition for equipment, such as ''tangible personal property $500 or more'', the applicant shall use the definition used by the cognizant agency in determining the rate(s). However, consistent with the applicant's equipment policy, lower limits may be set.]

Justification—Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project.

Line 6e

Supplies—Enter the total costs of all tangible personal property (surplus) other than that included on line 6d.

Line 6f

Contractual—Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification—Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must submit Sections A and B of this Form SF–424A, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR Part 74, Appendix A. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

Line 6g

Construction—Not applicable.

Line 6h

Other—Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (non-contractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Line 6j

Indirect Charges—Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by DHHS or other Federal agencies.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should, immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates* and submit it to the appropriate DHHS Regional Office. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool cannot be also budgeted or charged as direct costs to the grant. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable.

Line 6k

Totals—Enter the total amount of Lines 6i and 6j.

Line 7

Program Income—Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification—Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of *Non-Federal* resources that will be used to support the project. *Non-Federal* resources mean other than OCS funds for which the applicant has received a commitment. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (See SF–424A, Section B.6) and whether it is cash or third-party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8

Column (a)—Enter the project title.

Column (b)—Enter the amount of cash or donations to be made by the applicant.

Column (c)—Enter the State contribution.

Column (d)—Enter the amount of cash and third party-in-kind contributions to be made from all other sources.

Column (e)—Enter the total of columns (b), (c), and (d).

Lines 9, 10 and 11

Leave Blank

Line 12

Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification—Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs

Line 13

Federal—Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the 12 month budget period.

Line 14

Non-Federal—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15

Totals—Enter the total of Lines 13 and 14.

Section F—Other Budget Information

Line 21

Direct Charges—Include narrative justification required under Section B for each object class category for the total project period.

Line 22

Indirect Charges—Enter the type of DHHS or other Federal agency approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement.

Line 23

Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. SF–424B—Assurances Non-Construction Programs (Attachment B–3)

All applicants must sign and return the ''Assurances'' with the application.

4. Project Narrative

Each narrative should include the following major sections:

a. Analysis of Need
b. Project Design (Work Programs)
c. Organizational Experience in the Program Area
d. Management History
e. Staffing and Resources
f. Staff Responsibilities

The project narrative must address the specific purposes mentioned in Part A of this Program Announcement. The narrative should provide information on how the application meets the evaluation criteria in Part D of this Program Announcement.

Part F—Application Procedures

1. Availability of Forms

Applications for awards under this OCS program must be submitted on Standard Forms (SF) 424, 424A, and 424B. Part E and the Attachments to this Program Announcement contain all the instructions and forms required for submittal of applications. The forms may be reproduced for use in submitting applications.

A copy of the Federal Register containing this Announcement is available for reproduction at most local libraries and Congressional District Offices. If this Program Announcement is not available at these sources it may be obtained by writing or telephoning the office listed in the section entitled **FOR FURTHER INFORMATION CONTACT** at the beginning of this Announcement.

The information requested under this Program Announcement is covered under the following OMB information collection clearances: SF–424 (OMB No.

0348–0043), SF–424A (OMB No. 0348–0044), SF–424B (OMB No. 0348–0040), and other requirements for OCS applications (OMB No. 0970–0062).

2. Application Submission

Applications, once submitted, are considered final and no additional materials will be accepted.

Applicants *must* submit one signed original application and four copies.

3. Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of January, 1996, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by Federally-recognized Indian Tribes need take no action in regard to E.O. 12372:

Alaska
Colorado
Connecticut
Hawaii
Idaho
Kansas
Louisiana
Massachusetts
Minnesota
Montana
Nebraska
Oklahoma
Oregon
Pennsylvania
South Dakota
Tennessee
Virginia
Washington
American Samoa
Palau

All remaining jurisdictions participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on the proposed new award.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447

A list of the Single Points of Contact for each State and Territory is included as Attachment G of this Announcement.

4. Application Consideration

Applications which meet the screening requirements in Section 5 below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this Announcement. Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will generally be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicant; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants. OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

5. Criteria for Screening Applications

a. *Initial Screening*—All applications that meet the application deadline will be screened to determine completeness and conformity to the requirements of this Announcement. Only those applications meeting the below listed requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain a completed and signed Standard Form SF–424.

(2) The SF–424 must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

b. *Pre-rating Review*—Applications which pass the initial screening will be forwarded to reviewers for analytical comment and scoring based on the criteria detailed in the Section below and the specific requirements contained in Part A of this Announcement. Prior to the programmatic review, these reviewers and/or OCS staff will verify that the applications comply with this Program Announcement in the following areas:

(1) *Eligibility*—Applicant meets the eligibility requirements found in Part B.

(2) *Number of Projects*—The application contains only one project.

(3) *Target Populations*—The application clearly targets the specific outcomes and benefits of the project to low-income participants and beneficiaries as defined in the DHHS Poverty Income Guidelines (Attachment A).

(4) *Grant Amount*—The amount of funds requested does not exceed $50,000.

(5) *Program Focus*—The application addresses the purposes described in Part A of this Announcement.

c. *Evaluation Criteria*—Applications which pass the initial screening and pre-rating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable criterion published in this Announcement.

Part G—Contents of Application and Receipt Process

1. Contents of Application

Each application submission must include *a signed original and four*

additional copies of the application. Each copy of the application *must* contain, in the order listed, each of the following:

a. *Table of Contents* with page numbers noted for each major section and subsection of the application, including the appendices. Each page in the application, including those in all appendices, must be numbered consecutively.

b. *A Project Abstract* which is a succinct description of the project in 200 words or less.

c. *The SF–424 (Application for Federal Assistance)* should be completed in accordance with instructions provided with the form, as well as OCS specific instructions set forth in Part E of this Announcement. The SF–424 must contain an original signature of the certifying representative of the applicant organization. Applicants must also be aware that the applicant's legal name (Item 5) *must* match the Employer Identification Number (Item 6).

d. *SF–424A (Budget Information) must* be completed.

e. *SF–424B (Assurances—Non-Construction Programs)* must be filed by applicants requesting financial assistance for a non-construction project. Applicants must sign and return the SF–424B with their applications.

f. *Restriction on Lobbying Activities* Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

g. *Disclosure of Lobbying Activities (SF-LLL)* Fill-in, sign and date form found at Attachment F, (required only if lobbying has actually taken place or is expected to take place in trying to obtain the grant for which the applicant is applying.)

h. *Project Narrative* (See Part E, Section 4)

i. *Certification Regarding Drug-Free Workplace Requirements (Attachment C)* Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

j. *Certification Regarding Debarment, Suspension, Etc. (Attachment D)* Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

k. *Certification Regarding Environmental Tobacco Smoke (Attachment E)* Applicants must make the appropriate certification of their compliance with the Pro-Children Act of 1944. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

The total number of pages for the narrative portion of the application package must not exceed 30 pages in their entirety. Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on 8½×11 inch paper only. They must not include colored, oversized or folded materials, organizational brochures, or other promotional materials, slides, films, clips, etc. Such materials will be discarded if included.

Applications should be two-holed punched at the top center and fastened separately with a compressor slide paper fastener or a binder clip.

While applications must be comprehensive, OCS encourages conciseness and brevity in the presentation of materials and cautions the applicant to avoid unnecessary duplication of information.

2. Acknowledgement of Receipt

An acknowledgement will be mailed to all applicants with an identification number which will be noted on the acknowledgement. This number must be referred to in all subsequent communications with OCS concerning the application. If an acknowledgment is not received within three weeks after the application deadline, applicants must notify ACF by telephone (202) 401–9365. Applicant should also submit a mailing label for the acknowledgement.

Part H—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, and the terms and conditions of the award.

In addition to the General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR Parts 74 (non-governmental) and 92 (governmental) along with OMB Circulars 122 (non-governmental) and 87 (governmental).

Grantees will be required to submit semi-annual progress and financial reports (SF–269) as well as a final progress and financial report.

Grantees are subject to the audit requirements in 45 CFR Parts 74 and 92.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying when applicant has engaged in lobbying activities or is expected to lobby in trying to obtain the grant. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the *nonappropriated* funds and (3) to file quarterly up-dates about the use of lobbyists if any event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment F for certification and disclosure forms to be submitted with the applications for this program.

Attachment H indicates the regulations which apply to all applicants/grantees under the Discretionary Grants Program.

Dated: May 13, 1996.

Donald Sykes,

Director, Office of Community Services.

BILLING CODE 4184–01–P

Attachment A

1995 POVERTY INCOME GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$7,470
2	10,030
3	12,590
4	15,150
5	17,710
6	20,270
7	22,830
8	25,390

For family units with more than 8 members, add $2,580 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

POVERTY INCOME, GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	$9,340
2	12,540
3	15,740
4	18,940
5	22,140
6	25,340
7	28,540
8	31,740

For family units with more than 8 members, add $3,200 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

POVERTY GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	$8,610
2	11,550
3	14,490
4	17,430
5	20,370
6	23,310
7	26,250
8	29,190

For family units with more than 8 members, add $2,940 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

BILLING CODE 4184–01–M

Attachment B-1

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ■ ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use of the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project, if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the state intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184–01–M

Attachment B-2

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

BILLING CODE 4184-01-C

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. **TOTALS** (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. **TOTAL** (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **TOTALS** (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a *single* Federal Grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1–4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of lines 6a to 6h in each column.

Line 6j—show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Attachment B–3

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4278–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of Authorized Certifying Official

_____

Title

_____

Applicant Organization

_____

Date Submitted

BILLING CODE 4184–01–M

Attachment C

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

_____

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184–01–C

Attachment D

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) are not presently indicated or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participate shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Attachment E

Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1944 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

Attachment F

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or

attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:
Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:
CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

BILLING CODE 4184–01–C

Attachment G—OMB State Single Point of Contact Listing

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1314, FAX: (602) 280–1305

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, FAX: (501) 682–5206

Alabama

Jon C. Strickland, Alabama Department of Economic and Community Affairs, Planning and Economic Development Division, 401 Adams Avenue, Montgomery, Alabama 36103–5690, Telephone: (205) 242–5483, FAX: (205) 242–5515

California

Grants Coordinator, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone: (916) 323–7480, FAX: (916) 323–3018

Delaware

Francine Booth, State Single Point of Contact Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903, Telephone: (302) 739–3326, FAX: (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005, Telephone: (202) 727–6554, FAX: (202) 727–1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399–2100, Telephone: (904) 922–5438, FAX: (904) 487–2899

Georgia

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia 30334, Telephone: (404) 656–3855 or (404) 656–3829, FAX: (404) 656–7938

Illinois

Barbara Beard, State Single Point of Contact, Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701, Telephone: (217) 782–1671, FAX: (217) 534–1627

Indiana

Amy Brewer, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232–5619, FAX: (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, FAX: (515) 242–4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone: (502) 573–2382, FAX: (502) 573–2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

Maryland

William G. Carroll, Manager State Clearinghouse for Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 225–4490, FAX: (410) 225–4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226, Telephone: (313) 961–4266

Mississippi

Cathy Malette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone: (601) 359–6762, FAX: (601) 359–6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, FAX: (314) 751–7819

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone: (702) 687–4065, FAX: (702) 687–3983

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, FAX: (603) 271–1728

New Jersey

Gregory W. Adkins, Assistant Commissioner, New Jersey Department of Community Affairs.

Please direct all correspondence and questions about intergovernmental review to: Andrew J. Jaskolka, State Review Process, Intergovernmental Review Unit CN 800, Room 813A, Trenton, New Jersey 08625–0800, Telephone: (609) 292–9025, FAX: (609) 633–2132

New Mexico

Robert Peters, State Budget Division, Room 190 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605

North Carolina

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, FAX: (919) 733–9571

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, FAX: (701) 224–2308

Ohio

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411

Please direct correspondence and questions about intergovernmental review to: Linda Wise, Telephone: (614) 466–0698, FAX: (614) 466–5400.

Rhode Island

Daniel W. Varin, Associate Director, Department of Administration/Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, FAX: (401) 277–2083

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 477, Columbia, South Carolina 29201, Telephone: (803) 734–0494, FAX: (803) 734–0385

Texas

Tom Adams, Governor's Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, FAX: (512) 463–1880

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1535, FAX: (801) 538–1547

Vermont

Nancy McAvoy, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 95609, Telephone: (802) 828–3326, FAX: (802) 828–3339

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

Wisconsin

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–2125, FAX: (608) 267–6931

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone: (307) 777–7574, FAX: (307) 638–8967

Territories

Guam

Mr. Giovanni, T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, FAX: 011–671–472–2825

Puerto Rico

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Officer, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, FAX: (809) 724–3270, (809) 724–3103

North Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emanicipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069.

Attachment H—Department of Health and Human Services (DHHS) Regulations Applying to All Applicants/Grantees Under the Community Food and Nutrition Program

Title 45 of the Code of Federal Regulations

Part 16—DHHS Grant Appeals Process
Part 74—Administration of Grants (non-governmental)
Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):
Sections
- 74.26—Non-Federal Audits
- 74.27—Allowable cost for hospitals and non-profit organizations among other things
- 74.32—Real Property
- 74.34—Equipment
- 74.35—Supplies
- 74.24—Program Income

Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension from Eligibility for Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part 80—Non-discrimination Under Programs Receiving Federal Assistance through DHHS Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 83—Regulation for the Administration and Enforcement of Sections 799A and 845 of the Public Health Service Act
Part 84—Non-discrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
Part 85—Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by DHHS
Part 86—Non-discrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefitting from Federal Financial Assistance
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (Federal Register, March 11, 1988)
Part 93—New Restrictions on Lobbying
Part 100—Intergovernmental Review of DHHS Programs and Activities

Attachment I

Optional Checklist (for use of applicant only) to verify contents of application

	Check
A. Application contains:.	
1. Table Contents	[ ]
2. A project Abstract (no more than 200 words)	[ ]
3. Completed SF–424, Application for Federal Assistance	[ ]
4. Completed SF–424A, Budget Information—Non-construction Programs	[ ]
5. Signed SF 424B, Assurances—Non-Construction Programs	[ ]
6. A project narrative with the following components:	
a. Analysis of need	[ ]
b. Project design	[ ]
c. Organizational experience in program	[ ]
d. Management history	[ ]
e. Staffing and resources (resume or job description)	[ ]
f. Staff responsibilities	[ ]
7. Relevant portions of the organization's By-Laws or Articles of Incorporation confirming eligibility	[ ]
8. A signed copy of Certification Regarding the Anti-Lobbying Provision	[ ]
9. A completed Disclosures of Lobbying Activities Form, if appropriate	[ ]
10. A self-addressed mailing label which can be used to acknowledge receipt of application	[ ]
B. Application does not exceed a total of 30 pages	[ ]
C. Application includes one original and four copies, printed on white 8½ by 11 inch paper	[ ]
D. Applicant is aware that in signing and submitting the application for funds under the CFN Program, it is certifying that it has read and understood the Federal Guidelines concerning a drug-free workplace, the debarment regulations, and environmental tobacco smoke, set forth in Attachments C, D and E respectively	[ ]

[FR Doc. 96–12566 Filed 5–17–96; 8:45 am]

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Federal Register

Monday
May 20, 1996

Part IV

Department of Agriculture

Cooperative State Research, Education, and Extension Service

7 CFR Part 3403

Small Business Innovation Research Grants Program; Administrative Provisions; Final Rule

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

7 CFR Part 3403

Small Business Innovation Research Grants Program; Administrative Provisions

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Final rule.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) is amending its regulations relating to the administration of the Small Business Innovation Research (SBIR) Grants Program, which prescribe the procedures to be followed annually in the solicitation of research grant proposals, the evaluation of such proposals, and the award of competitive research grants under this program. This rule amends those regulations by encouraging the individuals who are principally responsible for the scientific or technical direction of the proposed work to be designated as the principal investigator, making it a condition that Federal funds remain for an extension of a Phase I grant and that an extension will not normally exceed 12 months, requiring that when purchasing equipment or products with agreement funds that only American-made items are purchased to the extent possible, and making a few additional changes. CSREES is publishing these regulations in their entirety in order to enhance their use by the public and to ensure expeditious submission and processing of grant proposals.

(The CSREES was established by Pub. L. 103–354, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, and the functions of the Cooperative State Research Service (CSRS) were transferred to the CSREES by the Secretary of Agriculture in the Secretary's Memorandum 1010–1, October 20, 1994.)

EFFECTIVE DATE: May 20, 1996.

FOR FURTHER INFORMATION CONTACT:

Louise Ebaugh, Director, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, AG Box 2245, Washington, DC 20250–2245. Telephone: (202) 401–5024.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the collection of information requirements contained in this final rule have been approved under OMB Document Nos. 0524–0022, 0524–0025, and 0524–0026.

Classification

This rule has been reviewed under Executive Order 12866, and it has been determined that it is not a ''significant regulatory action'' rule because it will not have an annual effect on the economy of $100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule will not create any serious inconsistencies or other wise interfere with any actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees or loan programs and does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order No. 12866. In addition, it will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–534 (5 U.S.C. 601 et seq.). This rule has been reviewed in accordance with Executive Order No. 12778, Civil Justice Reform, and the required certification has been made to OMB. All State and local laws and regulations that are in conflict with this rule are preempted. No retroactive effect is to be given to this rule. This rule does not require administrative proceedings before parties may file suit in court.

Regulatory Analysis

Not required for this rulemaking.

Environmmental Impact Statement

This regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969, as amended.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.212, Small Business Innovation Research (SBIR Program). For the reasons set forth in the Final Rule-related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, and pursuant to the Notice found at 52 FR 22831, June 16, 1987, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background and Purpose

On June 10, 1988, the Department published a Final Rule in the Federal Register (53 FR 21966–21972), which established Part 3403 of Title 7, Subtitle B, Chapter XXXIV of the Code of Federal Regulations, for the purpose of administering the U.S. Department of Agriculture's Small Business Innovation Research (SBIR) Grants Program conducted under the authority of the Small Business Innovation Development Act of 1982, as amended (15 U.S.C. 638) and section 630 of the Act making appropriations for Agriculture, Rural Development, and Related Agencies' programs for fiscal year ending September 30, 1987, and for other purposes, as made applicable by section 101(a) of Pub. L. No. 99–591, 100 Stat. 3341. This rule established and codified the procedures to be followed in the solicitation of competitive small business innovation research proposals, the evaluation of such proposals, and the award of grants under this program. On September 20, 1991, the Department published a Final rule in the Federal Register (56 FR 47882–47889), which amended the Cooperative State Research Service (CSRS) regulations relating to the Small Business Innovation Research Grants Program. On December 30, 1994, the Department published a Final Rule in the Federal Register (59 FR 68072) which amended 7 CFR Chapter XXXIV to reflect the abolishment of CSRS and the establishment of CSREES. On August 17, 1995, the Department published a notice in the Federal Register (60 FR 42990) requesting comments on proposed revisions to the Proposed Rule—Small Business Innovation Research (SBIR) Grants Program. Interested parties were invited to submit comments. The Department received one comment from a Federal agency. The comment was considered in developing this final revision.

Comment and Response

General

Comment: The commentor suggested that the rule be amended to associate award eligibility and approval procedures more closely with performance and financial accountability.

Response: This comment requires a thorough examination since it has far-reaching implications not only for the SBIR program but for other

Departmental programs. The Department is currently establishing a committee to evaluate and consider the suggestions and will respond directly to the commenting agency when appropriate. If further changes to the program are deemed necessary, the Department will publish a proposed amendment to the SBIR rule and invite public comments.

List of Subjects in 7 CFR Part 3403

Grant Programs—Agriculture, Grant administration.

For the reasons set out in the preamble, Title 7, Subtitle B, Chapter XXXIV, Part 3403 of the Code of Federal Regulations is revised to read as follows:

PART 3403—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM

Subpart A—General Information

Subpart B—Program Description

Subpart C—Preparation and Submission of Proposals

Subpart D—Proposal Review and Evaluation

Subpart E—Supplementary Information

Authority: 5 U.S.C. 638.

Subpart A—General Information

§ 3403.1 Applicability of regulations.

(a) The regulations of this part apply to small business innovation research grants awarded under the general authority of section 630 of the Act making appropriations for Agriculture, Rural Development, and Related Agencies' programs for fiscal year ending September 30, 1987, and for other purposes, as made applicable by section 101(a) of Public Law 99–591, 100 Stat. 3341, and the provisions of the Small Business Innovation Development Act of 1982, as amended (15 U.S.C. 638). The Small Business Innovation Development Act of 1982, as amended, mandates that each Federal agency with an annual extramural budget for research or research and development in excess of $100 million participate in a Small Business Innovation Research (SBIR) program by reserving a statutory percentage of its annual extramural budget for award to small business concerns for research or research and development in order to stimulate technological innovation, use small business to meet Federal research and development needs, increase private sector commercialization of innovations derived from Federal research and development, and foster and encourage the participation of socially and economically disadvantaged small business concerns and women-owned small business concerns in technological innovation. The U.S. Department of Agriculture (USDA) will participate in this program through the issuance of competitive research grants which will be administered by the Office of Competitive Research Grants and Awards Management, Cooperative State Research, Education, and Extension Service (CSREES).

(b) The regulations of this part do not apply to research grants awarded by the Department of Agriculture under any other authority.

§ 3403.2 Definitions.

As used in this part:

Ad hoc reviewers means experts or consultants, qualified by training and experience in particular scientific or technical fields to render expert advice on the scientific or technical merit of grant applications in those fields, who review on an individual basis one or several of the eligible proposals submitted to this program in their area of expertise and who submit to the Department written evaluations of such proposals.

Awarding official means any officer or employee of the Department who has the authority to issue or modify research project grant instruments in behalf of the Department.

Budget period means the interval of time into which the project period is divided for budgetary and reporting purposes.

Commercialization means the process of developing markets and producing and delivering products or services for sale (whether by the originating party or by others); as used here, commercialization includes both government and commercial markets.

Department means the Department of Agriculture.

Funding agreement is any contract, grant, or cooperative agreement entered into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government.

Grantee means the small business concern designated in the grant award document as the responsible legal entity to whom a grant is awarded under this part.

Peer review group means experts or consultants, qualified by training and experience in particular scientific or technical fields to give expert advice on the scientific and technical merit of grant application in those fields, who assemble as a group to discuss and evaluate all of the eligible proposals submitted to this program in their area of expertise.

Principal investigator means a single individual designated by the grantee in the grant application and approved by the Department who is responsible for the scientific or technical direction of the project. Therefore, the individual should have a scientific and technical background.

Program solicitation is a formal request for proposals whereby an agency notifies the small business community of its research or research and development needs and interests in selected areas and invites proposals from small business concerns in response to those needs.

Project means the particular activity within the scope of one of the research topic areas identified in the annual solicitation of applications, which is supported by a grant award under this part.

Project period means the total length of time that is approved by the Department for conducting the research project as outlined in an approved grant application.

Research or research and development (R&D) means any activity which is:

(1) A systematic, intensive study directed toward greater knowledge or understanding of the subject studied;

(2) A systematic study directed specifically toward applying new knowledge to meet a recognized need; or

(3) A systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

Research project grant means the award by the Department of funds to a grantee to assist in meeting the costs of conducting for the benefit of the public an identified project which is intended and designed to establish, discover, elucidate, or confirm information or the underlying mechanisms relating to a research topic area identified in the annual solicitation of applications.

Small business concern means a concern which at the time of award of phase I and Phase II funding agreements meets the following criteria:

(1) Is organized for profit, independently owned or operated, is not dominant in the field in which it is proposing, has its principal place of business located in the United States, has a number of employees not exceeding 500 (full-time, part-time, temporary, or other) in all affiliated concerns owned or controlled by a single parent concern, and meets the other regulatory requirements outlined in 13 CFR part 121. Business concerns, other than licensed investment companies, or State development companies qualifying under the Small Business Investment Act of 1958, 15 U.S.C. 661, *et seq.*, are affiliates of one another when directly or indirectly one concern controls or has the power to control the other or third parties (or party) control or have the power to control both. Control can be exercised through common ownership, common management, and contractual relationships. The term ''affiliates'' is defined in greater detail in 13 CFR 121.401(a) through (m). The term ''number of employees'' is defined in 13 CFR 121.407. Business concerns include, but are not limited to, any individual, partnership, corporation, joint venture, association, or cooperative.

(2) Is at least 51 percent owned, or in the case of a publicly owned business at least 51 percent of its voting stock is owned, by United States citizens or lawfully admitted permanent resident aliens.

Socially and economically disadvantaged individual is a member of any of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Subcontinent Asian Americans, other groups designated from time to time by the Small Business Administration (SBA) to be socially disadvantaged, or any other individual found to be socially and economically disadvantaged by the SBA pursuant to section 8(a) of the Small Business Act, 15 U.S.C. 637(a).

Socially and economically disadvantaged small business concern is one that is:

(1) At least 51 percent owned by

(i) An Indian tribe or a native Hawaiian organization, or

(ii) One or more socially and economically disadvantaged individuals; and

(2) Whose management and daily business operations are controlled by one or more socially and economically disadvantaged individuals.

Subcontract is any agreement, other than one involving an employer-employee relationship, entered into by a Federal Government funding agreement awardee calling for supplies or services required solely for the performance of the original funding agreement.

United States means the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

Women-owned small business concern means a small business concern that is at least 51 percent owned by a woman or women who also control and operate it. ''Control'' as used in this context means exercising the power to make policy decisions. ''Operate'' as used in this context means being actively involved in the day-to-day management of the concern.

§ 3403.3 Eligibility requirements.

(a) *Eligibility of firm.* (1) Each organization submitting a proposal must qualify as a small business for research purposes, as defined in § 3403.2. Joint ventures and limited partnerships are eligible to apply for and to receive research grants under this program, provided that the entity created qualifies as a small business in accordance with section 2(3) of the Small Business Act (15 U.S.C. 632) and as defined in § 3403.2 of this part. For both phase I and phase II the research must be performed in the United States.

(2) A minimum of two-thirds of the research or analytical work, as determined by budget expenditures, must be performed by the proposing organization under phase I grants. For phase II awards, a minimum of one-half of the research or analytical effort must be conducted by the proposing firm. The space used by the SBIR awardee to conduct the research must be space over which it has exclusive control for the period of the grant.

(b) *Eligibility of principal investigator.* (1) It is strongly suggested that the individual responsible for the scientific or technical direction of the project be designated as the principal investigator. In addition, the primary employment of the principal investigator must be with the proposing firm at the time of award and during the conduct of the proposed research. Primary employment means that more than one-half of the principal investigator's time is spent in the employ of the small business. Primary employment with the small business applicant precludes full-time employment with another organization.

(2) If the proposed principal investigator is employed by another organization (e.g., university or another company) at the time of submission of the application, documentation must be submitted with the proposal from the principal investigator's current employer verifying that, in the event of an SBIR award, he/she will become a less-than half-time employee of such organization and will remain so for the duration of the SBIR project.

Subpart B—Program Description

§ 3403.4 Three-phase program.

The Small Business Innovation Research Grants Program will be carried out in three separate phases described in this section. The first two phases are designed to assist USDA in meeting its research and development objectives and will be supported with SBIR funds. The purpose of the third phase is to pursue the commercial applications or objectives of the research carried out in phases I and II through the use of private or Federal non-SBIR funds.

(a) Phase I is the initial stage in which the scientific and technical merit and feasibility of an idea related to one of the research areas described in the program solicitation is evaluated, normally for a period not to exceed 6 months. In special cases, however, where a proposed research project requires more than 6 months to complete, a longer grant period may be considered. A proposer of a phase I project with an anticipated duration beyond 6 months should specify the length and duration in the proposal at the time of its submission to USDA in order for it to be considered at the time of award. (See § 3403.16(c) for changes in project period subsequent to award).

(b) Phase II is the principal research or research and development effort in which the results from Phase I are expanded upon and further pursued, normally for a period not to exceed 24 months. Only those small businesses previously receiving phase I awards are eligible to submit phase II proposals. For each phase I project funded the awardee may apply for a phase II award only once. Phase I awardees who for valid reasons cannot apply for phase II

support in the next fiscal year funding cycle may apply for support not later than the second fiscal year funding cycle.

(c) Phase III is to stimulate technological innovation and the national return on investment from research through the pursuit of commercial objectives resulting from the work supported by SBIR funding carried out in phases I and II. This portion of the project is performed by the small business firm and privately funded or Federally funded by a non-SBIR source through the use of a follow-on funding commitment. A follow-on funding commitment is an agreement between the small business firm and a provider of follow-on capital for a specified amount of funds to be made available to the small business for further development of their effort upon achieving certain mutually agreed upon technical objectives during phase II.

Subpart C—Preparation and Submission of Proposals

§ 3403.5 Requests for proposals.

(a) *Phase I.* A program solicitation requesting phase I proposals will be prepared each fiscal year in which funds are made available for this purpose. The solicitation will contain information sufficient to enable eligible applicants to prepare grant proposals and will include descriptions of specific research topic areas which the Department will support during the fiscal year involved, forms to be completed and submitted with proposals, and special requirements. A notice will be published in the Federal Register informing the public of the availability of the program solicitation.

(b) *Phase II.* For each fiscal year in which funds are made available for this purpose, the Department will send a letter requesting phase II proposals from the phase I grantees eligible to apply for phase II funding in that fiscal year. The letter will be accompanied by the solicitation which contains information sufficient to enable eligible applicants to prepare grant proposals and includes forms to be submitted with proposals as well as special requirements.

§ 3403.6 General content of proposals.

(a) The proposed research must be responsive to one of the USDA program interests stated in the research topic descriptions of the program solicitation.

(b) Proposals must cover only scientific/technological research activities. A firm must not propose product development, technical assistance, demonstration projects, classified research, or patent applications. Many of the research projects supported by the SBIR program lead to the development of new products based upon the research results obtained during the project. However, projects that seek funding solely for product development where no research is involved, i.e. the funds are needed to permit the development of a project based on previously completed research, will not be accepted. Literature surveys should be conducted prior to preparing proposals for submission and must not be proposed as a part of the SBIR phase I or phase II effort. Proposals principally for the development of proven concepts toward commercialization or for market research should not be submitted since such efforts are considered the responsibility of the private sector and therefore are not supported by USDA.

(c) A proposal must be limited to only one topic. The same proposal may not be submitted under more than one topic. However, an organization may submit separate proposals on the same topic. Where similar research is discussed under more than one topic, the proposer should choose that topic whose description appears most relevant to the proposer's research concept. Duplicate proposals will be returned to the applicant without review.

(d) Phase I applicants should submit a research proposal of no more than 25 pages, including cover page, budget, and all proposal-related enclosures or attachments. The text must be prepared on only one side of the page using standard size (8½″ × 11″; 21.6 cm × 27.9 cm) white paper, 2.5 cm margins and type no smaller than 11 point font size regardless of whether it is single or double spaced. In the interest of equity to all proposers, no additional attachments, appendixes, or references beyond the 25-page limitation will be considered in the proposal evaluation process, and proposals in excess of the 25-page limitation will not be considered for review or award. In addition, supplementary materials, revisions, and/or substitutions will not be accepted after the due date for proposals. Phase II applicants should submit a research proposal of no more than 50 pages, including cover page, budget, and all proposal-related enclosures or attachments.

§ 3403.7 Proposal format for phase I applications.

(a) *Cover sheet.* Photocopy and complete Form CSREES–667 in the program solicitation. The original of the cover sheet must at a minimum contain the pen-and-ink signatures of the proposed principal investigator(s) and the authorized organizational official. A proposal which does not contain the signature of the authorized organizational official will not be considered a legal document and will be returned to the proposing small business firm without review. All other copies of the proposal must also contain a cover sheet, but facsimile or photocopied signatures will be accepted. The title should be a brief (80-character maximum), clear, specific designation of the research proposed. It will be used to provide information to Congress and also will be used in issuing press releases. Therefore, it should not contain highly technical words. In addition, phrases such as ''investigation of'' or ''research on'' should not be used.

(b) *Project summary.* Photocopy and complete Form CSREES–668 in the program solicitation. The technical abstract should include a brief description of the problem or opportunity, project objectives, and a description of the effort. Anticipated results and potential commercial applications of the proposed research also should be summarized in the space provided. Keywords, to be provided in the last block on the page, should characterize the most important aspects of the project. The project summary of successful proposals may be published by USDA and, therefore, should not contain proprietary information.

(c) *Technical content.* The main body of the proposal should include:

(1) *Identification and significance of the problem or opportunity.* Clearly state the specific technical problem or opportunity addressed and its importance.

(2) *Background and rationale.* Indicate the overall background and technical approach to the problem or opportunity and the part that the proposed research plays in providing needed results.

(3) *Relationship with future research or research and development.* Discuss the significance of the phase I effort in providing a foundation for the phase II R&D effort. State the anticipated results of the approach if the project is successful (phases I and II). This should address:

(i) The technical, economic, social, and other benefits to the Nation and to users of the results such as the commercial sector, the Federal Government, or other researchers;

(ii) The estimated total cost of the approach relative to benefits; and, if appropriate,

(iii) Any specific policy issues or decisions which might be affected by the results.

(4) *Phase I technical objectives.* State the specific objectives of the phase I research or research and development effort, including the technical questions it will try to answer to determine the feasibility of the proposed approach.

(5) *Phase I work plan.* This work plan must provide an explicit, detailed description of the phase I research or research and development approach. The plan should indicate the tasks to be performed as well as how and where the work will be carried out. The phase I effort should attempt to determine the technical feasibility of the proposed concept. The work plan should be linked with the technical objectives of the research and the questions the effort is designed to answer. Therefore, it should flow logically from § 3403.7(c)(4) of this part. This section should constitute a substantial portion of the total proposal.

(6) *Related research or research and development.* Describe the significant research or research and development activities from relevant literature that are directly related to the proposed effort, including any conducted by the principal investigator or by the proposing firm, how it relates to the proposed effort, and any planned coordination with outside sources. The proposer must persuade reviewers that he or she is aware of related research in the selected subject.

(d) *Key personnel and bibliography.* Identify key personnel involved in the effort, including information on their directly related education and experience. For each key person, provide a chronological list of the most recent representative publications in the topic area during the preceding 5 years, including those in press. (List the authors (in the same order as they appear on the paper), the full title, and the complete reference as these usually appear in journals. Where vitae are extensive, summaries that focus on most relevant experience or publications may be necessary to meet the proposal size limitation in phase I and phase II.

(e) *Facilities and equipment.* Describe the types, location, and availability of instrumentation and physical facilities necessary to carry out the work proposed. Items of equipment to be purchased must be fully justified under this section.

(f) *Consultants.* Involvement of university or other consultants in the planning and research stages of the project is permitted and may be particularly helpful to small firms which have not previously received Federal research awards. If such involvement is intended, it should be described in detail. Proposals must include letters from proposed consultants indicating willingness to serve in order for such participation to be evaluated during the proposal review process. (See § 3403.11(d) or § 3403.12(5), as appropriate).

(g) *Potential post application.* Briefly describe:

(1) Whether and by what means the proposed research appears to have potential commercial application; and

(2) Whether and by what means the proposed research appears to have potential use by the Federal Government. Firms with prior USDA SBIR grant support should summarize their progress in commercializing the results of that research. Past performance in the commercialization process may be a consideration in award decisions.

(h) *Current and pending support.* If a proposal, substantially the same as the one being submitted, has been previously funded or is currently funded, pending, or about to be submitted to another Federal agency or to USDA in a separate action, the proposer must provide the following information:

(1) Name and address of the agency(s) to which a proposal was submitted, or will be submitted, or from which an award is expected or has been received.

(2) Date of actual or anticipated proposal submission or date of award, as appropriate.

(3) Title of proposal or award, identifying number assigned by the agency involved, and the date of program solicitation under which the proposal was submitted or the award was received.

(4) Applicable research topic area for each proposal submitted or award received.

(5) Title of research project.

(6) Name and title of principal investigator for each proposal submitted or award received. USDA will not make awards that duplicate research funded (or to be funded) by other Federal agencies.

(i) *Cost-breakdown on proposal budget.* Photocopy and complete form CSREES–55 in the program solicitation only for the phase under which you are currently applying. (An applicant for phase I funding should not submit both phase I and II budgets.) Please note the following in completing the budget:

(1) *Salaries and wages.* Indicate the number and kind of personnel for whom salary support is sought. For key personnel, also indicate the number of work months of involvement to be supported with USDA funds (see blocks labeled ''CSREES Funded Work Months''), and explain how the level of compensation was established, e.g., the hourly rate of pay, the monthly rate of pay, or the yearly rate of pay.

(2) *Equipment.* Performing organizations are expected to have appropriate facilities, suitably furnished and equipped. Items of equipment may be requested provided that they are specifically identified and adequately justified, but such requests should normally not exceed 10% of the budget for phase I. When purchasing equipment or a product under the SBIR funding agreement, the awardee should purchase only American-made items whenever possible. Equipment is defined as an article of nonexpendable, tangible personal property having a useful life of more than 2 years and an acquisition cost of $500 or more per unit. Vesting of title to equipment purchased with funds provided under an SBIR funding agreement will be determined by USDA based upon whether such transfer would be more cost effective than recovery of the property by the government. Awardees should plan to lease expensive equipment.

(3) *Travel.* The inclusion of travel will be carefully reviewed with respect to need and appropriateness for the research proposed. Foreign travel may not be included in the phase I budget.

(4) *Subcontracting limits.* Subcontracting may not exceed one-third of the research or analytical effort during phase I. In addition, subcontractors must perform their portion of the work in the United States. If subcontracting costs are anticipated, they should be indicated in block I, ''All Other Direct Costs,'' on the budget sheet. A breakdown of subcontractual costs is required. For proposals involving subcontractual arrangements, the applicant must submit an agreement or letter of consent signed by the subcontractor in order for such participation to be evaluated during the proposal review process.

(5) *Fee.* A reasonable fee not to exceed 7% is permitted under this program. All fees are subject to negotiation with USDA. If a fee is requested, the amount should be indicated in block M on the budget sheet.

(6) *Indirect costs.* If available, the current rate negotiated with the cognizant Federal negotiating agency should be used, unless restricted by statute. Indirect costs may not exceed the lesser of the negotiated rate or the rate restricted by statute. If no rate has been negotiated, a reasonable dollar amount in lieu of indirect costs may be

requested, which will be subject to approval by USDA. A proposer may elect not to charge direct costs and, instead, use all grant funds for direct costs. If a negotiated rate is used, the percentage and base should be indicated in the space allotted under item K on the budget sheet. If indirect costs are not charged, the phrase ''None requested'' should be written in this space.

(7) *Cost-sharing.* Cost-sharing is permitted for proposals under this program; however, cost-sharing is not required nor will it be an evaluation factor in considering the competitive merit of proposals submitted.

(j) *Research involving special considerations.* (1) If the proposed research will involve recombinant DNA molecules, human subjects at risk, or laboratory animal care, the proposal must so indicate and include an assurance statement (Form CSREES–662) as the last page of the proposal. The original of the assurance statement must at a minimum contain the pen-and-ink signature of the authorized organizational official. This form will not be considered a part of the 25-page limitation for Phase I proposals and the 50-page limitation for Phase II proposals. In order to complete the assurance statement, the proposer may be required to have the research plan reviewed and approved by an appropriate ''Institutional Review Board'' prior to commencing actual substantive work. It is suggested that proposers contact local universities, colleges, or nonprofit research organizations which have established such reviewing mechanisms to have this service performed.

(2) Guidelines to be applied and observed when conducting such research are:

(i) *Recombinant DNA Molecules.* ''Guidelines for Research Involving Recombinant DNA Molecules'' issued by the National Institutes of Health, as revised.

(ii) *Human Subjects at Risk.* Regulations issued by the Department of Health and Human Services. (See 7 CFR Part 1c.)

(iii) *Laboratory Animal Care.* Regulations issued by the Department of Agriculture. (See 9 CFR Parts 1, 2, 3, and 4.)

(k) *Proprietary information.* (1) If a proposal contains proprietary information that constitutes a trade secret, proprietary commercial or financial information, confidential personal information, or data affecting the national security, it will be treated in confidence to the extent permitted by law, provided the information is clearly marked by the proposer with the term ''confidential proprietary information'' is confided to a separate page or pages, and provided the following legend also appears in the designated area at the bottom of the proposal's cover sheet (Form CSREES–667):

The following pages (specify) contain proprietary information which (name of proposing organization) requests not be released to persons outside the Government, except for purposes of evaluation.

(2) USDA by law is required to make the final decision as to whether the information is required to be kept in confidence. Information contained in unsuccessful proposals will remain the property of the proposer. However, USDA will retain for one year one file copy of all proposals received; extra copies will be destroyed. Public release of information for any proposal submitted will be subject to existing statutory and regulatory requirements. Any proposal which is funded will be considered an integral part of the award and normally will be made available to the public upon request except for designated proprietary information that is determined by USDA to be proprietary information.

(3) The inclusion of proprietary information is discouraged unless it is necessary for the proper evaluation of the proposal. ''If proprietary information is to be included, it should be limited, set apart from other text on a separate page, and keyed to the text by numbers.'' It should be confided to a few critical technical items which, if disclosed, could jeopardize the obtaining of foreign or domestic patents. Trade secrets, salaries, or other information which could jeopardize commercial competitiveness should be similarly keyed and presented on a separate page. ''Proposals or reports which attempt to restrict dissemination of large amounts of information may be found unacceptable by USDA. Any other legend than that listed in paragraph (k)(1) of this section may be unacceptable to USDA and may constitute grounds for return of the proposal without further consideration.'' Without assuming any liability for inadvertent disclosure, USDA will limit dissemination of such information to its employees and, where necessary for the evaluation of the proposal, to outside reviewers on a confidential basis.

(l) Rights in data developed under SBIR funding Agreement. The SBIR legislation provides for ''retention of rights in data generated in the performance of the contract by the small business concern.''

(1) The legislative history clarifies that the intent of the statute is to provide authority for the participating agency to protect technical data generated under the funding agreement, and to refrain from disclosing such data to competitors of the small business concern or from using the information to produce future technical procurement specifications that could harm the small business concern that discovered and developed the innovation until the small business concern has a reasonable chance to seek patent protection, if appropriate.

(2) Therefore, except for program evaluation, participating agencies shall protect such technical data for a period of not less than 4 years from the completion of the project from which the data were generated unless the agencies obtain permission to disclose such data from the contractor or grantee. The government shall retain a royalty-free license for government use of any technical data delivered under an SBIR funding agreement whether patented or not.

(m) *Organizational management information.* Before the award of an SBIR funding agreement, USDA requires the submission of certain organization management, personnel and financial information to assure the responsibility of the proposer. Form CSRS–666 (''Organizational Information'') and Form CSRS–665 (''Assurance of Compliance with the Department of Agriculture Regulations Under Title VI of the Civil Rights Act of 1964, as amended'') are used for this purpose. This information is not required unless a project is recommended for funding, and then it is submitted on a one-time basis only. However, new forms should be submitted if a small business has undergone significant changes in organizations, personnel, finance, or policies including those relating to civil rights.

§ 3403.8 Proposal format for phase II applications.

(a) *Cover sheet.* Follow instructions found in § 3403.7(a) of this part.

(b) *Project summary.* Follow instructions found in § 3403.7(b) of this part.

(c) *Phase I results.* The proposal should contain an extensive section that lists the phase I objectives and makes detailed presentation of the phase I results. This section should establish the degree to which phase I objectives were met and feasibility of the proposed research project was established.

(d) *Proposal.* Since phase II is the principal research and development effort, proposals should be more

comprehensive than those submitted under phase I. However, the outline contained in § 3403.7(c) of this part should be followed, tailoring the information requested to the phase II project.

(e) *Coast breakdown on proposal budget.* (1) For phase II, a detailed budget is required for each year of requested support. In addition, a summary budget is required detailing the requested support for the overall project period. Form CSREES–55, ''Proposal Budget,'' is to be used for this purpose and may be photocopied as necessary.

(2) *Travel.* Foreign travel may be included as necessary in the phase II budget. Such a request will be reviewed with respect to need and appropriateness for the research proposed and therefore should be adequately justified in the proposal.

(3) *Subcontracting limits.* The instructions found in § 3403.7(i)(4) of this part apply to phase II proposals except that the subcontracting limit is changed from one-third to one-half of the research or analytical effort.

(f) *Organizational management information.* Each phaser II awarded will be asked to submit an updated statement of financial condition (such as the latest audit report, financial statements or balance sheet).

(g) *Follow-on funding commitment.* If the proposer has obtained a contingent commitment for phase III follow-on funding, it should be forwarded with the phase II application. It will not count as part of the 50-page limit for phase II application.

(h) *Documentation of multiple phase II awards.* (1) An applicant that submits a proposal for a funding agreement for phase I and that has received more than 15 phase II awards during the preceding 5 fiscal years must document the extent to which it was able to secure phase III funding to develop concepts resulting from previous phase II award. This documentation should include the name of the awarding agency, date of award, funding agreement number, topic or subtopic title, amount and date of phase II funding and commercialization status for each phase II award.

(2) USDA shall collect and retain the information submitted under paragraph (h)(1) at least until the General Accounting Office submits the report required under section 106 of the Small Business Research and Development Enhancement Act of 1992.

§ 3403.9 Submission of proposals.

The program solicitation for phase I proposals and the letter requesting phase II proposals will provide the deadline date for submitting proposals, the number of copies to be submitted, and the address where proposals should be mailed or delivered.

Subpart D—Proposal Review and Evaluation

§ 3403.10 Proposal review.

(a) All research grant applications will be acknowledged.

(b) Phase I and phase II proposals will be judged competitively in a two-stage process, based primarily upon scientific or technical merit. First, each proposal will be screened by USDA scientists to ensure that it is responsive to stated requirements contained in the program solicitation. Proposals found to be responsive will be technically evaluated by peer scientists knowledgeable in the appropriate scientific field using the criteria listed in § 3403.11 or § 3403.12 of this part, as appropriate. Proposals found to be nonresponsive will be returned to the proposing firm without review.

(c) Both internal and external peer reviewers may be used during the technical evaluation stage of this process. Selections will be made from among recognized specialists who are uniquely qualified by training and experience in their respective fields to render expert advice on the merit of proposals received. It is anticipated that such experts will include those located in universities, Government, and non-profit research organizations. If possible, USDA intends that peer review groups shall be balanced with minority and female representation and with an equitable age distribution.

(d) Technical reviewers will base their conclusions and recommendations on information contained in the phase I or phase II proposal. It cannot be assumed that reviewers are acquainted with any experiments referred to within a proposal, with key individuals, or with the firm itself. Therefore, the proposal should be self-contained and written with the care and thoroughness accorded papers for publication.

(e) Final decisions will be made by USDA based upon the ratings assigned by reviewers and consideration of other factors, including the potential commercial application, possible duplication of other research, any critical USDA requirements, and budget limitation. In addition, the follow-on funding commitment will be a consideration for phase II proposals.

§ 3403.11 Phase I evaluation criteria.

USDA plans to select for award those proposals offering the best value to the Nation, with approximately equal consideration given to each of the following criteria except for paragraph (a) of this section which will receive twice the value of any of the other items:

(a) The scientific/technical quality of the phase I research plan and its relevance to the stated objectives, with special emphasis on innovativeness and originality.

(b) Importance of the problem or opportunity and anticipated benefits of the proposed research, if successful.

(c) Adequacy of the phase I objectives to show incremental progress toward proving the feasibility of approach.

(d) Qualifications of the principal investigator(s), other key staff and consultants, and the probable adequacy of available or obtainable instrumentation and facilities.

§ 3403.12 Phase II evaluation criteria.

(a) A phase II proposal may be submitted only by a phase I awardee. The phase II proposal will be reviewed for overall merit based on the following criteria with each item receiving approximately equal weight except for paragraphs (a) (1) and (2) of this section, which will receive twice the value of any of the other items:

(1) The scientific/technical quality of the proposed research, with special emphasis on innovativeness and originality.

(2) Degree to which phase I objectives were met and feasibility was established.

(3) The technical, economic, and/or social importance of the problem or opportunity and anticipated benefits if Phase II research is successful.

(4) The adequacy of the phase II objectives to meet the problem or opportunity.

(5) The qualifications of the principal investigator(s) and other key personnel to carry out the proposed work.

(6) Reasonableness of the budget requested for the work proposed.

(b) In the event that two or more phase II proposals are of approximately equal technical merit, the follow-on funding commitment for continued development in phase III will be an important consideration. The value of the commitment will depend upon the degree of commitment made by non-Federal investors, with the maximum value resulting from a signed agreement with reasonable terms for an amount at least equal to the funding requested from USDA in phase II.

§ 3403.13 Availability of information.

Information regarding the peer review process will be made available to the extent permitted under the Freedom of

Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), the SBIR policy Directive, and implementing Departmental and other Federal regulations. Implementing Departmental regulations are found at 7 CFR part 1.

Subpart E—Supplementary Information

§ 3403.14 Terms and conditions of grant awards.

Within the limit of funds available for such purpose, the awarding official shall make research project grants to those responsible, eligible applicants whose proposals are judged most meritorious in the announced program areas under the evaluation criteria and procedures set forth in this part. The beginning of the project period shall be no later than September 30 of the Federal fiscal year in which the project is approved for support. All funds granted under this part shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, the Federal Acquisition Regulation (48 CFR part 31), and the Department's Uniform Federal Assistance Regulations (7 CFR part 3015).

§ 3403.15 Notice of grant awards.

(a) The grant award document shall include, at a minimum, the following:

(1) Legal name and address of performing organization.

(2) Title of project.

(3) Name(s) and address(es) of Principal Investigator(s).

(4) Identifying grant number assigned by the Department.

(5) Project period, which specifies how long the Department intends to support the effort.

(6) Total amount of Federal financial assistance approved during the project period.

(7) Legal authorities under which the grant is awarded.

(8) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award.

(9) Other information or provisions deemed necessary by the Department to carry out its granting activities or to accomplish the purpose of a particular research project grant.

(b) The notice of grant award, in the form of a letter, will provide pertinent instructions and information to the grantee which are not included in the grant award document described in paragraph (a).

§ 3403.16 Use of funds; changes.

(a) *Delegation of fiscal responsibility.* The grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(b) *Change in project plans.* (1) The permissible changes by the grantee, principal investigator(s), or other key project personnel in the approved research project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the Department for a final determination.

(2) Changes in approved goals, or objectives, shall be requested by the grantee and approved in writing by the Department prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(3) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the Department prior to effecting such changes.

(4) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the Department prior to effecting such transfers.

(c) *Changes in project period.* The project period may be extended by the Department to complete or fulfill the purposes of an approved project provided Federal funds remain. The extension shall be conditioned upon prior request by the grantee and approval in writing by the Department. In such cases the extension will not normally exceed 12 months, the phase I award will still be limited to $55,000, and the submission of a Phase II proposal will be delayed by one year. The extension allows the grantee to continue expending the remaining Federal funds for the intended purpose over the extension period. In instances where no Federal funds remain, it is unnecessary to approve an extension since the purpose of the extension is to continue using Federal funds. The grantee may opt to continue the Phase I project after the grant's termination and closeout, however, the grantee would have to do so without additional Federal funds. In the latter case, no communication with USDA is necessary. However, the maximum delay for submission of a Phase II proposal remains as specified in § 3403.4(b).

(d) *Changes in approved budget.* Changes in an approved budget shall be requested by the grantee and approved in writing by the Department prior to instituting such changes if the revision will:

(1) Involve transfers of amounts budgeted for indirect costs to absorb increase in direct costs;

(2) Involve transfers of amounts budgeted for direct costs to accommodate changes in indirect cost rates negotiated during a budget period and not approved when a grant was awarded;

(3) Result in a need or claim for the award of additional funds; or

(4) Involve transfers or expenditures of amounts requiring prior approval as set forth in the Departmental regulations or in the grant award.

§ 3403.17 Other Federal statutes and regulations that apply.

Several other Federal statutes and/or regulations apply to grant proposals considered for review or to research project grants awarded under this part. These include but are not limited to:

7 CFR Part 1—USDA implementation of Freedom of Information Act.

7 CFR Part 1c—USDA implementation of the Federal Policy for the Protection of Human Subjects;

7 CFR Part 3—USDA implementation of OMB Circular A–129, Managing Federal Credit Programs.

7 CFR Part 15, Subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives where applicable (i.e., Circular Nos. A–102, A–110, A–87, A–21, and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Public Law 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3017, as amended—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), as amended.

7 CFR Part 3018—USDA implementation of New Restrictions on Lobbying. Imposes new prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act;

48 CFR Part 31—Contract Cost Principles and Procedures of the Federal Acquisition Regulation.

29 U.S.C. 794, section 504—Rehabilitation Act of 1973, and 7 CFR Part 15B (USDA implementation of statute), prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 et seq.—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

§ 3403.18 Other conditions.

The Department may, with respect to any research project grant, impose additional conditions prior to or at the time of any award when, in the Department's judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of the public, or the conservation of grant funds.

Done at Washington, D.C., this 10th day of May, 1996.

B.H. Robinson,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 96–12375 Filed 5–17–96; 8:45 am]

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Federal Register

Monday
May 20, 1996

Part V

Department of Commerce

National Telecommunications and Information Administration

Telecommunications and Information Infrastructure Assistance Program; Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 950124024–6130–04]

RIN 0660–AA04

Telecommunications and Information Infrastructure Assistance Program (TIIAP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice, funding availability and applications received.

SUMMARY: On February 29, 1996, the National Telecommunications and Information Administration (NTIA) announced the solicitation of grant applications for the Telecommunications and Information Infrastructure Assistance Program (TIIAP) to promote the widespread use of advanced telecommunications and information technologies in the public and non-profit sectors. By providing matching grants for Demonstration, Access, and Planning projects, this program will help develop a nationwide, interactive, multimedia information infrastructure that is accessible to all citizens, in rural as well as urban areas. At the time the Notice of Solicitation of grant applications appeared in the Federal Register, the TIIAP had not been appropriated funds through the fiscal year, and the Notice stated that TIIAP would publish a Notice when the appropriation for fiscal year 1996 was finalized. This Notice announces both the appropriation level and the applications that were received in response to the February 29, 1996 solicitation.

FOR FURTHER INFORMATION CONTACT: Stephen J. Downs, Acting Director, the Telecommunications and Information Infrastructure Assistance Program, Telephone: 202/482–2048. Fax: 202/501–5136. E-mail: tiiap@ntia.doc.gov.

SUPPLEMENTARY INFORMATION:

Funding Availability

By Federal Register Notice dated February 29, 1996, the NTIA, within the Department of Commerce, announced that the program was soliciting grant applications, and that the closing date for receipt of applications was 5 p.m. EST, April 4, 1996.[1] The Notice of Solicitation of Grant Applications provided that announcement of available funds would be made once a final appropriation for the TIIAP was enacted into law. On April 26, 1996, by enactment of Public Law 104–134, the TIIAP was appropriated $21.5 million for FY 1996.[2]

Except for the Notice that funding for the TIIAP for FY 1996 is $21.5 million, all other information announced in the Notice of Solicitation of Grant Applications remains in effect.

For further information on the Telecommunications and Information Infrastructure Assistance Program, please refer to the program's Notice of Solicitation of Grant Applications, published in the Federal Register on February 29, 1996.[3]

Applications Received

In all, 809 applications were received from 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. The total amount of funds requested by the applications is $260 million.

Notice is hereby given that the TIIAP received applications from the following organizations. The list includes all applications received. Identification of any application only indicates its receipt. It does *not* indicate that it has been accepted for review, has been determined to be eligible for funding, or that an application will receive an award.

BILLING CODE 3510–60–P

State and file No.	Organization
Alabama:	
960229	Alabama Department of Economic and Community Affairs.
960461	Mobile Area Free-Net, Inc.
960511	Selma University.
960073	University of South Alabama.
960113	University of West Alabama.
Alaska:	
960479	Chistochina Village Council.
960800	Council of Athabascan Tribal Governments.
960714	Fairbanks North Star Borough School District.
960596	Galena City School District.
960041	Kodiak Island Borough.
960287	Matanuska-Susitna Borough School District.
960260	North Slope Borough.
960080	P.A.R.E.N.T.S., Inc.
960243	Southeast Regional Resource Center.
960051	State of Alaska.
960453	University of Alaska—Anchorage.
Arizona:	
960756	Arizona Board of Regents.
960446	City of Avondale.
960614	City of Phoenix.
960007	Conchise County.
960775	Gila River Health Care Corporation.
960573	Information & Referral Services, Inc.
960099	Maricopa Community Colleges.
960047	National Law Center for Inter-American Free Trade.
960100	Navajo Community College.
960518	White Mountain Apache Tribe.
Arkansas:	
960676	AEEA/PKI, Inc.
960711	Board of Trustees, University of Arkansas.

[1] 61 FR 7950 (Feb. 29, 1996).

[2] Balanced Budget Downpayment Act, II, Pub. L. No. 104–134, 110 Stat. 1321 (1996).

[3] 61 FR 7950 (Feb. 29, 1996).

State and file No.	Organization
960106	Main Street Arkansas.
960128	Nettleton Public Schools.
960425	Pottsville High School.
960052	University of Arkansas at Little Rock.
960185	University of Arkansas Cooperative Service.
960065	University of Arkansas for Medical Sciences.
960310	University of Arkansas for Medical Sciences.
960032	White River Planning and Development District, Inc.
California:	
960439	ARC Associates.
960318	Association of Bay Area Governments.
960230	Boys and Girls Club of San Fernando Valley.
960504	Calaveras County Economic Development Company.
960708	California Black Health Network.
960654	California Community Colleges Foundation.
960364	California Department of Justice.
960181	California Institute of Technology.
960019	California Museum Foundation.
960717	California Rural Indian Health Board.
960193	Carson/Lomita/Torrance Private Industry Council.
960389	Cedars-Sinai Medical Center.
960188	Chabot Observatory & Science Center.
960120	Citrus Community College.
960626	Coachella Valley Association of Governments (CVAG).
960440	Copper Mountain Campus.
960352	County of Los Angeles.
960716	County of San Diego.
960726	Crippled Children's Society of Southern California.
960370	Del Norte Clinics, Inc.
960390	Drew Economic Development Corp.
960733	EConnecticut Technolink Foundation, Inc.
960068	Economic Resources Corporation.
960636	Empire Union School District.
960752	Far West Laboratory for Educ. Research & Dev.
960118	Foundation for the American Academy of Ophthalmology.
960665	Fresno County Economic Opportunities Commission.
960715	Glenn County Office of Education.
960283	Greater Los Angeles Council on Deafness.
960270	HandsNet, Inc.
960481	Housing Authority of the City of Los Angeles.
960323	Internews Network, Inc.
960340	Japanese American Cultural & Community Center.
960245	Korean Youth and Community Center.
960698	Lake Department of Community Development.
960149	Los Angeles County Office of Education.
960326	Los Angeles Educational Partnership.
960132	Los Angeles Mission College.
960422	Los Angeles Urban League.
960119	Merced Union High School District.
960058	Midpeninsula Homecare and Hospice Services, Inc.
960609	NetDay.
960795	Northern California Cultural Communications.
960721	Northridge Cooperative Homes, Inc.
960057	Oxnard School District.
960667	Peralta Community College District.
960623	Plugged in-Learning Through Technology.
960523	Pomona College.
960417	Porterville Union High School District.
960694	Protection & Advocacy, Inc.
960322	PUENTE Learning Center.
960314	Ramona Unified School District.
960797	Rancho Santiago College.
960671	Redwood City Police Department.
960186	Regents of the University of California.
960566	Regents of the University of California.
960403	Regents of the University of California.
960463	Resident Controlled Housing Association.
960115	Richmond Police Activities League.
960003	Riverside Unified School District.
960560	S.F. Early Childhood Information Systems Project.
960578	San Benito County Office of Education.
960576	San Diego Consortium and Private Industry Council.
960779	San Fernando Valley Neighborhood Legal Services, Inc.
960174	San Luis Obispo County.

State and file No.	Organization
960195	Santa Ana Unified School District.
960611	Santa Barbara Museum of Natural History.
960703	South Bay Advanced Educational Technology Consortium.
960702	South San Francisco Unified School
960358	Tomas Rivera Center.
960547	United Way of Ventura County.
960659	University of California Board of Regents.
960189	University of Southern California.
960207	University of Southern California.
960753	University of Southern California.
960076	Utility Consumers Action Network.
960005	Western Commerical Space Center, Inc.
960079	Western Identification Network, Inc.
960762	World Institute on Disability.
960276	Yosemite Community College.
Colorado:	
960004	Alpine Medical Network.
960304	Cherry Creek School District #5.
960074	City of Arvada.
960655	Colorado Department of Education.
960662	Colorado Department of Public Safety.
960781	Colorado Dept. of Public Helth and Environment.
960148	Colorado State University.
960470	Denver Public Library.
960652	Five Points Media Center Corporation.
960773	Front Range Community College.
960768	High Plains Rural Health Network.
960275	Larimer County.
960799	Pueblo Community College.
960486	San Luis Valley Development Resources Group.
960103	Regents of the University of Colorado.
960418	University of Colorado.
960091	Western Governors' Association.
960146	Western Governors' Association.
Connecticut:	
960666	Bibliomation, Inc.
960707	Capitol Region Council of Governments.
960329	Connecticut Healthcare Research and Education Foundation, Inc.
960129	Connecticut Pre-engineering Program, Inc.
960769	Eastern Connecticut Resource Conservation and Development Area.
960219	Groton Public Schools.
960071	Hartford Primary Care Consortium, Inc.
960723	Hartford Public Library.
960605	Town of Newington.
960190	Trinity College.
960480	Tunxis Community Technical College.
960210	Westport Public Schools.
960550	Workplace, Inc.
Delaware:	
960521	Cheyney University.
District of Columbia:	
960728	Association for Community Based Education.
960592	Center for Law and Social Policy.
960761	Council on Library Resources.
960689	District of Columbia Public Schools.
960315	Georgetown University.
960729	Georgetown University.
960022	Global Satellite Broadcasting.
960442	Hine Junior High School.
960434	Immigration and Refugee Services of America.
960496	John F. Kennedy Center for the Performing Arts.
960610	Milton S. Eisenhower Foundation.
960552	National Congress of American Indians.
960527	National Consumers League.
960196	National Hispanic Council on Aging.
960760	National Small Business United.
960677	National Urban Coalition.
960730	Rural Coalition.
960316	Center for Civic Networking, Inc.
960460	George Washington University.
960537	George Washington University.
960599	Mathematical Association of America.
960718	Trinity College.
960252	United Cerebral Palsy Associations, Inc.

State and file No.	Organization
960490	Urban Family Institute.
960663	Wider Opportunities for Women, Inc.
960095	Youth Policy Institute.
Florida:	
960130	Bay County Public Library Association.
960142	Board of County Commissioners of Palm Beach County.
960332	Central Florida Community College.
960506	Children's Medical Services.
960045	City of Alachua.
960644	City of Apopka.
960746	City of Hollywood.
960805	City of Miami Beach.
960744	Dennis and Associates.
960292	Florida Atlantic University.
960419	Gainesville Regional Utilities.
960090	Gulf Coast Community College.
960363	H. Lee Moffitt Cancer Center & Research Institute.
960309	Housing Authority of Brevard County.
960104	Indian River Community College.
960441	Lee County Board of County Commissioners.
960343	Metropolitan Dade County.
960054	Okaloosa-Walton Community College.
960656	Ruckel Middle School/Niceville High.
960675	School Board of Broward County.
960330	Southeast Florida Library Information Network, Inc.
960582	Suwannee County School Board.
960426	University of South Florida.
960640	Valencia Community College.
Georgia:	
960286	Athens Regional Library System.
960601	Atlanta Empowerment Zone Corporation.
960360	Augusta Technical Institute.
960433	Butler Street YMCA.
960064	Camden County Board of Education.
960062	Central Savannah River Area Regional Development Center.
960449	Chattahoochee County Education Center.
960556	City of Atlanta.
960278	Emory University.
960451	Georgia Tech Research Corporation.
960810	Glynn County Board of Commissioners.
960216	Kennesaw State College.
960333	Mercer University.
960600	Metro Atlanta Task Force for the Homeless, Inc.
960179	Newnan Water Sewage & Light Commission.
960809	Roddenbery Memorial Library.
960192	Sara Hightower Regional Library.
960519	Sumter Electric Membership Corporation.
960161	Sullivan Center, Inc.
960548	Troup Electric Membership Corporation.
960176	World Relief.
960299	Young Harris College.
Hawaii:	
960687	Alu Like, Inc.
960565	Department of Land and Natural Resources.
960122	Hawaii Department of Education.
960127	Hawaii State Department of Education.
960411	Hawaii State Department of Health.
960133	Hawaii State Public Library System.
960279	Legal Aid Society of Hawaii.
960642	Maui Economic Development Board, Inc.
960060	Pacific Region Educational Laboratory.
960431	University of Hawaii.
Idaho:	
960484	Idaho Department of Juvenile Corrections.
960686	USA Dry Pea and Lentil Council, Inc.
Illinois:	
960249	Center for Neighborhood Technology.
960206	Chicago Public Schools.
960070	City of Peoria.
960410	College of DuPage.
960622	Decatur Memorial Foundation.
960678	Emeri Cabezas.
960391	Illinois State Museum Society.
960257	Kishwaukee College.

State and file No.	Organization
960017	Lacon Public Library District.
960083	Lincoln Park Renewal.
960522	Maria High School.
960338	Mercer County Hospital.
960520	Midwestern University.
960757	NAES College.
960542	Oak Park Elementary School District 97.
960629	Riverbluff Health Services Alliance.
960365	Rock Valley College.
960335	Sangamon County Emergency Telephone Systems Department.
960510	Southern Illinois University.
960312	Stephenson Area Vocational Technical Education System.
960691	Hureston Foundation.
960018	University of Illinois.
960724	University of Illinois at Chicago.
960155	University of Illinois Board of Trustees.
960053	Village of Downers Grove.
960013	West Aurora Public School District No. 129.
960265	West Central Municipal Conference.
Indiana:	
960298	Central Indiana Educational Service Center.
960300	Eastside Community Investments, Inc.
960168	Fort Wayne Area Infonet.
960653	Indiana Department of Education.
960098	Ivy Tech State College.
960668	Lake County Public Library.
960692	Legal Services Organization of Indiana.
Iowa:	
960598	Arrowhead Area Education Agency.
960607	Cass County Memorial Hospital.
960637	CedarNet, Inc.
960749	City of Marshalltown.
960152	Department of Public Defense.
960459	Des Moines Area Community College.
960722	Graceland College.
960669	Iowa Assoc. of Independent Colleges and Universities.
960399	Iowa City Community School District.
960407	Iowa State University of Science and Technology.
960274	Kirkwood Community College.
960372	Northwest Iowa Area Education Agency Coop.
960387	South Central Consortium Foundation.
960597	University of Iowa.
Kansas:	
960016	Amecowley County Community College.
960253	Hays Medical Center.
960151	Kansas Department of Human Resources.
960554	Kansas State University.
960394	Reno County.
Kentucky:	
960415	Appalachian College Association, Inc.
960242	Barren River Development Council.
960225	Big Sandy Telecommuting Services, Inc.
960258	Center for Rural Development.
960591	Jewish Hospital Foundation, Inc.
960094	Kentucky Rural Telecommunications Center, Inc.
960604	Kentucky Science and Technology Council, Inc.
960354	Media Working Group, Inc.
960638	National Center for Family Literacy.
Louisiana:	
960319	Avoyelles Parish School Board.
960214	City of New Orleans.
960213	City-Parish of East Baton Rouge.
960574	Iberville Parish Police Jury.
960221	Jefferson Parish Government.
960140	Louisiana Commission on Law Enforcement.
960471	Louisiana Department of Labor.
960493	Louisiana Systematic Initiatives Program.
960320	Orleans Private Industry Council, Inc.
960002	Pregnancy Institute.
960117	South Cameron Memorial Hospital.
960145	UNITY for the Homeless.
Maine:	
960509	EColorado 2000.
960124	Judicial Department.

State and file No.	Organization
960227	Oxford Hills Technical School (MVR #11).
960172	Training & Development Corporation.
960414	University of Maine.
Maryland:	
960393	Baltimore County Public Schools.
960231	Board of Education of Prince George's County.
960012	Catonsville Community College.
960232	Chesapeake College.
960579	Computer Training and Development Corp.
960327	Empower Baltimore Management Corporation.
960474	Epilepsy Association of Maryland, Inc.
960738	Governor's Office for Children, Youth, and Families.
960160	Homeless Persons Representation Project, Inc.
960690	Izaak Walton League of America.
960647	Montgomery County Government.
960001	NASRO Foundation.
960495	People's Pro Bono Action Center, Inc.
960476	Prince George's County Police Department.
960584	Prince George's County Public Schools.
960540	Tacoma Empowerment Consortium.
960546	Enterprise Foundation, Inc.
960559	University of Maryland at Baltimore.
960646	University of Maryland at Baltimore.
960285	University of Maryland Biotechnology Institute.
960367	University of Maryland University College.
960034	Washington County Free Library.
960526	Youth Achievers USA, Inc.
Massachusetts:	
960114	Berkshire Community College.
960208	Boston Public Schools.
960025	Braintree Electric Light Department.
960204	Brandeis University.
960650	Civil Rights Project, Inc.
960036	Douglas Public Schools.
960356	E.F. Schumacher Society.
960448	Education Development Center, Inc.
960514	Education Development Center, Inc.
960087	Greater Lawrence Family Health Center.
960557	Lexington Public Schools.
960784	Lowell Telecommunications Corp.
960182	Massachusetts Coalition of Battered Women Service Groups.
960035	Massachusetts Institute of Technology.
960033	Middlesex County Sheriffs Department.
960097	National Consumer Law Center, Inc.
960500	Nauset Regional School District.
960092	New England Board of Higher Education.
960794	New England Medical Center Hospitals, Inc.
960543	North Adams Department of Technical & Media Services.
960545	Northeast States for Coordinated Air Use Management.
960334	Orange Public Elementary Schools.
960269	Springfield College.
960612	Community Builders, Inc.
960184	Town of Wellesley.
960280	Tufts University.
960321	University of Massachusetts School of Education.
960301	Wellesley College.
960580	WGBH Educational Foundation.
960396	WGBH Educational Foundation.
Michigan:	
960156	Allegan Muskegon Ottawa Substance Abuse Agency.
960082	Allen Park Police Department.
960643	Alpena-Montmorency-Alcona Educational Svc District.
960266	Battle Creek Community Foundation.
960468	Branch Intermediate School District.
960487	Butterworth Health System.
960256	Cable Communications Public Benefit Corporation.
960236	Capital Area United Way.
960386	Central Operations for Police Services.
960613	City of Detroit Employment and Training Department.
960272	Delta-Schoolcraft Intermediate School District.
960808	Global Rivers Environmental Education Network.
960240	Grand Traverse Band of Ottawa and Chippewa Indians.
960296	Great Lakes Commission.
960344	Legal Services Association of Michigan.

State and file No.	Organization
960261	Michigan Public Health Institute.
960641	Michigan State University.
960804	Michigan Technological University.
960030	Novi Police Department.
960704	School District of the City of Detroit.
960049	Regents of the University of Michigan.
960138	United Way Community Services.
960293	University of Detroit Mercy.
960424	Van Buren Intermediate School District.
960271	Wayne State University.
Minnesota:	
960713	Cable Access Saint Paul.
960807	Cook County Community Center.
960570	Fond du Lac Tribal & Community College.
960234	Independent School District #95.
960621	Inver Hills Community College.
960569	Migizi Communications, Inc.
960382	Minneapolis American Indian Center.
960373	Minneapolis Community and Technical College.
960639	Minneapolis Police Department.
960528	Minneapolis Telecommunications Network.
960063	Minnesota Department of Human Services.
960437	Morris Area High School.
960238	Pine Technical College.
960648	Rural Health Services, Inc.
960105	Southeast Service Cooperative.
960670	Southwest/West Central Service Cooperatives.
960745	Southwest/West Central Service Cooperatives.
960516	Duluth Clinic.
960436	Twin Cities Housing Development.
960110	United Way of Olmsted County.
Mississippi:	
960720	Institute of Higher Learning.
960770	Mississippi Resource Center.
960619	Mississippi State University.
960037	Mississippi Valley State University.
960044	University of Southern Mississippi.
Missouri:	
960046	California Progress, Inc.
960273	Central Ozarks Private Industry Council.
960725	City of Clayton.
960748	City of Kansas City.
960317	Columbia Online Information Network.
960199	Diocese of Kansas City—St. Joseph.
960345	Kansas City Area Development Council.
960141	Meramec Regional Planning Commission.
960361	Missouri Osteopathic Medical Education Consortium.
960777	Rolla Technical Institute.
960020	St. Joseph School District.
960218	St. Louis Development Corporation.
960469	St. Peters Staff Support Services Administration.
960695	Curators of the University of Missouri.
960307	United Way of Greater St. Louis, Inc.
960765	Visiting Nurse Association Corporation.
Montana:	
960349	City of Hardin.
960788	Dillon-Net.
960575	Healthy Mothers Healthy Babies the Montana Coalition.
960302	Montana Rural School Technology Consortium.
960561	Montana 4–H Foundation.
960175	Montana State University.
960169	University of Great Falls.
Nebraska:	
960029	A*DEC Corporation.
960348	Board of Regents of the Univrsity of Nebraska—Lincoln.
960674	Bryan Memorial Hospital.
960347	City of Crete.
960555	Lincoln Action Program, Inc.
960645	University of Nebraska.
960567	University of Nebraska Board of Regents.
Nevada:	
960630	INTER Tribal Council of Nevada, Inc.
960187	Nevada Rural Hospital Project Foundation.
960563	Reno Police Department.

State and file No.	Organization
960477	University of Nevada, Las Vegas.
New Hampshire:	
960413	Berlin High School.
960443	New Hampshire Public Radio, Inc.
960194	New Hampshire School Administrative Unit #53.
960741	Rochester School Department.
960263	Southeastern Regional Education Service Center, Inc.
New Jersey:	
960763	Bourough of Laurel Springs.
960357	Cathedral Healthcare Services.
960498	Church of St. Margaret.
960740	Collingwood Board of Education.
960378	County of Cumberland.
960381	Franklin Police Department.
960355	Greater Egg Harbor Regional High School District.
960134	Greater Newark Conservancy.
960163	Libraries of Middlesex Automation Consortium.
960697	Little Egg Harbor Police Department.
960791	Monmouth-Ocean Hospital Service Corp.
960226	Moorestown Township Public Schools.
960102	National Housing Institute.
960608	Newark Public Schools.
960147	Rutgers, the State University of New Jersey.
960789	Somerset County Technical Institute.
960164	Stevens Institute of Technology.
960388	Union City Board of Education.
960423	Union Organization for Social Service.
960362	University of Medicine and Dentistry of New Jersey.
New Mexico:	
960294	African American Community Coalition.
960505	City of Las Cruces.
960247	Cooperative Educational Services.
960027	Northern New Mexico Community College.
960101	Northwest New Mexico Council of Governments.
960198	San Juan County Communications Authority.
960379	University of New Mexico.
New York:	
960088	Albany-Schoharie-Schenectady-Saratoga Boces.
960742	Bethesda Church of God in Christ, Inc.
960535	Board of Cooperative Educational Services.
960339	Cheektowaga-Sloan UFSD.
960572	Clinical Directors Network, Inc.
960507	College Entrance Examination Board.
960015	College of Saint Rose.
960244	Columbia University.
960308	Community School District 13.
960787	Community School District 21.
960465	Community School District 22.
960657	Community School District 29/Magnetech 231.
960306	Contemporary Art Institute of New York.
960241	Cornell University.
960778	Council for the Arts in Westchester.
960755	Darby Hill Communications, Inc.
960538	Educatioal Alliance, Inc.
960524	Falu Foundation.
960284	Federation of Protestant Welfare Agencies, Inc.
960404	Foundation for Minority Interests in Media, Inc.
960200	Fund for the Borough of Brooklyn.
960544	Hamburg Central School District.
960066	Health Research, Inc./New York State Department of Health.
960473	Health Research, Inc./New York State Department of Health.
960735	Health Research, Inc./New York State Department of Health.
960435	Higher Education Development Fund.
960785	Hostos Community College.
960205	Human Resources Administration.
960267	Institute For Contemporary Art.
960452	Learning & Infor. Network for Cmnty Telecomputing, Inc.
960021	Local Initiatives Support Corporation.
960162	Lockport City School District.
960377	Millard Fillmore Hospitals.
960602	National Urban Technology Center.
960116	New York City Public Schools.
960111	New York Public Library.
960421	New York Public Library.

State and file No.	Organization
960359	New York University Medical Center.
960790	Niagara University.
960402	NYSERNET, Inc.
960158	Orleans Niagara Board Of Cooperative Educational Services.
960719	P.S. 186, the Castlewood School.
960515	Playing to Win, Inc.
960183	Pratt Institute.
960305	Research Foundation of SUNY.
960173	Research Foundation of CUNY.
960180	Research Foundation of CUNY.
960503	Research Foundation of CUNY.
960472	Research Foundation of CUNY.
960571	Research Foundation of SUNY.
960684	Research Foundation of SUNY.
960489	Research Foundation of SUNY.
960342	Research Foundation of CUNY.
960291	Rockland County Board of Cooperative Educational Services.
960289	Rockland Economic Development Corporation.
960445	Rural Development Leadership Network.
960215	Sullivan County.
960137	SUNY Plattsburgh In Conjunction.
960157	Town of Tonawanda.
960539	Trustees of Columbia University in the City of New York.
960217	Village of North Syracuse.
960043	Yonkers Public Schools.
North Carolina:	
960089	Bladen County School.
960658	Central Piedmont Community College.
960457	City of Greensboro Fire Department.
960028	City of Winston-Salem.
960374	Martin County Schools.
960400	Maryland Community College.
960615	Montgomery Community College.
960685	Montreat College.
960792	Mountain Area Health Education Foundation.
960558	North Carolina A&T State University.
960392	North Carolina Client and Community Development Center.
960191	North Carolina Office of the State Controller.
960447	North Carolina State University.
960059	North Carolina Wesleyan College.
960093	Public Library of Charlotte and Mecklenburg County.
960233	Regional Education Service Alliance.
960337	SERVE, Inc.
960618	Southern Rural Development Initiative.
960350	University of North Carolina Greensboro.
North Dakota:	
960008	Catholic Family Service.
960014	McKenzie County School District #1.
960375	Medcenter One Health Systems.
960705	North Dakota State Radio Communications.
Ohio:	
960553	Appalachian Center for Economic Networks, Inc.
960384	Aurora Police Department.
960455	Bowlng Green state University.
960802	Caracole, Inc.
960023	Cleveland City School District.
960771	Cleveland Clinic Foundation.
960420	Cloverleaf Vocational Marketing Education/OWE.
960603	Cuyahoga Metropolitan Housing Authority.
960009	Eat Palestine Police Department.
960525	Help Hotline Crisis Center, Inc.
960031	Mechanicsburg Exempted Village Schools.
960366	Ohio Legal Assistance Foundation.
960383	Ohio University.
960143	School Study Council of Ohio.
960620	Telecommunications Commission of Northwest Ohio.
960767	Toledo Department of Fire & Rescue Operations.
960397	Toledo Metropolitan Area Council of Governments.
960673	University of Cincinnati.
960616	University of Findlay.
960786	Washington County Commissioners.
960277	Willoughby Municipal Court.
960368	Zoological Society of Cincinnati.
Oklahoma:	

State and file No.	Organization
960562	Caddo-Kiowa Vocational Technical Center.
960533	Cheyenne Cultural Center, Inc.
960803	Chickasaw Nation.
960416	Companion Recording, Inc.
960743	Native American Cultural & Educational Authority.
960170	University of Oklahoma.
960376	University of Tulsa
Oregon:	
960754	Central Oregon Economic Development Council.
960485	Clackamas County.
960165	Columbia Foundation.
960680	Concordia University.
960664	Coos County Education Service District.
960458	Forest Grove School District.
960109	Intertribal GIS Council.
960482	Lane County Public Safety Coordinating Council.
960040	Medford School District 549c.
960069	Mid-Columbia Economic Development District .
960209	Mount Hood Community College.
960736	Northwest Portland Area Indian Health Board.
960371	Oregon Health Division.
960701	Oregon Office for Services to Children & Families.
960313	Portland Community College.
960328	Rural Health Connections.
960166	Coquille Indian Tribe.
960727	Private Industry Council, Inc.
960336	Tillamook School District. #9
960341	University of Oregon.
960587	Washington County Education Service District.
Pennsylvania:	
960682	Allegheny-Singer Research Institute.
960508	Berks Community Television.
960536	Borough of New Brighton.
960153	California University of Pennsylvania.
960254	Crawford County Development Corporation.
960050	Delaware Valley Regional Planning Commission.
960681	Duquesne University.
960171	Duquesne University of the Holy Ghost.
960409	Duquesne University of the Holy Ghost.
960235	Ephrata Community Hospital Foundation.
960750	Fayette County Community Action Agency, Inc.
960450	Germantown Settlement.
960201	Harrisburg Bureau of Planning.
960712	Hill House Association Community Access Network.
960438	Information Renaissance.
960577	Institute for Civic Renewal.
960589	Mayor's Office of Community Services.
960255	National Environmental Education & Training Center, Inc.
960751	Northwest Pennsylvania Training Partnership Consortium, Inc.
960541	Pennsylvania College of Technology.
960131	Pennsylvania Legal Services.
960700	Pennsylvania State University.
960432	Philadelphia Education Fund.
960606	Philadelphia Enterprise Center.
960590	Pitcairn Police Department.
960633	Pittsburg Regional Center for Science Teachers (PRCST).
960661	Research for Better Schools, Inc.
960264	Seneca Highlands Intermediate Unit 9.
960467	Sheraden Community Development Corporation.
960734	Temple University of the Commonwealth System of Higher Education.
960324	The Road, Inc.
960780	Thomas Jefferson University.
960766	Tri-County Partnership for Independent Living.
960466	University City Science Center.
960464	Volunteers for the Philadelphia Indigent, Inc.
960672	Waynesburg College.
960412	Williamsburg Community School District.
Puerto Rico:	
960529	Ana G. Mendez University System.
960061	Municipality of San Juan.
960532	Puerto Rico Department of Health.
Rhode Island:	
960282	Bryant College.
960159	Cranston Public Schools.

State and file No.	Organization
960262	Cumberland Police Department.
960534	Salve Regina University.
960395	Providence Plan.
960108	Town of Johnston.
960731	Women & Infants Hospital of Rhode Island.
South Carolina:	
960380	Benedict College.
960635	Charleston County School District.
960039	Chesterfield-Marlboro Technical College.
960048	Consolidated School District of Aiken County.
960583	Florence-Darlington Technical College.
960429	Midlands Technical College.
960406	South Carolina Educational Television Network.
960551	South Carolina State Budget and Control Board.
960806	University of South Carolina.
South Dakota:	
960295	Black Hills Special Services Cooperative.
960764	Center for Rural Health and Economic Development.
960649	Mni Sose Intertribal Water Rights Coalition, Inc.
960125	South Dakota Department of Labor.
960290	South Dakota School of Mines and Technology.
960197	South Dakota State University.
Tennessee:	
960038	Emergency Communications of the Mid-South, Inc.
960530	Memphis City Schools.
960679	Shelby County Government.
960167	State of Tennessee.
960066	Tennessee Board of Regents.
960772	Duck River Agency.
960084	United Way of the Mid-South.
960483	University of Memphis.
960739	University of Tennessee.
960353	University of Tennessee Medical Center.
960223	Vision Five Group.
Texas:	
960759	Abilene Independent School District.
960369	Alliance for Higher Education.
960281	American Institute for Learning.
960428	Austin Free-Net.
960112	Bell County Network for Educational Technology.
960798	City of Pasadena.
960178	City of San Antonio.
960056	Conroe Independent School District.
960732	County of Cameron.
960136	Dallas County Community College District.
960177	El Paso Community College.
960086	Federation of State Medical Boards of the United States, Inc:
960401	Gholson Independent School District.
960628	Hill/Navarro Electronic Consortium, Inc.
960085	Houston Community College System.
960220	Migrant Clinicians Network, Inc.
960617	North Harris Montgomery Community College District.
960268	North Texas Education & Training Co-op, Inc.
960067	Plano Public Library System.
960581	Pleasanton Independent School District.
960634	Prairie View A&M University.
960408	Sam Houston State University.
960776	San Angelo Community Development & Public Housing Authority.
960494	San Diego Independent School District.
960497	SUPER NebraskaT Consortium.
960594	Texas A&M Research Foundation.
960688	Texas Agricultural Experiment Station Texas A&M University System.
960782	Texas Association of Minority Business Enterprises.
960107	Texas State Technical College.
960297	Texas Workforce Commission.
960747	Texoma Council of Government.
960478	University of North Texas.
960202	University of Texas At El Paso.
960331	Volunteer Center of Dallas County.
960502	Waco Creative Arts Center.
960246	Warm Springs Rehabilitation Foundation, Inc.
960796	Wharton County Junior College.
Utah:	
960801	Association of Rural Centers of Health.

State and file No.	Organization
960491	Interwest Quality of Care, Inc.
960444	Utah Issues Information Program.
960531	Utah State University.
960699	Utah State University.
960303	Utah Valley State College.
960585	Valley Emergency Communications Center.
Vermont:	
960512	Franklin Northeast Supervisory Union.
960259	National Gardening Association.
960593	Trinity College of Vermont.
960398	Unified School District #36.
960250	University of Vermont and State Agricultural College.
960010	Vermont Technical College.
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960513	City of Newport News.
960011	Danville Community College.
960081	Department of State Police.
960462	Fairfax Opportunities Unlimited, Inc.
960475	Fairfax-Falls Church United Way.
960631	George Mason College.
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960154	Kidz On-line, Inc.
960211	Lynchburg City Schools.
960696	Norfolk Public Library.
960492	Northern Virginia Community College.
960237	Southside Virginia Community College.
960783	Southside Virginia Regional Technology Consortium.
960488	Southwest Virginia Education and Training Network.
960228	Tidewater Community College.
960624	United Negro College Fund, Inc.
960139	Virginia Commonwealth University Medical College of Virginia.
960501	Virginia Polytechnic Institute & State University.
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960346	Lower Columbia College.
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960385	Northwest Justice Project.
960430	Pacific NorthWest Economic Region Foundation.
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960150	South Puget Intertribal Planning Agency.
960075	Spokane Tribe of Indians.
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960693	Virginia Mason Medical Center.
960055	Washington State 4–H Foundation.
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960651	Western Washington University.
960239	Yakima Valley Museum.
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960078	West Virginia Community Action Directors Association.
960710	West Virginia University.
960568	West Virginia University.
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960077	Board of Regents of the University of Wisconsin.
960251	Chippewa Falls Area Unified School District.
960024	Marshfield Police Department.
960144	Medical College of Wisconsin.
960660	Milwaukee Access Telecommunications Authority.
960126	Milwaukee Public Schools.

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960588	Oak Creek Police Department.
960774	Project Bootstrap, Inc.
960135	Pulaski Community School District.
960121	School District of Osceola.
960456	Society's Assets, Inc.
960311	Sparta Area School District.
960454	University of Wisconsin System.
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960793	Community Resource Center.
960499	Fremont County School District No. 24.
960222	Ivinson Memorial Hospital.
960212	Lincoln County School District No. 2.
960042	Northwest Community College District.
960586	University of Wyoming.

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

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Kansas and Missouri; comments due by 5-28-96; published 4-25-96

Wisconsin; comments due by 5-29-96; published 4-29-96

Hazardous waste program authorizations:

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Kentucky; comments due by 5-28-96; published 4-26-96

North Carolina; comments due by 5-28-96; published 4-25-96

South Carolina; comments due by 5-28-96; published 4-26-96

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Aluminum tris (O-ethylphosphonate); comments due by 5-28-96; published 4-26-96

Dicofol, etc.; comments due by 5-30-96; published 3-1-96

Quizalofop ethyl; comments due by 5-28-96; published 4-26-96

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Microwave relocation for C, D, E, and F blocks; voluntary negotiation period shortening, etc.; comments due by 5-28-96; published 5-15-96

Communications equipment:

Radio frequency devices--

Vehicle radar systems and radio astronomy operations; protection from interference; use of frequency bands above 40 GHz restricted; comments due by 5-28-96; published 3-29-96

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Cable reform provisions; comments due by 5-28-96; published 4-30-96

FEDERAL ELECTION COMMISSION

Reports by political committees:

Electronic filing of reports; comments due by 5-28-96; published 3-27-96

GENERAL ACCOUNTING OFFICE

Practice and procedure:

Personnel Appeals Board--

Reductions in force; comments due by 5-31-96; published 3-7-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare and Medicaid:

Prepaid health care organizations; physician incentive plans requirements; comments due by 5-28-96; published 3-27-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Medicare and Medicaid:

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. 2064/P.L. 104–144

To grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia. (May 16, 1996; 110 Stat. 1342)

H.R. 2137/P.L. 104–145

Megan's Law (May 17, 1996; 110 Stat. 1345)

Last List May 17, 1996

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–028–00001–1)	$4.25	Feb. 1, 1996
3 (1994 Compilation and Parts 100 and 101)	(869–026–00002–6)	40.00	[1] Jan. 1, 1995
4	(869–028–00003–7)	5.50	Jan. 1, 1996
5 Parts:			
1–699	(869–028–00004–5)	26.00	Jan. 1, 1996
700–1199	(869–028–00005–3)	20.00	Jan. 1, 1996
1200–End, 6 (6 Reserved)	(869–028–00006–1)	25.00	Jan. 1, 1996
7 Parts:			
0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–028–00009–6)	13.00	Jan. 1, 1996
52	(869–028–00010–0)	5.00	Jan. 1, 1996
53–209	(869–028–00011–8)	17.00	Jan. 1, 1996
210–299	(869–028–00012–6)	35.00	Jan. 1, 1996
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–028–00014–2)	22.00	Jan. 1, 1996
700–899	(869–026–00015–8)	23.00	Jan. 1, 1995
900–999	(869–028–00016–9)	30.00	Jan. 1, 1996
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–028–00018–5)	29.00	Jan. 1, 1996
1500–1899	(869–028–00019–3)	41.00	Jan. 1, 1996
1900–1939	(869–028–00020–7)	16.00	Jan. 1, 1996
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
1950–1999	(869–028–00022–3)	39.00	Jan. 1, 1996
2000–End	(869–028–00023–1)	15.00	Jan. 1, 1996
8	(869–028–00024–0)	23.00	Jan. 1, 1996
9 Parts:			
1–199	(869–026–00027–1)	30.00	Jan. 1, 1995
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–028–00027–4)	30.00	Jan. 1, 1996
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–028–00029–1)	5.00	Jan. 1, 1996
400–499	(869–028–00030–4)	21.00	Jan. 1, 1996
500–End	(869–028–00031–2)	34.00	Jan. 1, 1996
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
*1–199	(869–028–00033–9)	12.00	Jan. 1, 1996
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–028–00035–5)	29.00	Jan. 1, 1996
300–499	(869–026–00038–7)	23.00	Jan. 1, 1995
500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–028–00038–0)	31.00	Jan. 1, 1996
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
*60–139	(869–028–00041–0)	30.00	Jan. 1, 1996
*140–199	(869–028–00042–8)	13.00	Jan. 1, 1996
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1996
*1200–End	(869–028–00044–4)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–028–00045–2)	16.00	Jan. 1, 1996
300–799	(869–028–00046–1)	26.00	Jan. 1, 1996
800–End	(869–028–00047–9)	18.00	Jan. 1, 1996
16 Parts:			
0–149	(869–028–00048–7)	6.50	Jan. 1, 1996
150–999	(869–028–00049–5)	19.00	Jan. 1, 1996
1000–End	(869–028–00050–9)	26.00	Jan. 1, 1996
17 Parts:			
1–199	(869–026–00054–9)	20.00	Apr. 1, 1995
200–239	(869–026–00055–7)	24.00	Apr. 1, 1995
240–End	(869–026–00056–5)	30.00	Apr. 1, 1995
18 Parts:			
1–149	(869–026–00057–3)	16.00	Apr. 1, 1995
150–279	(869–026–00058–1)	13.00	Apr. 1, 1995
280–399	(869–026–00059–0)	13.00	Apr. 1, 1995
400–End	(869–026–00060–3)	11.00	Apr. 1, 1995
19 Parts:			
1–140	(869–026–00061–1)	25.00	Apr. 1, 1995
141–199	(869–026–00062–0)	21.00	Apr. 1, 1995
200–End	(869–026–00063–8)	12.00	Apr. 1, 1995
20 Parts:			
1–399	(869–026–00064–6)	20.00	Apr. 1, 1995
400–499	(869–026–00065–4)	34.00	Apr. 1, 1995
500–End	(869–026–00066–2)	34.00	Apr. 1, 1995
21 Parts:			
1–99	(869–026–00067–1)	16.00	Apr. 1, 1995
100–169	(869–026–00068–9)	21.00	Apr. 1, 1995
170–199	(869–026–00069–7)	22.00	Apr. 1, 1995
200–299	(869–026–00070–1)	7.00	Apr. 1, 1995
300–499	(869–026–00071–9)	39.00	Apr. 1, 1995
500–599	(869–026–00072–7)	22.00	Apr. 1, 1995
600–799	(869–026–00073–5)	9.50	Apr. 1, 1995
800–1299	(869–026–00074–3)	23.00	Apr. 1, 1995
1300–End	(869–026–00075–1)	13.00	Apr. 1, 1995
22 Parts:			
1–299	(869–026–00076–0)	33.00	Apr. 1, 1995
300–End	(869–026–00077–8)	24.00	Apr. 1, 1995
23	(869–026–00078–6)	22.00	Apr. 1, 1995
24 Parts:			
0–199	(869–026–00079–4)	40.00	Apr. 1, 1995
200–219	(869–026–00080–8)	19.00	Apr. 1, 1995
220–499	(869–026–00081–6)	23.00	Apr. 1, 1995
500–699	(869–026–00082–4)	20.00	Apr. 1, 1995
700–899	(869–026–00083–2)	24.00	Apr. 1, 1995
900–1699	(869–026–00084–1)	24.00	Apr. 1, 1995
1700–End	(869–026–00085–9)	17.00	Apr. 1, 1995
25	(869–026–00086–7)	32.00	Apr. 1, 1995
26 Parts:			
§§ 1.0-1–1.60	(869–026–00087–5)	21.00	Apr. 1, 1995
§§ 1.61–1.169	(869–026–00088–3)	34.00	Apr. 1, 1995
§§ 1.170–1.300	(869–026–00089–1)	24.00	Apr. 1, 1995
§§ 1.301–1.400	(869–026–00090–5)	17.00	Apr. 1, 1995
§§ 1.401–1.440	(869–026–00091–3)	30.00	Apr. 1, 1995
§§ 1.441-1.500	(869-026-00092-1)	22.00	Apr. 1, 1995
§§ 1.501–1.640	(869–026–00093–0)	21.00	Apr. 1, 1995
§§ 1.641–1.850	(869–026–00094–8)	25.00	Apr. 1, 1995
§§ 1.851–1.907	(869–026–00095–6)	26.00	Apr. 1, 1995
§§ 1.908–1.1000	(869–026–00096–4)	27.00	Apr. 1, 1995
§§ 1.1001–1.1400	(869–026–00097–2)	25.00	Apr. 1, 1995
§§ 1.1401–End	(869–026–00098–1)	33.00	Apr. 1, 1995
2–29	(869–026–00099–9)	25.00	Apr. 1, 1995
30–39	(869–026–00100–6)	18.00	Apr. 1, 1995
40–49	(869–026–00101–4)	14.00	Apr. 1, 1995

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50–299	(869–026–00102–2)	14.00	Apr. 1, 1995
300–499	(869–026–00103–1)	24.00	Apr. 1, 1995
500–599	(869–026–00104–9)	6.00	[4] Apr. 1, 1990
600–End	(869–026–00105–7)	8.00	Apr. 1, 1995
27 Parts:			
1–199	(869–026–00106–5)	37.00	Apr. 1, 1995
200–End	(869–026–00107–3)	13.00	[6] Apr. 1, 1994
28 Parts:			
1-42	(869–026–00108–1)	27.00	July 1, 1995
43-end	(869-026-00109-0)	22.00	July 1, 1995
29 Parts:			
0–99	(869–026–00110–3)	21.00	July 1, 1995
100–499	(869–026–00111–1)	9.50	July 1, 1995
500–899	(869–026–00112–0)	36.00	July 1, 1995
900–1899	(869–026–00113–8)	17.00	July 1, 1995
1900–1910 (§§ 1901.1 to 1910.999)	(869–026–00114–6)	33.00	July 1, 1995
1910 (§§ 1910.1000 to end)	(869–026–00115–4)	22.00	July 1, 1995
1911–1925	(869–026–00116–2)	27.00	July 1, 1995
1926	(869–026–00117–1)	35.00	July 1, 1995
1927–End	(869–026–00118–9)	36.00	July 1, 1995
30 Parts:			
1–199	(869–026–00119–7)	25.00	July 1, 1995
200–699	(869–026–00120–1)	20.00	July 1, 1995
700–End	(869–026–00121–9)	30.00	July 1, 1995
31 Parts:			
0–199	(869–026–00122–7)	15.00	July 1, 1995
200–End	(869–026–00123–5)	25.00	July 1, 1995
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1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–026–00124–3)	32.00	July 1, 1995
191–399	(869–026–00125–1)	38.00	July 1, 1995
400–629	(869–026–00126–0)	26.00	July 1, 1995
630–699	(869–026–00127–8)	14.00	[5] July 1, 1991
700–799	(869–026–00128–6)	21.00	July 1, 1995
800–End	(869–026–00129–4)	22.00	July 1, 1995
33 Parts:			
1–124	(869–026–00130–8)	20.00	July 1, 1995
125–199	(869–026–00131–6)	27.00	July 1, 1995
200–End	(869–026–00132–4)	24.00	July 1, 1995
34 Parts:			
1–299	(869–026–00133–2)	25.00	July 1, 1995
300–399	(869–026–00134–1)	21.00	July 1, 1995
400–End	(869–026–00135–9)	37.00	July 5, 1995
35	(869–026–00136–7)	12.00	July 1, 1995
36 Parts			
1–199	(869–026–00137–5)	15.00	July 1, 1995
200–End	(869–026–00138–3)	37.00	July 1, 1995
37	(869–026–00139–1)	20.00	July 1, 1995
38 Parts:			
0–17	(869–026–00140–5)	30.00	July 1, 1995
18–End	(869–026–00141–3)	30.00	July 1, 1995
39	(869–026–00142–1)	17.00	July 1, 1995
40 Parts:			
1–51	(869–026–00143–0)	40.00	July 1, 1995
52	(869–026–00144–8)	39.00	July 1, 1995
53–59	(869–026–00145–6)	11.00	July 1, 1995
60	(869-026-00146-4)	36.00	July 1, 1995
61–71	(869–026–00147–2)	36.00	July 1, 1995
72–85	(869–026–00148–1)	41.00	July 1, 1995
86	(869–026–00149–9)	40.00	July 1, 1995
87–149	(869–026–00150–2)	41.00	July 1, 1995
150–189	(869–026–00151–1)	25.00	July 1, 1995
190–259	(869–026–00152–9)	17.00	July 1, 1995
260–299	(869–026–00153–7)	40.00	July 1, 1995
300–399	(869–026–00154–5)	21.00	July 1, 1995
400–424	(869–026–00155–3)	26.00	July 1, 1995
425–699	(869–026–00156–1)	30.00	July 1, 1995
700–789	(869–026–00157–0)	25.00	July 1, 1995
790–End	(869–026–00158–8)	15.00	July 1, 1995
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–026–00159–6)	9.50	July 1, 1995
101	(869–026–00160–0)	29.00	July 1, 1995
102–200	(869–026–00161–8)	15.00	July 1, 1995
201–End	(869–026–00162–6)	13.00	July 1, 1995
42 Parts:			
1–399	(869–026–00163–4)	26.00	Oct. 1, 1995
400–429	(869–026–00164–2)	26.00	Oct. 1, 1995
430–End	(869–026–00165–1)	39.00	Oct. 1, 1995
43 Parts:			
1–999	(869–026–00166–9)	23.00	Oct. 1, 1995
1000–3999	(869–026–00167–7)	31.00	Oct. 1, 1995
4000–End	(869–026–00168–5)	15.00	Oct. 1, 1995
44	(869–026–00169–3)	24.00	Oct. 1, 1995
45 Parts:			
1–199	(869–022–00170–7)	22.00	Oct. 1, 1995
200–499	(869–026–00171–5)	14.00	Oct. 1, 1995
500–1199	(869–026–00172–3)	23.00	Oct. 1, 1995
1200–End	(869–026–00173–1)	26.00	Oct. 1, 1995
46 Parts:			
1–40	(869–026–00174–0)	21.00	Oct. 1, 1995
41–69	(869–026–00175–8)	17.00	Oct. 1, 1995
70–89	(869–026–00176–6)	8.50	Oct. 1, 1995
90–139	(869–026–00177–4)	15.00	Oct. 1, 1995
140–155	(869–026–00178–2)	12.00	Oct. 1, 1995
156–165	(869–026–00179–1)	17.00	Oct. 1, 1995
166–199	(869–026–00180–4)	17.00	Oct. 1, 1995
200–499	(869–026–00181–2)	19.00	Oct. 1, 1995
500–End	(869–026–00182–1)	13.00	Oct. 1, 1995
47 Parts:			
0–19	(869–026–00183–9)	25.00	Oct. 1, 1995
20–39	(869–026–00184–7)	21.00	Oct. 1, 1995
40–69	(869–026–00185–5)	14.00	Oct. 1, 1995
70–79	(869–026–00186–3)	24.00	Oct. 1, 1995
80–End	(869–026–00187–1)	30.00	Oct. 1, 1995
48 Chapters:			
1 (Parts 1–51)	(869–026–00188–0)	39.00	Oct. 1, 1995
1 (Parts 52–99)	(869–026–00189–8)	24.00	Oct. 1, 1995
2 (Parts 201–251)	(869–026–00190–1)	17.00	Oct. 1, 1995
2 (Parts 252–299)	(869–026–00191–0)	13.00	Oct. 1, 1995
3–6	(869–026–00192–8)	23.00	Oct. 1, 1995
7–14	(869–026–00193–6)	28.00	Oct. 1, 1995
15–28	(869–026–00194–4)	31.00	Oct. 1, 1995
29–End	(869–026–00195–2)	19.00	Oct. 1, 1995
49 Parts:			
1–99	(869–026–00196–1)	25.00	Oct. 1, 1995
100–177	(869–026–00197–9)	34.00	Oct. 1, 1995
178–199	(869–026–00198–7)	22.00	Oct. 1, 1995
200–399	(869–026–00199–5)	30.00	Oct. 1, 1995
400–999	(869–026–00200–2)	40.00	Oct. 1, 1995
1000–1199	(869–026–00201–1)	18.00	Oct. 1, 1995
1200–End	(869–026–00202–9)	15.00	Oct. 1, 1995
50 Parts:			
1–199	(869–026–00203–7)	26.00	Oct. 1, 1995
200–599	(869–026–00204–5)	22.00	Oct. 1, 1995
600–End	(869–026–00205–3)	27.00	Oct. 1, 1995

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–026–00053–1)	36.00	Jan. 1, 1995
Complete 1996 CFR set		883.00	1996
Microfiche CFR Edition:			
Subscription (mailed as issued)		264.00	1996
Individual copies		1.00	1996
Complete set (one-time mailing)		264.00	1995
Complete set (one-time mailing)		244.00	1994
Complete set (one-time mailing)		223.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.