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Thursday
June 13, 1996

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WASHINGTON, DC

[Three Sessions]

WHEN: June 18, 1996 at 9:00 am,
July 9, 1996 at 9:00 am, and
July 23, 1996 at 9:00 am.

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB–95–15]

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to the referendum on the merger of Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, to become the consolidated market of Boone-West Jefferson-Mountain City. A mail referendum was conducted April 15–26, 1996, among tobacco growers who sold tobacco on these markets the previous season to determine producer approval/disapproval of the designation of these three markets as one consolidated market. Growers approved the merger. Therefore, for the 1996 and succeeding burley marketing seasons, the Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, tobacco markets shall be designated as and called Boone-West Jefferson-Mountain City. The regulations are amended to reflect this new designated market.

EFFECTIVE DATE: July 15, 1996.

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

SUPPLEMENTARY INFORMATION: A notice was published in the March 18, 1996, issue of the Federal Register (61 FR 10902) announcing that a referendum would be conducted among active burley producers who sold tobacco on either Boone, West Jefferson, or Mountain City, during the previous season to ascertain if such producers favor the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Boone and West Jefferson, North Carolina, and Mountain City, Tennessee, would be designated as a burley tobacco auction market and receive mandatory Federal grading of tobacco sold at auction for the 1996 and succeeding seasons, subject to the results of the referendum. The determination was based on the evidence and arguments presented at a public hearing held in Boone, North Carolina, on September 15, 1995, pursuant to applicable provisions of the regulations issued under the Tobacco Inspection Act, as amended. The referendum was held in accordance with the provisions of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations set forth in 7 CFR 29.74.

Ballots for the April 15–26 referendum were mailed to 3,423 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The Department received a total of 923 responses: 685 eligible producers voted in favor of the consolidation; 204 eligible producers voted against the consolidation; and 34 ballots were determined to be invalid.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12788, Civil Justice Reform. This action is not intended to have retroactive effect. The final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. This action will not substantially affect the normal movement of the commodity in the marketplace. It has been determined that this action will not have a significant impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 29

Administrative practices and procedures, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping procedures, Tobacco.

For the reasons set forth in the preamble, 7 CFR part 29, subpart D, is amended as follows:

PART 29—[AMENDED]

Subpart D—Order of Designation of Tobacco Markets

1. The authority citation for 7 CFR part 29, subpart D, continues to read as follows:

Authority: Sec. 5, 49 Stat. 732, as amended by sec. 157 (a)(1), 95 Stat. 374 (7 U.S.C. 511d).

2. In § 29.8001, the table is amended by adding a new entry (nnn) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
*	*	*	*	*
(nnn) North Carolina, Tennessee	Burley	Boone-West Jefferson-Mountain City	July 15, 1996.	

Dated: June 5, 1996.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 96–14971 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 29

[Docket No. TB–95–13]

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This document contains the determination with respect to the referendum on the merger of Horse Cave, Glasgow, and Greensburg, Kentucky, to become the consolidated market of Horse Cave-Glasgow-Greensburg. A mail referendum was conducted during the period of April 15–26, 1996, among tobacco growers who sold tobacco on these markets the previous season to determine producer approval/disapproval of the designation of these three markets as one consolidated market. Growers approved the merger. Therefore, for the 1996 and succeeding burley marketing seasons, the Horse Cave, Glasgow, and Greensburg, Kentucky, tobacco markets shall be designated as and called Horse Cave-Glasgow-Greensburg. The regulations are amended to reflect this new designated market.

EFFECTIVE DATE: July 15, 1996.

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

SUPPLEMENTARY INFORMATION: A notice was published in the March 18, 1996, issue of the Federal Register (61FR, 10902) announcing that a referendum would be conducted among active burley producers who sold tobacco on either Horse Cave, Glasgow, or Greensburg markets to ascertain if such producers favored the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Horse Cave-Glasgow-Greensburg, Kentucky, would be designated as a burley tobacco auction market and receive mandatory Federal grading of tobacco sold at auction for the 1996 and succeeding seasons, subject to the results of the referendum. The determination was based on the evidence and arguments presented at a public hearing held in Cave City, Kentucky, on September 13, 1995, pursuant to applicable provisions of the regulations issued under the Tobacco Inspection Act, as amended. The referendum was held in accordance with the provisions of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations set forth in 7 CFR 29.74.

Ballots for the April 15–26 referendum were mailed to 7,602 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The Department received a total of 2,124 responses: 1,815 eligible producers voted in favor of the consolidation; 213 eligible producers voted against the consolidation; and 96 ballots were determined to be invalid.

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12788, Civil Justice Reform. This action is not intended to have retroactive effect. The final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. This action will not substantially affect the normal movement of the commodity in the marketplace. It has been determined that this action will not have a significant impact on a substantial number of small entities.

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2. In § 29.8001, the table is amended by adding a new entry (mmm) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
* *	*	* *	*	*
(mmm) Kentucky	burley	Horse Cave-Glasgow-Greensburg, KY	July 15, 1996.	

Dated: June 5, 1996.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 96–14970 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 982

[Docket No. FV96–982–1IFR]

Hazelnuts Grown in Oregon and Washington; Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule establishes an assessment rate for the Hazelnut Marketing Board (Board) under Marketing Order No. 982 for the 1996–97 and subsequent marketing years. The Board is responsible for local administration of the marketing order which regulates the handling of hazelnuts grown in Oregon and Washington. Authorization to assess hazelnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program.

DATES: Effective July 1, 1996. Comments received by July 15, 1996, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, FAX 202–720–5698, or Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503–326–2724, FAX 503–326–7440.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 982, both as amended (7 CFR part 982; April 22, 1996, 61 FR 17556), regulating the handling of hazelnuts grown in Oregon and Washington. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Oregon-Washington hazelnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable hazelnuts beginning July 1, 1996, and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,000 producers of Oregon and Washington hazelnuts in the production area and approximately 25 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Oregon and Washington hazelnut producers and handlers may be classified as small entities.

The Oregon and Washington hazelnut marketing order provides authority for the Board, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of hazelnuts. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is recommended by a mail vote and discussed reconfirmed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Board, in a mail vote, unanimously recommended 1996–97 expenditures of $558,974 and an assessment rate of $0.007 per pound of hazelnuts. In comparison, last year's budgeted expenditures were $483,685. The assessment rate of $0.007 is the same as last year's established rate. Major expenditures recommended by the Board for the 1996–97 year include $50,020 for personal services (salaries), $5,640 for rent, $5,000 for auditing, $5,000 for compliance, $15,000 for a crop survey, $275,000 for promotion, and $182,364 for the emergency fund. Budgeted expenses for these items in 1995–96 were $50,735, $5,650, $3,500, $5,000, $11,000, $250,000, and $140,000, respectively. The Board will consider using emergency funds for authorized activities when it is reasonably certain that its estimate of assessable hazelnuts will be reached. It will not be able to make this determination until December 1996, the month in which the hazelnut harvest and deliveries to handlers usually are completed. Hence, any decision on whether or not to undertake additional activities will not be made until December 1996, at the earliest.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of Oregon and Washington hazelnuts. Hazelnut shipments for the year are estimated at 20,000,000 pounds which should provide $280,000 in assessment income. Income derived from handler assessments, interest, and from the Nut Growers Society in payment for services performed by the Board under an agreement with the Society, along with funds from the Board's authorized reserve, will be adequate to cover budgeted expenses. Funds remaining in the reserve at the end of the 1996–97 marketing year should be about $196,240. Funds in the reserve will be kept within the maximum permitted by the order.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Board or other available information.

Although this assessment rate is effective for an indefinite period, the

Board will continue to conduct a mail vote prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. Any mail votes will be discussed and reconfirmed at a public meeting. The dates and times of Board meetings are available from the Board or the Department. Board meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 1996–97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 marketing year begins on July 1, 1996, and the marketing order requires that the rate of assessment for each marketing year apply to all assessable hazelnuts handled during such marketing year; (3) handlers are aware of this action which was unanimously recommended by the Board in a mail vote and is similar to the assessment rate action issued last year; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 982 is amended as follows:

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 982 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new subpart—Assessment Rates and a new § 982.340 are added to read as follows:

Subpart—Assessment Rates

§ 982.340 Assessment rate.

On and after July 1, 1996, an assessment rate of $0.007 per pound of assessable hazelnuts is established for Oregon and Washington hazelnuts.

Dated: June 7, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–14985 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Parts 997 and 998

[Docket No. FV96–998–1IFR]

Increased Assessment Rate for Domestically Produced Peanuts Handled By Persons Not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule increases the administrative assessment rate under Marketing Agreement 146 (agreement) for the 1995–96 crop year. Authorization of the increase in the administrative assessment rate enables the Peanut Administrative Committee (Committee) to collect sufficient funds to pay expenses for the remainder of the year. Funds to administer this program are derived from assessments on handlers who have signed the agreement. Public Law 103–66 requires the Department of Agriculture (Department) to impose an administrative assessment on farmers stock peanuts received or acquired by handlers who are not signatory (non-signatory handlers) to the agreement. Therefore, this same increase in the assessment rate under the agreement will apply to all non-signatory handlers.

DATES: Effective July 1, 1995, through June 30, 1996. Comments received by July 15, 1996, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, FAX 202–720–5698, or William G. Pimental, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276, telephone 941–299–4770, FAX 941–299–5169.

SUPPLEMENTARY INFORMATION: This rule is issued pursuant to the requirements of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and as further amended December 12, 1989, hereinafter referred to as the ''Act''; Pub. L. 101–220, section 4(1), (2), 103 Stat. 1878, December 12, 1989; Pub. L. 103–66, section 8b(b)(1), 107 Stat. 312, August 10, 1993; and under Marketing Agreement 146 (7 CFR part 998) regulating the quality of domestically produced peanuts.

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. The Department established a 1995–96 crop year assessment rate applicable to non-signatory and signatory handlers effective July 1, 1995, through June 30, 1996. This rule increases the administrative assessment rates for the crop year which began July 1, 1995. Farmers' stock peanuts received or acquired by non-signatory handlers and farmers' stock peanuts received or acquired by handlers signatory to the agreement, other than from those described in §§ 998.31 (c) and (d), are subject to the assessments. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

There are approximately 45 handlers of peanuts who have not signed the agreement and, thus, will be subject to the regulations specified herein. Also, there are approximately 47,000 producers of peanuts in the 16 States covered under the agreement and approximately 76 handlers subject to regulation under the agreement. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. A majority of the producers and the non-signatory handlers may be classified as small entities, and some of the handlers covered under the agreement are small entities.

Under the agreement, the assessment rate for a particular crop year applies to all assessable tonnage handled from the beginning of such year (i.e., July 1). Funds to administer the peanut agreement program are paid to the Committee and are derived from signatory handler assessments. An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are handlers and producers of peanuts. They are familiar with the Committee's needs and with the costs for goods, services, and personnel for program operations and, thus, are in a position to formulate appropriate budgets. The budgets are formulated and discussed at industry-wide meetings. Thus, all directly affected persons have an opportunity to provide input in recommending the budget and assessment rate. The handlers of peanuts who are directly affected have signed the marketing agreement authorizing the expenses that may be incurred and the imposition of assessments.

The assessment rate recommended by the Committee for the 1995–96 crop year was derived by dividing anticipated expenses by expected receipts and acquisitions of farmers' stock peanuts. It applies to all assessable peanuts received or acquired by handlers from July 1, 1995. Farmers' stock peanuts received or acquired by non-signatory handlers and farmers' stock peanuts received or acquired by handlers signatory to the agreement, other than from those described in §§ 998.31 (c) and (d), are subject to assessments. Because that rate is applied to actual receipts and acquisitions, it must be established at a rate which will produce sufficient income to pay the Committee's expenses. Approximately 95 percent of the domestically produced peanut crop is marketed by handlers who are signatory to the agreement.

Pub. L. 101–220 amended section 608b of the Act to require that all peanuts handled by persons who have not entered into the agreement (non-signers) be subject to quality and inspection requirements to the same extent and manner as are required under the Agreement. Approximately 5 percent of the U.S. peanut crop is marketed by non-signer handlers.

Pub. L. 103–66 (107 Stat. 312) provides for mandatory assessment of farmer's stock peanuts acquired by non-signatory peanut handlers. Under this law, paragraph (b) of section 1001, of the Agricultural Reconciliation Act of 1993, specified that: (1) Any assessment (except indemnification assessments) imposed under the Agreement on signatory handlers also shall apply to non-signatory handlers, and (2) such assessment shall be paid to the Secretary.

The 1995–96 Committee budget was published in the Federal Register as an interim final rule on May 17, 1995, (60 FR 26348), and finalized on July 18, 1995 (60 FR 36635). The non-signatory handler assessment rate was published in the Federal Register as an interim final rule on August 21, 1995 (60 FR 43353), and finalized on November 24, 1995 (60 FR 57907). The administrative expenses and assessment rate for the 1995–96 crop year were based on an estimated assessable tonnage of 1,525,000. The Committee now projects that total tonnage will only be about 1,300,000. In order to have sufficient revenue to cover budgeted expenses of $1,067,500, the Committee met on March 19, 1996, and unanimously recommended that the 1995–96 crop year administrative assessment be increased from $0.70 to $0.83 per net ton of assessable farmers' stock peanuts.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers signatory to the agreement. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing agreement. This administrative assessment is required by law to be applied uniformly to all non-signatory handlers and will be of benefit to all. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) Pub. L. 103–66 requires the Department to impose an administrative assessment on peanuts received or acquired for the account of non-signatory handlers; (3) the 1995–96 crop year began on July 1, 1995, and the marketing agreement and Pub. L. 103–66 require that the rate of assessment for the crop year apply to all peanuts handled during the crop year; (4) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (5) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 997

Food grades and standards, Peanuts, Reporting and recordkeeping requirements.

7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 997 and 998 are amended as follows:

1. The authority citation for 7 CFR parts 997 and 998 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Note: These sections will not appear in the Code of Federal Regulations.

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

§ 997.100 [Amended]

2. Section 997.100 is amended by removing ''$0.70'' and adding in its place ''$0.83.''

PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

§ 998.408 [Amended]

3. In § 998.408, paragraph (c) is amended by removing ''$1.70'' and adding in its place ''$1.83'' and by removing ''$0.70'' and adding in its place ''$0.83.''

Dated: June 7, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–14987 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. 96–ASW–1; Special Condition No. 27–ASW–3]

Special Condition: Agusta Models A109D and A109E, High Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special condition; request for comments.

SUMMARY: This special condition is issued for the Agusta Model A109D and A109E helicopters. These helicopters will have a novel or unusual design feature associated with electronic systems that perform critical functions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of the electronic systems that perform critical functions from the effects of external high intensity radiated fields (HIRF). This special condition contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the applicable airworthiness standards.

DATES: The effective date of this special condition is June 13, 1996. Comments must be received on or before August 12, 1996.

ADDRESSES: Comments on this proposal may be mailed in duplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attn: Rules Docket No. 96–ASW–1, Fort Worth, Texas 76193–0007, or delivered in duplicate to the Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Fort Worth, Texas. Comments must be marked Docket No. 96–ASW–1. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 9 a.m. and 3 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Carroll Wright, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111; telephone (817) 222–5120.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the design approval and thus delay delivery of the affected helicopter. These notice and comment procedures are also considered unnecessary since the public has been previously provided with a substantial number of opportunities to comment on substantially identical special conditions, and their comments have been fully considered. Therefore, good cause exists for making this special condition effective upon issuance.

Comments Invited

Although this final special condition was not subject to notice and opportunity for prior public comment, comments are invited on this final special condition. Interested persons are invited to comment on this final special condition by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered. This special condition may be changed in light of comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date of comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this final rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–ASW–3.'' The postcard will be date and time stamped and returned to the commenter.

Background

Agusta S.p.A., Cascina Costa, Italy, applied for an amendment to U.S. Type Certificate H7EU through the Registro Aeronautico Italiano (RAI) September 23, 1992, updated July 26, 1993, to include Model A109D and A109E helicopters based on previously certified A109C and A109K2 helicopters. The A109D and A109E helicopters differ from the previously certificated model helicopters because they contain the following:

a. Allison 250–C22(A109D) or Pratt & Whitney PW206C(A109E) FADEC controlled engines.

b. A main landing gear that is held in position by two crossbeams that are covered by pods and is retractable into the bottom of the helicopter.

c. A new main rotor titanium hub, composite tension links, electomeric bearings, with dampers derived from the Model A129 helicopter.

d. Updated fuselage and fuel systems; and

e. A new cockpit layout with flat panel displays (IDS) for powerplant data monitoring.

Type Certification Basis

The certification basis established for the Agusta Model A109D and A109E helicopters includes: 14 Code of Federal Regulations (CFR) § 21.29 and 14 CFR part 27 effective February 1, 1965, including Amendments 27–1 through 27–8, except as more specifically required by the following paragraph amendment levels:

Paragraph	Amendment
27.2	28
27.21	21
27.45	21
27.71	21
27.79	21
27.141	21
27.143	21
27.175	21
27.177	21
27.401	27
27.610	21
27.901	23
27.903	23
27.927	23
27.954	23
27.1091	23
27.1093(b)	23
27.1189	23
27.1305	23
27.1309	21
27.1321	13

Paragraph	Amendment
27.1322	11
27.1323	13
27.1325	13
27.1401	10
27.1505	21
27.1519	21
27.1521	23
27.1527	14
27.1529	18
27.1549	23
27.1555	21
27.1557	11
27.1581	14
27.1583	16
27.1585	21
27.1587	21

Section 29.903(b), effective February 1, 1965, for category ''A'' engine isolation, elected by the applicant; Special Conditions No. 27–54–EU–17 for Agusta Model A109 helicopter, issued on June 26, 1973; equivalent safety in lieu of compliance shown for:

- Section 27.1189, regarding shut-off means, and
- Section 27.1305(d), regarding the fuel quantity indicator.

If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for these helicopters because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

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

Discussion

The Agusta Model A109D and A109E helicopters, at the time of the application for amendment to U.S. Type Certificate H7EU, were identified as incorporating one and possibly more electrical, electronic, or combination of electrical and electronic (electrical/electronic) systems that will perform functions critical to the continued safe flight and landing of the helicopters. A FADEC is an electronic device that performs the critical functions of engine control. The control of the engines is critical to the continued safe flight and landing of the helicopter during visual flight rules (VFR) and instrument flight rules (IFR) operations.

If it is determined that this helicopter currently or at a future date incorporates other electrical/electronic systems performing critical functions, those systems also will be required to comply with the requirements of this special condition.

Recent advances in technology have prompted the design of aircraft that include advanced electrical and electronic systems that perform functions required for continued safe flight and landing. However, these advanced systems respond to the transient effects of induced electrical current and voltage caused by the HIRF incident on the external surface of the helicopters. These induced transient currents and voltages can degrade the performance of the electrical/electronic systems by damaging the components or by upsetting the systems' functions.

Furthermore, the electromagnetic environment has undergone a transformation not envisioned by the current application of § 29.1309(a). Higher energy levels radiate from operational transmitters currently used for radar, radio, and television; the number of transmitters has increased significantly.

Existing aircraft certification requirements are inappropriate in view of these technological advances. In addition, the FAA has received reports of some significant safety incidents and accidents involving military aircraft equipped with advanced electrical/electronic systems when they were exposed to electromagnetic radiation.

The combined effects of technological advances in helicopter design and the changing environment have resulted in an increased level of vulnerability of the electrical and electronic systems required for the continued safe flight and landing of the helicopters. Effective measures to protect these helicopters against the adverse effects of exposure to HIRF will be provided by the design and installation of these systems. The following primary factors contributed to the current conditions: (1) increased use of sensitive electronics that perform critical functions, (2) reduced electromagnetic shielding afforded helicopter systems by advanced technology airframe materials, (3) adverse service experience of military aircraft using these technologies, and (4) an increase in the number and power of radio frequency emitters and the expected increase in the future.

The FAA recognizes the need for aircraft certification standards to keep pace with technological developments and a changing environment and, in 1986, initiated a high priority program to (1) determine and define electromagnetic energy levels; (2) develop guidance material for design, test, and analysis; and (3) prescribe and promulgate regulatory standards. The FAA participated with industry and airworthiness authorities of other countries to develop internationally recognized standards for certification.

The FAA and airworthiness authorities of other countries have identified a level of HIRF environment that a helicopter could be exposed to during IFR operations. While the HIRF requirements are being finalized, the FAA is adopting a special condition for the certification of aircraft that employ electrical/electronic systems that perform critical functions. The accepted maximum energy levels that civilian helicopter system installations must withstand for safe operation are based on surveys and analysis of existing radio frequency emitters. This special condition will require the helicopters' electrical/electronic systems and associated wiring be protected from these energy levels. These external threat levels are believed to represent the worst-case exposure for a helicopter operating under IFR.

The HIRF environment specified in this special condition is based on many critical assumptions. With the exception of takeoff and landing at an airport, one of these assumptions is the aircraft would be not less than 500 feet above ground level (AGL). Helicopters operating under visual flight rules (VFR) routinely operate at less than 500 feet AGL and perform takeoffs and landings at locations other than controlled airports. Therefore, it would be expected that the HIRF environment experienced by a helicopter operating VFR may exceed the defined environment by 100 percent or more.

This special condition will require the systems that perform critical functions, as installed in the aircraft, to meet certain standards based on either a defined HIRF environment or a fixed value using laboratory tests.

The applicant may demonstrate that the operation and operational capability of the installed electrical/electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the defined HIRF environment. The FAA has determined that the environment defined in Table 1 is acceptable for critical functions in

helicopters operating at or above 500 feet AGL. For critical functions of helicopters operating at less than 500 feet AGL, additional factors must be considered.

The applicant may also demonstrate by a laboratory test that the electrical/electronic systems that perform critical functions can withstand a peak electromagnetic field strength in a frequency range of 10 KHz to 18 GHz. If a laboratory test is used to show compliance with the defined HIRF environment, no credit will be given for signal attenuation due to installation. A level of 100 v/m and other considerations, such as an alternate technology backup that is immune to HIRF, are appropriate for critical functions during IFR operations. A level of 200 v/m and further considerations, such as an alternate technology backup that is immune to HIRF, are more appropriate for critical functions during VFR operations.

Applicants must perform a preliminary hazard analysis to identify electrical/electronic systems that perform critical functions. The term ''critical'' means those functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the helicopters. The systems identified by the hazard analysis as performing critical functions are required to have HIRF protection.

A system may perform both critical and noncritical functions. Primary electronic flight display systems and their associated components perform critical functions such as attitude, altitude, and airspeed indications. HIRF requirements would apply only to the systems that perform critical functions.

Compliance with HIRF requirements will be demonstrated by tests, analysis, models, similarity with existing systems, or a combination of these methods. The two basic options of either testing the rotorcraft to the defined environment or laboratory testing may not be combined. The laboratory test allows some frequency areas to be under tested and requires other areas to have some safety margin when compared to the defined environment. The areas required to have some safety margin are those that have been, by past testing, shown to exhibit greater susceptibility to adverse effects from HIRF; and laboratory tests, in general, do not accurately represent the aircraft installation. Service experience alone will not be acceptable since such experience in normal flight operations may not include an exposure to HIRF. Reliance on a system with similar design features for redundancy, as a means of protection against the effects of external HIRF, is generally insufficient because all elements of a redundant system are likely to be concurrently exposed to the radiated fields.

The modulation that represents the signal most likely to disrupt the operation of the system under test, based on its design characteristics, should be selected. For example, flight control system may be susceptible to 3 Hz square wave modulation while the video signals for electronic display systems may be susceptible to 400 Hz sinusoidal modulation. If the worst-case modulation is unknown or cannot be determined, default modulations may be used. Suggested default values are a 1 KHz sine wave with 80 percent depth of modulation in the frequency range from 10 KHz to 400 MHz and 1 KHz square wave with greater than 90 percent depth of modulation from 400 MHz to 18 GHz. For frequencies where the unmodulated signal would cause deviations from normal operation, several different modulating signals with various waveforms and frequencies should be applied.

Acceptable system performance would be attained by demonstrating that the critical function components of the system under consideration continue to perform their intended function during and after exposure to required electromagnetic fields. Deviations from system specifications may be acceptable but must be independently assessed by the FAA on a case-by-case basis.

TABLE 1.—FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10–100 KHz	50	50
100–500	60	60
500–2000	70	70
2–30 MHz	200	200
30–100	30	30
100–200	150	33
200–400	70	70
400–700	4020	935
700–1000	1700	170
1–2 GHz	5000	990
2–4	6680	840
4–6	6850	310
6–8	3600	670
8–12	3500	1270
12–18	3500	360
18–40	2100	750

As discussed above, these special conditions are applicable initially to the Model A109D and A109E helicopters. Should Agusta apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain unusual or novel design features on two models of helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the affected helicopter.

The substance of this special condition for similar installations in a variety of helicopters has been subjected to the notice and comment procedure and has been finalized without substantive change. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the helicopter, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impractical, and good cause exists for adopting this special condition immediately. Therefore, this special condition is being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to prior opportunities for comment.

List of Subjects in 14 CFR Parts 21 and 29

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

The authority citation for this special condition is as follows:

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(g), 40105, 40113, 44701, 44702, 44704, 44709, 44711, 44713, 44715, 45303.

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) issues the following special condition as a part of the type certification basis for the Agusta Model A109D and A109E helicopters.

Protection for Electrical and Electronic Systems From High Intensity Radiated Fields

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

Issued in Fort Worth, Texas, on May 31, 1996.

Daniel P. Salvano,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–14761 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 27 and 29

[Docket No. 28008; Amendment No. 27–33, 29–40]

RIN 2120–AF65

Rotorcraft Regulatory Changes Based on European Joint Aviation Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule published in the Federal Register on May 10, 1996; (61 FR 21904). The final rule amended the airworthiness standards for normal and transport category rotorcraft.

EFFECTIVE DATE: August 8, 1996.

FOR FURTHER INFORMATION CONTACT: Carroll Wright, (817) 225–5120.

Correction of Publication

In rule document 96–11493, on page 21904, in the issue of Friday, May 10, 1996, make the following correction:

On page 21904, in the first column, in the heading, Amendment ''No. 29–39]'', should read ''No. 29–40]''.

Issued in Washington, DC on June 7, 1996.

Joseph A. Conte,

Acting Assistant Chief Counsel.

[FR Doc. 96–15067 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 29

[Docket No. 24802; Amendment No. 29–39]

RIN 2120–AB36

Airworthiness Standards; Transport Category Rotorcraft Performance

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule published in the Federal Register on May 10, 1996 (61 FR 21894). The final rule adopted new and revised airworthiness standards for the performance of transport category rotorcraft.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: T.E. Archer, (817) 222–5126.

Correction of Publication

In rule document 96–11494, on page 21894, in the issue of Friday, May 10, 1996, make the following correction:

On page 21894, in the first column, in the heading, Amendment ''No. 20–40]'' should read ''No. 29–39]''.

Issued in Washington, DC on June 7, 1996.

Joseph A. Conte,

Acting Assistant Chief Counsel.

[FR Doc. 96–15066 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 94–ANE–53; Amendment 39–9648; AD 96–12–06]

RIN 2120–AA64

Airworthiness Directives; Teledyne Continental Motors and Rolls-Royce, plc O–200 Series Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes two existing airworthiness directives (AD's), applicable to Teledyne Continental Motors and Rolls-Royce, plc O–200 series reciprocating engines, that currently require resetting engine timing to 24° Before Top Center (BTC). This amendment returns to the 28° BTC engine timing for those engines equipped with improved cylinders that have strengthened heads. In addition, this amendment drops the TCM O–200C model which never went into production. This amendment is prompted by the availability of improved cylinders. The actions specified by this AD are intended to prevent possible cylinder cracking with subsequent loss of engine power.

DATES: Effective July 18, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 18, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438–3411. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, Campus Building, 1701 Columbia Ave., Suite 2–160, College Park, GA 30337–2748; telephone (404) 305–7371, fax (404) 305–7348.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding airworthiness directive (AD) 77–13–03, Amendment 39–2925 (42 FR 31770, June 23, 1977), which is applicable to Teledyne Continental Motors (TCM) O–200A, O–200B, was published in the Federal Register on June 15, 1995 (60 FR 31421). That action proposed to retain the 24° before top center (BTC) engine timing for engines with cylinders that have part number (P/N) lower than 641917; allow the return to 28° BTC engine timing for those engines with cylinder P/N 641917 and subsequent (higher) part numbers, restamp the engine data plate to indicate engine timing of 28° BTC; and drop the TCM O–200C series engines from the AD's applicability. The actions must be accomplished in accordance with TCM Service Bulletin (SB) No. SB94–8, dated September 14, 1994.

This AD also supersedes AD 78–19–02, Amendment 39–3301 (43 FR 41374, September 18, 1978), applicable to Rolls-Royce, plc (R–R) O–200A, O–200B, and O–200C series engines, which also requires resetting the engine timing to 24°. This AD combines the TCM applicability of AD 77–13–03 with the R–R applicability of AD 78–19–02 into one, superseding AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment.

One commenter (the manufacturer) states that the timing adjustment may be set to the limits of (+1°, −1°). The NPRM incorrectly limited the timing adjustment to (+1°, −0°). The FAA concurs and has revised this final rule accordingly.

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

The FAA estimates that 23,500 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per engine to accomplish the required actions, and that the average labor rate

is $60 per work hour. This AD adds no additional requirements; the resetting of engine timing for engines with the improved cylinders is optional. Therefore, there is no cost imposed by the required actions. However, if the timing was reset on all applicable engines, based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,820,000.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–2925 (42 FR 31770, June 23, 1977), and Amendment 39–3301 (43 FR 41374, September 18, 1978), and by adding a new airworthiness directive, Amendment 39–9648, to read as follows:

96–12–06 Teledyne Continental Motors and Rolls-Royce, plc.: Amendment 39–9648. Docket 94–ANE–53. Supersedes AD 77–13–03, Amendment 39–2925 and AD 78–19–02, Amendment 39–3301.

Applicability: Teledyne Continental Motors (TCM) Model O–200A and O–200B and Rolls-Royce, plc. Model O–200A, O–200B, and O–200C reciprocating engines. These engines are installed on but not limited to American Champion Models 7ECA and 402; Cessna Model 150, 150A through 150M, A150K through A150M; Reims Models F–150G through F–150M, FA–150K and FA–150L; and Taylorcraft Model F19 aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent possible cylinder cracking with subsequent loss of engine power, accomplish the following:

(a) For engines that have one or more cylinders with part numbers (P/N) lower than 641917, within the next 50 hours time in service (TIS) after the effective date of this AD, reset the engine timing to 24° (+1°, −1°) Before Top Center (BTC) on both magnetos in accordance with the magneto to engine timing procedure for direct drive engines in TCM Service Bulletin (SB) No. SB94–8, dated September 14, 1994.

(b) For engines that have all four cylinders with P/N 641917 or higher, the engine timing may be reset to 28° (+1°, −1°) BTC on both magnetos in accordance with the magneto engine timing procedure for direct drive engines in TCM SB No. SB94–8, dated September 14, 1994.

(c) Subsequent installation of cylinders must be of the P/N listed in paragraph (b) of this AD to retain the 28° BTC timing.

Note: The P/N is stamped on the cylinder barrel flange.

(d) This AD supersedes AD 77–13–03 and AD 78–19–02.

(e) When paragraph (a) is accomplished, restamp the engine data plate to indicate magneto timing of 24° BTC.

(f) When paragraph (b) is accomplished, restamp the engine data plate to indicate magneto timing of 28° BTC.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

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

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

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

Document No.	Pages	Date
TCM SB No. SB94–8. Total pages: 6.	1–6	September 14, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438–3411. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on July 18, 1996.

Issued in Burlington, Massachusetts, on May 29, 1996.

Robert E. Guyotte,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–14867 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–ANE–16; Amendment 39–9647; AD 96–12–05]

RIN 2120–AA64

Airworthiness Directives; AlliedSignal, Inc. (Formerly Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to AlliedSignal, Inc.

(formerly Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines, that requires identifying, removing, and replacing certain defective power turbine rotors. This amendment is prompted by reports of workmanship deficiencies on certain power turbine rotors that can reduce the published life limit of the disk. The actions specified by this AD are intended to prevent power turbine rotor failure, which could result in loss of engine power.

DATES: Effective August 12, 1996.

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

ADDRESSES: The service information referenced in this AD may be obtained from AlliedSignal Engines, 111 South 34th Street, Phoenix, AZ 85072; telephone (602) 365–2493, fax (602) 365–2210. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dave Keenan, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7139, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to AlliedSignal, Inc. (formerly Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines was published in the Federal Register on October 16, 1995 (60 FR 53548). That action proposed to require identifying, removing, and replacing certain defective power turbine rotors in accordance with Textron Lycoming Service Bulletins (SB's) No. LT101–72–50–0144, dated January 15, 1993, and No. LT101–72–50–0145, dated November 27, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 645 engines of the affected design in the worldwide fleet. The FAA estimates that 430 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 25 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. The manufacturer has advised the FAA that all required hardware will be provided at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $645,000.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 9.13 [Amended]

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

96–12–05 AlliedSignal, Inc.: Amendment 39–9647. Docket 95–ANE–16.

Applicability: AlliedSignal, Inc. (formerly Textron Lycoming) LTS101 series turboshaft engines installed on, but not limited to, the Eurocopter AS350 and SA366G1, Messerschmitt-Bolkow-Blohm/Kawasaki MBB–BK117 and the Bell Helicopter Textron 222 aircraft, and LTP101 series turboprop engines, installed on but not limited to, the Piaggio P166DL and Airtractor AT302 aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent power turbine rotor failure, which could result in loss of engine power, accomplish the following:

(a) For all LTS101 series turboshaft engines except the LTS101–750B2 model, and all LTP101 series turboprop engines, remove and replace power turbine rotors identified in Table 1 of Textron Lycoming Service Bulletin (SB) No. LT101–72–50–0144, dated January 15, 1993, in accordance with the accomplishment procedures in Textron Lycoming SB No. LT101–72–50–0144, dated January 15, 1993, and the following schedule:

(1) For power turbine rotors with more than 1,000 hours time since new (TSN) on the effective date of this AD, remove and replace within the next 50 hours time in service (TIS), not to exceed 1,800 cycles since new (CSN).

(2) For power turbine rotors with 1,000 hours TSN or less, but more than 800 hours TSN on the effective date of this AD, remove and replace within the next 100 hours TIS, not to exceed 1,800 CSN.

(3) For power turbine rotors with 800 hours TSN or less, but more than 400 hours TSN on the effective date of this AD, remove and replace within the next 150 hours TIS, not to exceed 1,800 CSN.

(4) For power turbine rotors with 400 hours TSN or less on the effective date of this AD, remove and replace no later than 600 hours TSN, not to exceed 1,800 CSN.

(b) For all LTS101–750B2 model engines, remove and replace power turbine rotors, in accordance with the accomplishment procedures of Textron Lycoming SB No. LT101–72–50–0145 dated November 27, 1991, within the next 100 hours TIS after the effective date of this AD, or 800 hours TSN on the power turbine rotor, whichever occurs first.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

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

(e) The actions required by this AD shall be done in accordance with the following Textron Lycoming SB's:

Document No.	Pages	Revision	Date
LT101–72–50–0144	1–9	Original	Jan. 15, 1993.
Total Pages: 9.			
LT101–72–50–0145	1–3	Original	Nov. 27, 1991.
Total Pages: 3.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AlliedSignal Engines, 111 South 34th Street, Phoenix, AZ 85072; telephone (602) 365–2493, fax (602) 365–2210. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 12, 1996.

Issued in Burlington, Massachusetts, on May 29, 1996.

Robert E. Guyotte,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–14868 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–ANE–07; Amendment 39–9649; AD 96–12–07]

RIN 2120–AA64

Airworthiness Directives; Teledyne Continental Motors (formerly Bendix) S–20, S–1200, D–2000, and D–3000 Series Magnetos

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Teledyne Continental Motors (TCM) (formerly Bendix) S–20, S–1200, D–2000, and D–3000 series magnetos equipped with impulse couplings, that currently requires inspections for wear, and replacement, if necessary, of the impulse coupling assemblies. This amendment requires replacement, if necessary, of worn riveted impulse coupling assemblies with serviceable riveted impulse couplings or snap ring impulse couplings. This amendment is prompted by the availability of an improved design for the impulse coupling assembly. The actions specified by this AD are intended to prevent magneto failure and subsequent engine failure.

DATES: Effective July 18, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 18, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438–3411. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Atlanta Certification Office, FAA, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, GA, 30337–2748; telephone (404) 305–7371, fax (404) 305–7348.

SUPPLEMENTARY INFORMATION: On January 4, 1983, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 78–09–07 R3, Amendment 39–4538 (48 FR 1482, January 13, 1983), to require inspections for wear, and replacement, if necessary, of the impulse coupling assemblies on certain Teledyne Continental Motors (TCM) (formerly Bendix) S–20, S–1200, D–2000, and D–3000 series magnetos equipped with impulse couplings. That action was prompted by reports of numerous magneto failures. That condition, if not corrected, could result in magneto failure and subsequent engine failure.

A proposal to amend part 39 of the Federal Aviation Regulations was published as a notice of proposed rulemaking (NPRM) in the Federal Register on September 21, 1993 (58 FR 48987). That NPRM would have retained the repetitive inspections for wear required by the current AD, but would have also required replacement, if necessary, of the riveted impulse coupling assembly with newly designed, improved, snap ring impulse coupling assemblies. In addition, the proposed AD would have required marking the magneto data plate to indicate installation of a snap ring impulse coupling assembly. Installation of snap ring impulse coupling assemblies would have constituted terminating action to the inspection requirements of this AD. That NPRM was prompted by the manufacturer redesigning the impulse coupling assembly to include snap ring fastening technology which strengthens the cam axle and reduces wear. The snap ring impulse coupling assembly was believed not to have the failure mode of the previous design.

Since the issuance of that NPRM, the FAA received reports of snap ring impulse coupling assemblies being worn beyond limits. The FAA determined that it was necessary to reopen the proposal for public comment, so a Supplemental NPRM was published in the Federal Register on November 17, 1994 (59 FR 59391). That Supplemental NPRM proposed to retain the 500 hour repetitive inspections for wear required by the current AD, but would require these inspections for

magnetos equipped with snap ring impulse coupling assemblies as well.

Since the issuance of that Supplemental NPRM, the FAA received comments that serviceable riveted impulse couplings should be permitted as replacement units as well as the snap ring design. The FAA concurred, since there has been no production of riveted impulse couplings since January 1992, distributors still have some left as this was a common, relatively high use item. The FAA determined that it was necessary to reopen the proposal for public comment, so a Supplemental NPRM was published in the Federal Register on October 16, 1995 (60 FR 53558). That Supplemental NPRM proposed to require replacement of worn impulse couplings with serviceable impulse couplings of either riveted or snap ring design.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received since publication of the last Supplemental NPRM.

Since the issuance of that Supplemental NPRM, the manufacturer has advised the FAA that the cost for replacement of the impulse coupling assembly has increased from $125 to $140. The economic analysis of this final rule has been revised accordingly.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will not increase the scope of the AD.

The FAA estimates that 130,000 magnetos installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 1 work hour, plus 1 work hour to change the impulse coupling, and that the average labor rate is $60 per work hour. The average utilization of the fleet of these airplanes is estimated to be evenly divided between commercial/commuter service and private owners. The commercial/commuter service population is estimated to operate 500 hours time in service (TIS) per year; therefore the cost to perform the inspections required by the AD will be approximately $3,900,000 per year. The FAA estimates that private owners operate their aircraft between 50 and 100 hours TIS per year; therefore it will take approximately 5 to 10 years to reach 500 hours time in service. The estimated cost for these owners will also be $3,900,000 spread over a time period of 5 to 10 years or 780,000 per year for 5 years or $390,000 for 10 years. The cost to replace the impulse coupling assembly is $140 per magneto plus one work hour at $60 per work hour for a total of $200 per magneto. While all the riveted impulse coupling assemblies will eventually have to be replaced, it is not possible to estimate the cost per year. The total cost for replacement for U.S. operators is estimated to be $26,000,000.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–4538 (48 FR 1482, January 13, 1983) and by adding a new airworthiness directive, Amendment 39–9649, to read as follows:

96–12–07 Teledyne Continental Motors: Amendment 39–9649. Docket 93–ANE–07. Supersedes AD 78–09–07 R3, Amendment 39–4538.

Applicability: Teledyne Continental Motors (TCM) (formerly Bendix) S–20, S–1200, D–2000, and D–3000 series magnetos equipped with impulse couplings, installed on but not limited to reciprocating engine powered aircraft manufactured by Beech, Cessna, Mooney, and Piper.

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

Note 2: The FAA has received reports of some confusion as to what is meant by S–20, S–1200, D–2000, and D–3000 series magnetos as referenced in TCM Mandatory Service Bulletin (MSB) No. MSB645, dated April 4, 1994, and this airworthiness directive (AD). A typical example is S6RN–25, where the S designates single type ignition unit (a D designates a dual ignition unit), the 6 designates the number of cylinders, the R designates right hand rotation, the N is the manufacturer designation (this did not change when TCM purchased the Bendix magneto product line), and the number after the dash indicates the series (a –25 is a S–20 series magneto while a –3200 is a D–3000 series magneto, etc.).

Compliance: Required as indicated, unless accomplished previously.

To prevent magneto failure and subsequent engine failure, accomplish the following:

(a) For magnetos with riveted or snap ring impulse coupling assemblies, having less than 450 hours time in service (TIS) since new, or overhaul, or since last inspection, on the effective date of this AD, accomplish the following:

(1) Prior to the accumulation of 500 hours TIS since new, or overhaul, or since last inspection, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies, in accordance with the Detailed Instructions of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(2) Thereafter, at intervals not to exceed 500 hours TIS since the last inspection,

inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies, in accordance with the Detailed Instructions of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(b) For magnetos with riveted or snap ring impulse coupling assemblies, having 450 or more hours TIS since new, or overhaul, or since last inspection, on the effective date of this AD, or an unknown TIS on the effective date of this AD, accomplish the following:

(1) Within the next 50 hours TIS after the effective date of this AD, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies in accordance with the Detailed Instructions of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(2) Thereafter, at intervals not to exceed 500 hours TIS since the last inspection, inspect riveted or snap ring impulse coupling assemblies for wear, and replace, if necessary, prior to further flight, with serviceable riveted or snap ring impulse coupling assemblies, in accordance with the Detailed Instruction of TCM MSB No. MSB645, dated April 4, 1994, and TCM SB No. 639, dated March 1993.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

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

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

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

Document No.	Pages	Revision	Date
MSB No. MSB645	1–6	Original	Apr. 4, 1994.
Total Pages: 6			
SB No. 639	1–2	Original	Mar. 1993.
Total Pages: 2			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438–3411. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 18, 1996.

Issued in Burlington, Massachusetts, on May 29, 1996.

Robert E. Guyotte,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–14869 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–ASW–31]

Revision of Class E Airspace; Las Vegas, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace extending upward from 700 feet above ground level (AGL) at Las Vegas, NM. The development of a Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway (RWY) 02 at Las Vegas Municipal Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operations for aircraft executing the GPS SIAP to RWY 02 at Las Vegas Municipal Airport, Las Vegas, NM.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Operations Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION:

History

On January 31, 1996, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Las Vegas, NM, was published in the Federal Register (61 FR 3349). A GPS SIAP to RWY 02 developed for Las Vegas Municipal Airport, Las Vegas, NM, requires the revision of Class E airspace at this airport. The proposal was to establish controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

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

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revises the Class E airspace located at Las Vegas, NM, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS SIAP to RWY 02 at Las Vegas Municipal Airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

* * * * *

ASW NM E5 Las Vegas, NM [Revised]

Las Vegas Municipal Airport, NM
(Lat. 35°39′15″N., long. 105°08′33″W.)

Las Vegas VORTAC
(Lat. 35°39′27″N., long. 105°08′08″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Las Vegas Municipal Airport and within 2.6 miles each side of the 025° radial of the Las Vegas VORTAC extending from the 6.7-mile radius to 8.4 miles northeast of the airport and within 2.4 miles each side of the 220° radial of the Las Vegas VORTAC extending from the 6.7-mile radius to 7.5 miles southwest of the airport and within 1.6 miles each side of the 215° bearing from the airport extending from the 6.7-mile radius to 8.2 miles southwest of the airport.

* * * * *

Issued in Fort Worth, TX, on May 15, 1996.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 96–13942 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 95–ASO–20]

Establishment of Federal Colored Airway B–9; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a Colored Federal Airway, Blue–9 (B–9), from the DEEDS Intersection to the Marathon Nondirectional Beacon (NDB), FL. The establishment of B–9 will enhance the management of air traffic and accommodate the users of that airspace.

EFFECTIVE DATE: August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On February 6, 1996, the FAA proposed to amend Title 14 of the Code of Regulations part 71 (14 CFR part 71) to establish a Colored Federal Airway, B–9, in Florida (61 FR 04380). Interested parties were invited by the FAA to participate in this rulemaking effort by submitting written comments on the proposal. Except for editorial changes, this amendment is the same as proposed in the notice. Colored Federal airways are published in paragraph 6009(d) of FAA Order 7400.9C dated August 17, 1995, and 95–ASO–20 2 effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes a new Colored Federal Airway, B–9, from the DEEDS Intersection to the Marathon NDB, FL. This action will enhance the management of air traffic and accommodate the users of that airspace.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6009(b)—Blue Federal Airways

* * * * *

B–9 [New]

From INT Pahokee, FL, 211° and Fort Myers, FL, 138° radials; Marathon, FL.

* * * * *

Issued in Washington, DC, on June 4, 1996.

Harold W. Becker,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–15063 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 95–ANE–35]

Alteration of V–99, V–451 and J–62

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters Federal Airways V–99, V–451, and Jet Route 62 (J–62) in the states of Massachusetts and Connecticut. Specific portions of both airways and the jet route, in the above mentioned states, are no longer necessary for navigation and are being revoked. Removing these obsolete segments will eliminate clutter on aeronautical charts.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On December 21, 1995, the FAA proposed to amend Title 14 of the Code of Federal Regulations part 71 (14 CFR part 71) to alter V–99, V–451, and J–62 (60 FR 66181). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Jet Routes and Domestic Very High Frequency Omnidirectional Range (VOR) Federal airways are published in paragraphs 2004 and 6010(a), respectively, of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The jet route and airways listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 alters V–99, V–451, and J–62. Specific portions of both the airways and the jet route are no longer necessary for navigation and are being revoked. The airspace designation for V–99 will be revoked between Hartford, CT, and the GRAYM intersection; V–451 will be revoked between Groton, CT, and the SEEDY intersection; and J–62 will be revoked east of the Nantucket, CT, VOR. Removing these obsolete segments will eliminate clutter on aeronautical charts.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 2004—Jet Routes

* * * * *

J–62 [Revised]

From Robbinsville, NJ; to Nantucket, MA.

* * * * *

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–99 [Revised]

From LaGuardia, NY, via INT LaGuardia 043° and Hartford, CT, 245° radials; Hartford.

* * * * *

V–451 [Revised]

From LaGuardia, NY; INT LaGuardia 063° and Hampton, NY, 289° radials; INT Hampton 289° and Calverton, NY, 044° radials; INT Calverton 044° and Groton, CT, 243° radials; Groton.

* * * * *

Issued in Washington, DC, on June 5, 1996.

Harold W. Becker,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–15061 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–AWP–4]

Alteration of Jet Routes J–86 and J–92

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule extends Jet Route 86 (J–86) from the Boulder City, NV, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the Beatty, NV, VORTAC. This action also realigns J–92 direct from the Boulder City VORTAC to the Beattty VORTAC. The FAA is taking this action to enhance traffic flows and reduce controllers' workload.

EFFECTIVE DATE: 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Bill Nelson, Airspace and Rules Division ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1993, the FAA proposed to amend Title 14 of the Code of Federal Regulations part 71 (14 CFR part 71) to alter J–86 and J–92 (58 FR 32313). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Jet Routes are published in paragraph 2004 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 extends J–86 from the Boulder City, NV, VORTAC to the Beatty, NV, VORTAC. Extending J–86 will enable air traffic controllers to provide pilots with an alternate route from the Boulder City VORTAC to the Beatty VORTAC during the times Restricted Area 4808S is in use. This action also realigns J–92 direct from the Boulder City VORTAC to the Beatty VORTAC, providing a route that is normally requested by pilots. This action will enhance the traffic flow and reduce the controllers' workload.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 2004—Jet Routes

* * * * *

J–86 [Revised]

From Beatty, NV; INT Beatty 131° and Boulder City, NV, 284° radials; Boulder City; Peach Springs, AZ; Winslow, AZ; El Paso, TX; Fort Stockton, TX; Junction, TX; Austin, TX; Humble, TX; Leeville, LA; INT Leeville 104° and Sarasota, FL, 286° radials; Sarasota; INT Sarasota 103° and La Belle, FL, 313° radials; La Belle; to Miami, FL.

* * * * *

J–92 [Revised]

From Klamath Falls, OR; via Mustang, NV, Coaldale, NV; Beatty, NV; Boulder City, NV; Drake, AZ; Phoenix, AZ; Stanfield, AZ; INT of Stanfield 145° and Tucson, AZ, 300° radials; Tucson; to the INT of Tucson 182° radial and the United States/Mexican Border.

* * * * *

Issued in Washington, DC, on June 5, 1996.

Harold W. Becker,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–15062 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by publishing new ranges of comparability to be used on required labels for clothes washers.

EFFECTIVE DATE: September 11, 1996.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202–326–3035).

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (''EPCA'') [1] requires the Federal Trade Commission (''Commission'') to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances. Clothes washers are included in those categories. The statute also requires the Department of Energy (''DOE'') to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule covering seven of the thirteen appliance categories that were then covered by DOE test procedures: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces (this category includes boilers).[2] The Commission has extended the coverage of the Appliance Labeling Rule (''Rule'') four times since it originally issued the Rule: in 1987 (central air conditioners, heat pumps, and pulse combustion and condensing furnaces); [3] 1989 (fluorescent lamp ballasts); [4] 1993 (certain plumbing products [5]), and 1994 (certain lighting products [6]). On July 1, 1994, the Commission amended the Rule to make certain improvements, including making the label format more ''user-friendly,'' changing the energy usage descriptors required on labels, and adopting new product sub-categories for ranges of comparability purposes.[7] In addition to the new format, which applies to labels for all products, the changes for clothes washer labels are the requirement to disclose kilowatt-hour use per year (instead of estimated annual operating cost) for the primary energy usage disclosure and ranges of comparability, and the addition of the ''front-loading'' and ''top-loading'' sub-categories to the ''standard'' and ''compact'' categories.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.[8] These reports, which are to assist the Commission in preparing the ranges of comparability, contain the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models, and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information consistent with these changes, under Section 305.10 of the Rule of Commission will publish new ranges (but not more often than annually) if an analysis of the new information indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission will publish a statement that the prior ranges remain in effect for the next year.

The annual submissions of data for clothes washers have been made and have been analyzed by the Commission. The Commission has found a significant number of the upper and lower limits of the ranges have changed by more than 15%. Accordingly, the Commission is publishing new ranges of comparability for the clothes washer category. These ranges will supersede the current ranges for clothes washers, which were published on May 25, 1995.[9]

In consideration of the foregoing, the Commission revises Appendix F of its Appliance Labeling Rule by publishing the following ranges of comparability for use in required disclosures (including labeling) for clothes washers manufactured on or after September 11, 1996. In addition, as of this effective date, the disclosures of estimated annual operating cost required at the bottom of the EnergyGuide for clothes washers must be based on the 1996 Representative Average Unit Costs of Energy for electricity (8.6 cents per kilowatt-hour) and natural gas (62.6 cents per therm) that were published by

[1] 42 U.S.C. 6294

[2] 44 FR 66466, 16 CFR Part 305 (Nov. 19, 1979). The Statement of Basis and Purpose for the final Rule describes the reasons the Commission determined not to cover the other categories of covered products. *Id.* at 66467–69.

[3] 52 FR 46888 (Dec. 10, 1987).

[4] 54 FR 28031 (July 5, 1989).

[5] 58 FR 54955 (Oct. 25, 1993).

[6] 59 FR 25176 (May 13, 1994).

[7] 59 FR 34014.

[8] Reports for clothes washers are due March 1.

[9] 60 FR 27690.

DOE on January 19, 1996,[10] and by the Commission on February 14, 1996.[11]

List of Subjects of 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix F to Part 305 is revised to read as follows:

Appendix F to Part 305—Clothes Washers

Range Information

''Compact'' includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

''Standard'' includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact:		
Top Loading	607	1061
Front Loading	(*)	(*)
Standard:		
Top Loading	616	1335
Front Loading	241	280

(*) No data submitted.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–15022 Filed 6–12–96; 8:45 am]

BILLING CODE 6750–01–M

[10] 61 FR 1366.

[11] 61 FR 5679.

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 51

[Public Notice Number 2401]

Passports

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This rule amends the regulations at 22 CFR Part 51, Subpart B to eliminate obsolete language regarding release of passport information.

EFFECTIVE DATE: June 13, 1996.

FOR FURTHER INFORMATION CONTACT: Willaim B. Wharton, Director, Office of Passport Policy and Advisory Services, telephone (202) 955–0231.

SUPPLEMENTARY INFORMATION: Present regulations provide for the release of passport information in accordance with the provisions of the Privacy Act, the Freedom of Information Act and applicable provisions of 22 CFR Part 171 and Part 172. This rule is not expected to have significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof. In addition, as this amendment involves ''a matter relating to agency management,'' it is exempt from the requirement of notice and comment pursuant to section 553(a)(2) of the Administrative Procedures Act; and, accordingly, it may be promulgated as a final rule.

List of Subjects in 22 CFR Part 51

Passports and visas, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 22 CFR Part 51 is amended as follows:

PART 51—PASSPORTS

Subpart B—Application

1. The authority citation for section 51.33 is revised to read as follows:

Authority: 22 U.S.C. 2658 and 3926; 5 U.S.C. 552, 552a.

2. Section 51.33 is revised to read as follows:

§ 51.33 Release of passport information.

Information in passport files is subject to the provisions of the Freedom of Information Act (FOIA) and the Privacy Act. Release of this information may be requested in accordance with the implementing regulations set forth in Subchapter R, Part 171 or Part 172 of this title.

Dated: May 20, 1996.

Mary A. Ryan,

Assistant Secretary of State for Consular Affairs.

[FR Doc. 96–14825 Filed 6–12–96; 8:45 am]

BILLING CODE 4710–06–M

22 CFR Parts 81, 82, 83, 84, 85, 86, 87, and 88

[Public Notice 2406]

Shipping and Seamen

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: As part of the President's Regulatory Reinvention Initiative, the Bureau of Consular Affairs is repealing all of its regulations on Shipping and Seamen, which are found at 22 CFR Parts 81 through 88. Several of the current regulations are obsolete and some of the regulations are merely word-for-word repetitions of existing statutes. At the same time, most of the procedural aspects of consular work relating to shipping and seamen are covered in the Foreign Affairs Manual, which provides guidance and instructions to consuls performing these responsibilities worldwide, and do not need to be covered in regulations. The Bureau is currently considering whether to propose a replacement section, to be designated as 22 CFR Part 80. If the Bureau decides that such regulations are necessary, it will propose new regulations that will be up to date and more appropriate in scope and content.

In the interim, the Department will rely directly on its statutory authorities in this area and the procedures in the Foreign Affairs Manual to perform shipping and seamen functions.

EFFECTIVE DATE: June 13, 1996.

FOR FURTHER INFORMATION CONTACT: Carmen A. DiPlacido, or Michael Meszaros, Overseas Citizens Services, Department of State, 202–647–3666 or 202–647–4994.

SUPPLEMENTARY INFORMATION: This rule eliminates Parts 81 through 88 of the Title 22 of the Code of Federal Regulations. These rules relate to consular services provided to seamen and in connection with U.S. registered vessels. In recent years, the number of U.S. citizens serving as merchant seamen has declined. Also, the number of merchant vessels registered in the United States has declined. Proportionately, the quantity of consular services provided to U.S. seamen has also declined. Currently, very few foreign service posts are called upon to

provide services related to shipping and seamen. Those they do perform are very routine functions. While historically important, protection of seamen is not any longer a significant function performed by consular officers.

In addition, there have been major legislative changes since Chapters 81–88 were promulgated. Many of the current regulations have been unchanged since 1957, and a good portion have become obsolete. For example, 22 CFR section 87.1 authorizes consular officers to issue a certificate of American Ownership or a Provisional Certificate of Registry. In fact, Provisional Certificates of Registry have not been issued since 1981. Another example is 22 CFR section 84.8(b), which refers to ''shipping commissioners.'' There are no longer any shipping commissioners. In addition, some of the statutes on which the regulations are based have been repealed (e.g., 46 U.S.C. 593, and 46 U.S.C. 621 to 628) and replaced by new and different legislation.

In repealing the regulations on Shipping and Seamen, the Bureau of Consular Affairs has consulted with the Coast Guard and the United Seamen's Service. It was determined that many of the current regulations merely restate statutory or common law, or deal with the internal policy of the Department of State. As such, they are unnecessary and can be removed.

If new regulations are proposed, they will be much simpler and consistent with the current State Department dealings with shipping and seamen. The core functions (responsibilities to vessels, relief and repatriation of individual seamen) will be spelled out as necessary.

It is hereby certified that the repeal of these regulations will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b), because the issues addressed are not of an economic nature and a very small number of U.S. vessels will be affected. In addition, the repeal of these regulations will not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35. Nor do these rules have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

Review under E.O. 12988 is not required, because no new regulations are being proposed at this time. This regulatory action is exempt from review under E.O. 12866, but has been undertaken consistent with the policies and principles thereof. This action is being taken as a final rule, pursuant to the ''good cause'' provision of 5 U.S.C. section 553 (b); notice and comment are not necessary in light of the fact that Department is merely repealing regulations that are obsolete or repetitive of other statutory or procedural guidance. Moreover, the Department will continue to have authority to act with respect to shipping and seamen by relying directly upon existing statutory authority.

List of Subjects in 22 CFR Parts 81, 82, 83, 84, 85, 86, 87, and 88

Foreign Service, Seamen, Vessels.

Pursuant to the above authorities, Title 22 of the Code of Federal Regulations is amended as set forth below:

PARTS 81 THROUGH 88—[REMOVED]

1. Parts 81 through 88 are removed.

Dated: May 31, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96–14822 Filed 6–12–96; 8:45 am]

BILLING CODE 4710–06–M

Bureau of Economic and Business Affairs

[Public Notice 2396]

22 CFR Part 89

Foreign Prohibitions on Longshore Work by U.S. Nationals

AGENCY: Bureau of Economics and Business Affairs, State.

ACTION: Final rule.

SUMMARY: In accordance with the Immigration and Nationality Act of 1952, as amended, the Department of State is issuing a rule updating the list, of longshore work by particular activity, of countries where performance of such a particular activity by crewmembers aboard United States vessels is prohibited by law, regulation or in practice in the country.

EFFECTIVE DATE: June 13, 1996.

ADDRESSES: Office of Maritime and Land Transport (EB/TRA/MA), Room 5828, Department of State, Washington, D.C. 20520–5816.

FOR FURTHER INFORMATION CONTACT: Richard T. Miller, Office of Maritime and Land Transport, Department of State, (202) 647–6961.

SUPPLEMENTARY INFORMATION: Section 258 of the Immigration and Nationality Act of 1952, 8 U.S.C. 1288, determines that alien crewmen may not perform longshore work in the United States. Longshore work is defined broadly to include ''any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go, in the United States or the coastal waters thereof.'' The Act goes on, however, to define a number of exceptions to the general prohibition on such work.

Section 258(b)(2), in what is known as the ''Exception for Safety and Environmental Protection,'' excludes from the definition of longshore work under this statute ''the loading or unloading of any cargo for which the Secretary of Transportation has, under the authority contained in chapter 37 of title 46, United States Code (relating to Carriage of Liquid Bulk Dangerous Cargoes), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), section 4106 of the Oil Pollution Act of 1990, or section 105 or 106 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804, 1805) prescribed regulations which govern—(A) the handling or stowage of such cargo, (B) the manning of vessels and the duties, qualifications, and training of the officers and crew of vessels carrying such cargo, and (C) the reduction or elimination of discharge during ballasting, tank cleaning, handling of such cargo.''

Section 258(c), in what is known as the ''Prevailing Practice Exception,'' exempts particular activities of longshore work in and about a local port if there is a collective bargaining agreement covering at least 30 percent of the longshore workers in the area that permits the activities or if there is no such collective bargaining agreement and the employer of the alien crew files an appropriate attestation, in a timely fashion, that the performance of the activity by alien crewmen is permitted under the prevailing practice of the particular port. The attestation is not required for activities consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel unless the Secretary of Labor finds, based on a preponderance of evidence which may be submitted by any interested party, that the performance of such particular activity is not the prevailing practice in the area or that certain labor actions are underway.

Section 258(d), the ''State of Alaska Exception,'' provides detailed conditions under which alien crewmembers may be allowed to perform longshore activities in Alaska, including the filing of an attestation

with the Secretary of Labor at least 30 days before the performance of the work setting forth facts and evidence to show that the employer will make a bona fide request for U.S. longshore workers who are qualified and available, will employ all such workers made available who are needed, and has informed appropriate labor unions, stevedores, and dock operators of the attestation, and that the attestation is not intended to influence an election of bargaining representatives.

Finally, Section 258(e), in what is known as the ''Reciprocity Exception,'' allows the performance of activities constituting longshore work by alien crew aboard vessels flagged and owned in countries where such activities are permitted by crews aboard U.S. ships. The Secretary of State is directed to compile and annually maintain a list, of longshore work by particular activity, of countries where performance of such a particular activity by crewmembers aboard United States vessels is prohibited by law, regulation, or in practice in the country. The Department of State (hereinafter the Department) published such a list as a final rule on December 27, 1991 (56 FR 66970), corrected on January 14, 1992 (57 FR 13804). An updated list was last published on December 13, 1993 (58 FR 65118).

At the request of the Committee on Foreign Affairs of the House of Representatives, the Government Accounting Office (hereinafter the GAO) reviewed the Department's criteria and methodology for compiling the list of countries in the past. The GAO concluded that ''with relatively small changes in how it obtains information and determines which countries to place on the list, State can significantly improve its data collection and decision-making procedures.'' With respect to the statute's use of the phrase ''in practice'', the GAO concluded that differing interpretations were legally supportable and observed that the interpretation being followed tended to maximize the number of countries granted a reciprocity exception.

After giving notice on March 24, 1994 (59 FR 13904) that it was updating the list, the Department issued a proposed rule on November 24, 1995 (60 FR 58026) with a revised list. The proposed rule reflected changes in methodology recommended by the Government Accounting Office and, in an effort to ensure that the list reflects restrictive practices in foreign countries fully and accurately, standards for reciprocity taking into account practices, whether or not required or sanctioned by governments. In response, the Department received 79 written comments and oral demarches from two foreign governments.

Comments and Responses

General

Comment: Four commenters, all from U.S. labor unions, supported the Department's interpretation of the term ''in practice'' as including restrictive practices irrespective of government involvement. The writers said that the rule would protect American longshore workers from incursions by foreign mariners doing cargo handling as distinguished from navigational duties. A number of commenters, on the other hand, took exception to the proposal to consider private activities when determining eligibility for the reciprocity exemption and observed that the Government Accounting Office found the interpretation used in previous rulemakings on this subject legally supportable. Several of them asserted that the legislative history did not support the proposed rule. They disputed the Department's conclusion that the reciprocity provision is a limited exception.

Response: In its report, the GAO concluded that the statutory phrase ''in practice'' is susceptible to differing interpretations and noted that the language of the law and its legislative history could support an interpretation under which privately negotiated collective bargaining agreements would disqualify a country for a reciprocal exception. On the basis of its review of the statute, the Department concurs. The impact on the list of this change is modest, however; only six countries have been added to the list solely because of private collective bargaining agreements. The Department's conclusion that the reciprocity exception is a ''limited exception'' is based on the statutory scheme embodied in section 258, which prohibits longshore work by alien seamen in general, and then enumerates specific, limited circumstances, including on the basis of reciprocity, in which such work may be performed.

Comment: One commenter said that the proposed rule would violate U.S. treaty commitments with a number of countries, since many U.S. treaties of Friendship, Commerce and Navigation accord vessels of the other party national treatment and most-favored-nation treatment.

Response: While many U.S. treaties of Friendship, Commerce and Navigation accord vessels of the other party, and nationals of the other party engaged in commercial activity, national treatment and most-favored-nation treatment, such treaties typically contain clauses which subject the entry privileges granted therein to the immigration laws of each party and deny any right to engage in gainful occupations in contravention of limitations expressly imposed, according to internal laws and regulations, as a condition of their admittance.

Comment: One commenter recalled that the definition in Section 258 of the Immigration and Nationality Act of longshore work differs from the rules, regulations and practice in other countries and asserted that application of the definition in the U.S. legislation to foreign ships would hinder the sovereignty a flag state exercises over a ship in its register. In this connection, several commenters expressed concerns about U.S. citizens doing certain longshore activities, such as handling of ships' stores, repairs to ships, midstream loading, opening and closing of cargo hatches, and fueling, which, they said, the crew traditionally carries out and can better do.

Response: The definition of longshore work contained in Section 258 is indeed broad, encompassing ''any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go, in the United States or the coastal waters thereof.'' Under this broad definition, the Department is directed in the law to maintain the list of countries ''by particular activity.'' Only those particular activities restricted in a foreign country will be restricted in the United States. Thus, in no case will the application of the law provide for restrictions broader than those applied by the foreign country in which the ship in question is flagged or owned. Similarly, practices traditionally performed by ships' crews will not be restricted in the U.S. unless the performance of such practices is restricted in a foreign country.

Comment: Several commenters expressed fear that the proposed rule would increase the danger of accidents and environmental mishaps. The writers said that transient port workers could not acquire the level of experience and training necessary to operate sophisticated cargo transfer equipment, which often differs from ship to ship. The commenters expressed concerns that at the high rates of cargo discharge the equipment makes possible, mishandling might cause serious injury to personnel and create environmental hazards.

Response: The law does not give the authority to grant a reciprocity exemption for safety or environmental concerns, except for countries that regulate longshore activities in their ports and waters on this basis. Congress separately addressed environmental and safety issues regarding the handling of certain types of hazardous cargo in Section 258(b)(2) discussed earlier.

Comment: Several commenters highlighted the practical difficulties of applying a rule to longshore activities that take place in private terminals, many of which are in remote areas where no shoreside labor is available or where there may be no port facilities at all.

Response: The Department notes that the ''Prevailing Practice Exception'' described above would appear to cover the circumstances described by these commentators. In those cases where the Department obtained particular information about practices in private terminals, that information has been reflected in the list of countries.

Implementation Procedures

Comment: One commenter said that the survey was too limited because it did not take general labor laws into account. Another commenter expressed the fear that the standardized methodology developed by the Department would generate inaccurate findings and overlook local rules in foreign countries affecting specialized vessels. The writer noted that appropriate procedures for specialized ships may not exist in many smaller countries where such ships rarely call. The commenter doubted whether the follow-up procedures would be thorough enough to make accurate or fair determinations. Another commenter recommended a provision for periodic review to account for changes in longshore work resulting from technological change. Noting some activities enumerated in the list, another commenter asked for a procedure to secure official interpretations of authorized longshore work exemptions for nations generally listed as ineligible for the reciprocity exception. Several commenters worried that the proposed rule would overburden U.S. immigration inspectors by making them responsible for interpreting differing customs and practice in each port.

Response: The GAO report urged the Department to develop standardized methodology to ensure consistent treatment of countries. The Department has made every effort to obtain full and accurate information about the countries listed, including general labor laws where they affect the performance of longshore work by U.S. seamen, and is prepared to investigate information supplied by interested parties and adjust the list accordingly. The Department is required to update the list annually. The Department's goal is to maintain the list in a fashion that reflects laws, regulations and practices in foreign countries as accurately as possible. Where technological change results in a change in such laws, regulations or practices, that will be reflected in the list. The responsibility for interpreting the list and authorizing or denying the performance of activities by alien members of foreign ships' crews in specific instances lies with the Immigration and Naturalization Service (INS). The Department is prepared to assist the INS in cases where more detailed information about specific practices in foreign countries would be useful in their determination. While the expansion of the list of countries in which restrictions have been found may change the determination by the INS in specific cases, it is not anticipated that the workload of the INS would expand significantly as a result.

Comment: One commenter noted that the Department has not placed countries about which it has no information on the list. The writer said that any country should be on the list unless the country can conclusively demonstrate its eligibility for a reciprocity exemption.

Response: The law directs the Department to maintain a list of countries where restrictions exist. The Department is not in a position to assume such restrictions absent specific information.

Comment: One commenter said that countries whose ships are currently prohibited from calling on U.S. ports should be put on the list in case the prohibition ends during the life of the Department's rule.

Response: The Department is prepared to consider the situation with respect to such countries at the time their ships become eligible to enter U.S. waters, and revise the list if necessary.

Comment: One commenter questioned the Department's decision not to survey laws, regulations and practices in countries, dependencies and other geographic entities with a population of less than 5,000 people. The writer noted that there is nothing in the statute or the legislative history to support this.

Response: The Department does not believe that it has omitted areas whose ships are likely to call in the United States. Interested parties are encouraged to provide the Department with information concerning longshore rules, regulations or practices in areas not on the list.

Economic Impact

Comment: Several comments questioned the rationale and methodology leading to the Department's conclusion that the benefits of the proposed rule for U.S. longshore workers and seamen outweigh the benefits to U.S. businesses under the previous interpretation. The writers generally agreed that the law is intended to protect the jobs of U.S. longshore workers but contended that the proposed rule would require longshore workers in many situations where they are not needed. Many commenters feared that the proposed rule would have a negative impact on business, in particular for shippers of bulk commodities and exporters of timber products. Other comments suggested that the proposed rule would have an impact on the budgets of state and local governments in the snow belt by raising the transport costs of road salt, a heavy bulk commodity whose transport costs can exceed the initial acquisition costs. Some comments also expressed concern that the rule would discourage technological innovation. One suggested that the proposed rule would give foreign competitors an advantage in the world market by diverting modern, more efficient vessels to other countries.

Response: In the Department's view, the economic rationale for Section 258 rests on the fact that all of the longshore workers or seamen to whom benefits may accrue are U.S. citizens, while the businesses that may pay higher costs, and their consumers, are often foreign. In those cases where the effect of the law is, ceteris paribus, to shift work from foreign crews to U.S. longshore workers, there will be an obvious gain for the U.S. economy. In those cases where the shift to U.S. longshore workers results in higher loading or unloading costs, but the activity continues at the same levels, for example in the case of the import of road salt, there may still be an overall net gain for the U.S. economy as a whole. From a macroeconomic point of view, increased costs to American businesses, municipalities, or consumers would be offset by the increased income and spending of U.S. longshore workers or seamen; in those cases where at least part of the increased cost was borne by foreign entities, there would be a net gain for the U.S. economy as a whole. A number of companies have raised the possibility of job losses or other external negative effects in the United States. While it is certainly possible that application of the law could result in higher shipping

costs in certain trades, and that such higher costs could affect the level of those trades, in general the Department found such concerns to be based on worst case scenarios focusing solely on the reciprocity exception while disregarding other measures that might be taken to reduce costs. For example, in a number of cases, concerns were expressed about the loss of a reciprocity exception in industries and situations where, in the Department's view, a ''Prevailing Practice Exception'' would almost certainly apply. This is particularly likely in the case of bulk shippers operating in private ports or terminals. In other cases, one or another of the other exceptions in section 258 may apply.

In cases where no exception applies, other measures that may be available to businesses to mitigate any negative effects from this ruling include the employment of U.S. citizens aboard foreign-owned or flagged vessels to perform the work in question, the use of U.S. flag ships, and the reflagging of vessels in countries eligible for the reciprocity exception. In all cases, companies will be able, at a minimum, to utilize the collective bargaining process to seek cost structures that maximize the collective economic benefit for all concerned.

With respect to fears that companies might have to employ unnecessary labor, the Department notes that Section 258 is quite explicit in prohibiting the performance of work by alien seamen. The intent is to substitute U.S. labor for foreign labor, not to add unnecessary labor, although this would be allowed on a reciprocity basis if it were an accepted practice in the foreign country in question.

As to the possible diversion of modern more-efficient vessels to other countries, companies may wish to explore provisions in the Immigration and Naturalization Act which allow foreign workers with specialized skills to work in the United States. The Department notes, for example, that operators of specialized equipment connected with the log trade have entered the United States, after appropriate determinations, with specialized visas other than those issued to crew members. The Department is of the view that such workers do not fall within the scope of Section 258, which relates specifically to persons eligible to enter the United States under section 101(a)(15)(D)(i).

With respect to the specific industries about which questions were raised, the Department notes that in some cases it was possible to confirm information supplied about alleged restricted or unrestricted practices in foreign countries. Where necessary in these cases, the list of countries has been adjusted.

Specialized Vessels

Comment: Many comments highlighted the effect of the proposed rule on specialized vessels. Noting the special training required for the safe and efficient operation of equipment aboard these ships, several commenters requested a blanket exemption for self-unloading bulk vessels and log carriers.

Response: The Department does not have the authority to grant a blanket exception for self-loading/unloading bulk vessels or log carriers, or, indeed, any specific class of ships. Country-specific reciprocity exceptions of this type were sometimes possible, however. The Department notes that the law refers specifically to vessels with self-unloading conveyor belts and vacuum-actuated systems in discussing the ''Prevailing Practice Exception.''

Comment: One commenter contended that the law was not intended to apply to passenger vessels.

Response: The Department agrees, based on language in the Conference Report, that the law was not intended to apply to passenger vessels.

Status of Individual Countries

Canada: A large number of comments discussed Canada's eligibility for a reciprocity exception. Referring to the historically close links and free trade commitments between Canada and the U.S., several comments called for a blanket exemption for the entire country. One commenter contended that Canada has a general regulation that the Canadian Government might not be enforcing which requires an employment validation for foreign crew members. The writer called for placing Canada on the list because of this legal requirement. Many comments went into great detail about practices in different parts of Canada. Twenty-six commenters stressed the importance of maintaining an exception for Canadian bulk vessels in the Great Lakes. They warned that elimination of the exception would hurt the special trade relationship between the United States and Canada by raising transport costs for a variety of bulk commodities. A number of them noted that the crews of U.S. bulk ships in Canadian Great Lakes ports are free to carry out longshore work. The writers offered technical suggestions about the exception in the listing for that region. Another commenter reported that a collective bargaining agreement in Vancouver, British Colombia prevents the use of belt self-unloading vessels.

In response, the Department has consulted extensively with U.S. diplomatic posts in Canada, U.S. carriers operating into Canada, union and industry officials, and the Canadian government. The widespread existence of restrictive collective bargaining agreements at liner terminals and public ports was confirmed, requiring the inclusion of Canada on the list of countries with restrictive practices. However, the technical corrections to the exceptions for bulk cargo at Great Lakes ports were found to reflect actual practice and have been incorporated in the list. Two U.S. operators of specialized self-loading/unloading log carriers confirmed that they have been able to operate in Canadian Pacific ports and waters without restrictions on their U.S. crews, and an exception has therefore been added in this regard. Exceptions were also added for a number of shipboard activities found to be generally excepted in Canadian collective bargaining agreements. Finally, U.S. carriers, Canadian government and industry officials, and labor union officials advised the U.S. Consulates in Montreal, Halifax and Vancouver that restrictions in collective bargaining agreements do not apply to U.S. self-loading/unloading bulk vessels calling on private terminals, so an exception was added for these vessels at private terminals.

Chile: After reviewing the report from the U.S. Embassy in Santiago, a commenter questioned the decision not to place Chile on the list because of a provision in Chilean law allowing authorities to restrict access to port areas by any person.

The Department acknowledges the existence of the law, but notes that it does not require access to be restricted. According to information provided by the U.S. Embassy in Santiago, access by U.S. mariners is not restricted. Therefore, Chile has not been added to the list.

Congo: A commenter notes that the U.S. Embassy in Brazzaville did not find any restrictions on longshore work, but had reported in response to inquiries to compile earlier lists that the Congo did prohibit foreign mariners from carrying out longshore work.

The Department has asked the U.S. Embassy in Libreville Congo to investigate further. Based on the most current information, Congo will not be added to the list at this time.

France: One commenter noted that the U.S. Embassy in Paris did not find any restrictions on longshore work, but had reported in response to inquiries to

compile earlier lists that France had laws setting aside longshore activities for local port workers.

At the Department's request, the U.S. diplomatic posts in France investigated further and determined that French law does in fact restrict longshore activities, with certain exceptions, to registered workers employed by a stevedore company at a French port. France therefore has been placed on the list.

Greece: The U.S. Embassy in Athens had reported that there were not any restrictions on longshore work, but the Department received other reports that local dockworkers have the exclusive right to do longshore work.

The Department asked the U.S. Embassy in Athens to investigate further. The Embassy has confirmed that foreign crew may not operate shore-based equipment to load/unload a vessel, as a license is required to operate such equipment. Greece is therefore being added to the list of countries.

Greenland: The Government of Denmark reported that Greenland does not possess a separate ship registry and asked that Greenland be treated the same as Denmark for purposes of possible inclusion in the list of countries.

The U.S. Embassy in Denmark confirmed the Danish Government's report and provided information indicating that U.S. mariners were not restricted in activities defined as longshore work in the statute. Greenland has therefore been dropped from the list.

Italy: After reviewing reports from the U.S. Embassy in Rome, a commenter questioned whether Italy should be placed on the list for line handling. The commenter noted that Italian law does not consider line handling as longshore activity and requires authorization by government authorities. The commenter also questioned whether Italian law only allows mariners from EU member countries to perform longshore work.

At the request of the Department, the U.S. Embassy in Rome investigated further and determined that certain longshore activities, including cargo loading, discharge and transfer, may be performed by EU and non-EU mariners with authorization from the national maritime authority or port authority where a maritime office is not present. Italian law, on the other hand, does not allow foreign mariners to handle mooring lines on the dock or do other activities not immediately related to cargo handling. Italy is therefore being added to the list.

Norway: A commenter noted that the U.S. Embassy in Oslo did not find any restrictions on longshore work, but had reported in response to inquiries to compile earlier lists that Norwegian laws not in force restrict most longshore work to local port workers.

The Department has asked the U.S. Embassy in Oslo to investigate further. Pending further information, Norway is not being added to the list.

Oman: One commenter pointed out that information received in response to the Department's questionnaire differed from that reported in the past.

The Department has asked the U.S. Embassy in Muscat, Oman to investigate further. Pending confirmation of its initial report, the Department is not adding Oman to the list.

Sierra Leone: One commenter pointed out that information received in response to the Department's questionnaire differed from that reported in the past.

In response, the Department reviewed conditions in Sierra Leone and determined that the Sierra Leone Ports Authority is the only agency designated by the government to engage in stevedoring services. Sierra Leone has therefore been added to the list of countries in which there are restrictions.

Vanuatu: Two commenters asserted that there are no government rules, regulations or collective bargaining agreements restricting longshore work by U.S. mariners in Vanuatu.

In response, the Department reconfirmed with the U.S. Embassy in Port Moresby that actual practice in Vanuatu was restrictive in some respects. Vanuatu has therefore been retained on the list, in slightly modified form.

List of Subjects in 22 CFR Part 89

Aliens, Crewmembers, Immigration, Labor, Longshore and harbor workers, Seamen.

For the reasons set out in the preamble, 22 CFR Chapter I is amended as follows:

PART 89—PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

1. The authority citation for part 89 continues to read as follows:

Authority: 8 U.S.C. 1288, Public Law 101–649 Stat. 4878

2. Part 89 is amended by revising § 89.1 to read as follows:

§ 89.1 Prohibitions on Longshore work by U.S. nationals; listing by country.

The Secretary of State has determined that, in the following countries, longshore work by crewmembers aboard United States vessels is prohibited by law, regulation, or in practice, with respect to the particular activities noted:

Algeria

(a) All longshore activities.

Angola

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches
(2) Rigging of ship's gear, and
(3) Loading and discharge of cargo on board the ship if local labor is paid as if they had done the work.

Argentina

(a) All longshore activities.
(b) Exceptions:
(1) Cargo tiedown and untying,
(2) When a disaster occurs,
(3) Provision of vessel supplies, and
(4) Opening and closing of hatches.

Australia

(a) All longshore activities.
(b) Exceptions:
(1) When shore labor cannot be obtained at rates prescribed by collective bargaining agreements,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Bahamas

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo related equipment on board the ship,
(2) Opening and closing of hatches,
(3) Rigging of ship's gear, and
(4) Use of specialized equipment which port workers cannot handle alone, with the concurrence of the local longshore union.

Bangladesh

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment integral to the vessel when there is a shortage of port workers able to operate the equipment and with the permission of the port authority, and
(2) Opening and closing of hatches.

Belgium

(a) All longshore activities.

Belize

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Benin

(a) All longshore activities.
(b) Exceptions:

(1) Operation of cargo related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Bermuda

(a) Loading and discharge of cargo using cranes and loading equipment situated on the docks or wharves.
(b) Line handling on the docks.

Brazil

(a) All longshore activities at public terminals.

Bulgaria

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo related equipment,
(2) Opening and closing of hatches,
(3) Rigging of ship's gear,
(4) Mooring and line handling, and
(5) Operation of special equipment and discharge of dangerous cargo, with the preliminary authorization of the Port Administration and Harbor Master.

Burma

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Cameroon

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Canada

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches,
(2) Cleaning of holds and tanks,
(3) Loading of ship's stores,
(4) Operation of onboard rented equipment,
(5) Ballasting and deballasting,
(6) Rigging of ship's gear,
(7) Exceptions in connection with bulk cargo at Great Lakes ports only:
(i) Handling of mooring lines on the dock when the vessel is made fast, shifted or let go,
(ii) Moving the vessel to place it under shoreside loading and unloading equipment,
(iii) Moving the vessel in position to unload the vessel onto specific cargo piles, hoppers or conveyor belt systems, and
(iv) Operation of cargo related equipment integral to the vessel.
(8) Operation of self-loading/unloading equipment and line handling by the crews of bulk vessels calling at private terminals, and
(9) Operation of specialized self-loading/unloading log carriers on the Pacific Coast.

Cape Verde

(a) All longshore activities.

China

(a) Handling of mooring lines.

Colombia

(a) All longshore activities.
(b) Exception: When local workers are unable or unavailable to provide longshore services.

Comoros

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo related equipment,
(2) Opening and closing of hatches,
(3) Rigging of ship's gear, and
(4) Other activities with government authorization.

Costa Rica

(a) Operation of equipment fixed to the ground.

Cote d'Ivoire

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of automated ship's gear.

Croatia

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment on board the ship when outside of port, and
(2) Operation of specialized unloading equipment.

Cyprus

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Djibouti

(a) All longshore activities.
(b) Exception: Operation of cranes aboard ship.

Dominica

(a) All longshore activities.

Dominican Republic

(a) All longshore activities.
(b) Exception: Operation of equipment with which local port workers are not familiar.

Ecuador

(a) All longshore activities.

Egypt

(a) Cargo loading and unloading activities not on board the ship.

El Salvador

(a) All longshore activities.

Eritrea

(a) All longshore activities.
(b) Exception: Opening and closing of hatches and rigging of ship's gear if port labor is paid as if it had done the work.

Estonia

(a) All longshore activities.
(b) Exceptions:
(1) On-board mooring activities,
(2) Replacement of lines,
(3) Lifting and movement of ladders,
(4) Movement of vessel's equipment,
(5) Loading of food and vessel's equipment by cargo-related equipment of the vessel, and
(6) Securing of general cargo, vehicles and containers to the vessel.

Fiji

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo related equipment, except for discharging cargo,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Finland

(a) All longshore activities.
(b) Exceptions, when not related to cargo loading and discharge:
(1) Operation of cargo-related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

France

(a) All longshore activities.
(b) Exceptions:
(1) Loading and discharge of the ship's own material and provisions if done by the ship's own equipment or by the owner of the merchandise using his own personnel,
(2) Opening and closing of hatches,
(3) Rigging of ship's gear,
(4) Operation of cargo-related equipment to shift cargo internally,
(5) Handling operations connected with shipbuilding and refitting, and
(6) Offloading fish by the crew or personnel working for the ship owner.

Gabon

(a) All longshore activities.
(b) Exception: All longshore activities if local workers are paid as if they had done the work.

Georgia

(a) All longshore activities.

(b) Exception: All longshore activities if local workers are paid as if they had done the work.

Germany

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Ghana

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Greece

(a) Operation of shore-based equipment to load/unload a vessel.

Guatemala

(a) All longshore activities.

Guinea

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Guyana

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment aboard ship,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Haiti

(a) All longshore activities.

Honduras

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Hong Kong

(a) Operation of equipment on the pier.

Iceland

(a) All longshore activities.
(b) Exception: Operation of shipboard equipment and cranes.

India

(a) All longshore activities.
(b) Exception: Operation of shipboard equipment that local port workers cannot operate.

Indonesia

(a) All longshore activities.
(b) Exceptions:
(1) With the permission of the port administrator, when no local port workers with requisite skills are available, and
(2) In the event of an emergency.

Ireland

(a) All longshore activities.

Israel

(a) All longshore activities.

Italy

(a) Cargo loading, discharge and transfer without the permission of the Maritime Administration or the local port authority, if no office of the Maritime Administration is present, and a deposit for possible use of port stevedoring services.
(b) Handling of lines on the dock and other longshore activities not immediate related to cargo handling.

Jamaica

(a) All longshore activities.
(b) Exceptions:
(1) Operation of equipment integral to the vessel,
(2) Opening and closing of hatches, jointly with local port workers, and
(3) Rigging of ship's gear jointly with local port workers.

Japan

(a) All longshore activities.

Jordan

(a) All longshore activities.

Kenya

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches,
(2) Rigging of ship's gear,
(3) In an emergency declared by the port authority, and
(4) Direct transfer of cargo from one ship to another.

Korea

(a) All longshore activities.

Kuwait

(a) All longshore activities.
(b) Exceptions, when activities are declined by port workers:
(1) Operation of cargo-related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Liberia

(a) Longshore activities on shore.

Lithuania

(a) The following activities in harbor:
(1) Loading and discharge of cargo,
(2) Maintenance of port equipment,
(3) Receiving and fixing of dock ropes to harbor equipment,
(4) Transportation of cargo within the port, and
(5) Warehousing and security.
(b) Exception: Opening and closing of hatches.

Madagascar

(a) All longshore activities.

Malaysia

(a) All longshore activities.
(b) Exception: Loading and discharge of hazardous materials.

Maldive Islands

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment aboard ship,
(2) Opening and closing of hatches,
(3) Rigging of ship's gear, and
(4) Other longshore activities within port limits, when authorized by the port authority in cases when the port authority is unable to provide longshore workers.

Malta

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Mauritania

(a) All longshore activities on shore.

Mauritius

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Mexico

(a) All longshore activities.
(b) Exception: Onboard activities if local workers are paid as if they had done the work.

Micronesia

(a) All longshore activities.
(b) Exceptions:
(1) Operation and rigging of gear which local port workers cannot do, and
(2) When no qualified citizens are available.

Morocco

(a) All longshore activities.
(b) Exceptions:
(1) Operation of ship's gear which port workers cannot operate,
(2) Opening and closing of hatches,
(3) Rigging of ship's gear aboard ship, and
(4) Fastening and unfastening containers.

Mozambique

(a) All longshore activities on shore.

Namibia

(a) Longshore activities on shore.

Nauru

(a) All longshore activities.

Netherlands

(a) All longshore activities.
(b) Exception: Regular crew activities on board ship, including operation of cargo-related equipment, opening and closing of hatches, and rigging of ship's gear.

Netherlands Antilles

(a) All longshore activities.
(b) Exceptions:
(1) Operation of ship's gear,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

New Zealand

(a) All longshore activities.

Nicaragua

(a) All longshore activities.
(b) Exception: Shipboard activities if local workers are paid as if they had done the work.

Pakistan

(a) Longshore activities on shore.
(b) Handling of mooring lines.
(c) Exception: Operation of equipment which dock workers are not capable of operating.

Panama

(a) All longshore activities.
(b) Exceptions:
(1) Rigging of ship's gear,
(2) Cargo handling operations with ship's gear, when port authority equipment is not available to load or unload a vessel.

Papua New Guinea

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Peru

(a) All longshore activities.
(b) Exceptions:
(1) Handling of certain types of hazardous cargo, and
(2) Operation of shipboard equipment requiring special training.

Philippines

(a) All longshore activities.
(b) Exceptions:
(1) Activities on board ship, except for loading and discharge of cargo,
(2) Longshore activities for hazardous or polluting cargoes, and
(3) Longshore activities on government vessels.

Poland

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment,
(2) Opening and closing of hatches, and
(3) Rigging of ship's gear.

Portugal (including Azores)

(a) All longshore activities.
(b) Exceptions:
(1) Military operations,
(2) Operations in an emergency, when under the supervision of the maritime authorities,
(3) Security or inspection operations,
(4) Loading and discharge of supplies for the vessel and its crew,
(5) Loading and discharge of fuel and petroleum products at special terminals,
(6) Loading and discharge of chemical products if required for safety reasons,
(7) Placing of trailers and similar material in parking areas when done before loading or after discharge,
(8) Cleaning of the vessel, and
(9) Loading, discharge and disposal of merchandise in other boats.

Qatar

(a) All longshore activities.

Romania

(a) All longshore activities.
(b) Exceptions:
(1) Operation of specialized shipboard equipment, and
(2) Loading and discharge of cargo requiring special operations.

St. Lucia

(a) All longshore activities.

St. Vincent and the Grenadines

(a) All longshore activities.

Saudi Arabia

(a) All longshore activities.

Senegal

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches,
(2) Rigging of ship's gear, and
(3) Cargo handling when necessary to ensure the safety or stability of the vessel.

Seychelles

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Sierra Leone

(a) All longshore activities.

Slovenia

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Solomon Islands

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

South Africa

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Spain

(a) All longshore activities.

Sri Lanka

(a) Longshore activities on shore.

Sweden

(a) Loading and discharge of cargo.
(b) Rigging of cargo nets, straps and wires to make ready for loading by the crane.
(c) Cargo handling.
(d) Line handling on the dock.

Taiwan

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment which local longshoremen cannot operate, and
(2) Opening and closing of hatches operated automatically.

Tanzania

(a) All longshore activities.
(b) Exception: All longshore activities if local workers are paid as if they had done the work.

Thailand

(a) Longshore activities on shore.
(b) Exception: Longshore activities in private ports.

Togo

(a) All longshore activities.
(b) Exceptions:
(1) Operation of cargo-related equipment on board the ship, and
(2) Opening and closing of hatches, upon the agreement of the port officer on duty.

Trinidad and Tobago

(a) All longshore activities.

(b) Exceptions:
(1) Opening and closing of hatches, if done automatically, and
(2) Rigging of ship's gear.

Tunisia

(a) All longshore activities.
(b) Exception: When the number of local dock workers is insufficient or when the workers are not qualified to do the work.

Uruguay

(a) Stowing, unstowing, loading and discharge, and related activities on board ships in commercial ports.
(b) Cargo handling on the docks and piers of commercial ports.
(c) Exception: Activities usually performed by the ship's crew, including operation of cargo-related equipment, opening and closing of hatches and rigging of ship's gear.

Vanuatu

(a) All longshore activities on shore.

Venezuela

(a) Longshore activities in private ports and terminals.

Western Samoa

(a) All longshore activities.
(b) Exceptions:
(1) Opening and closing of hatches, and
(2) Rigging of ship's gear.

Yemen

(a) All longshore activities.

Zaire

(a) All longshore activities.
(b) Exception: Operation of cargo-related equipment, when authorized by the Port Authority.

Dated: May 16, 1996.

Alan P. Larson,

Acting Assistant Secretary, Economic and Business Affairs, Department of State.

[FR Doc. 96–14821 Filed 6–12–96; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

RIN 1512–AA07

[TD ATF–375]

The Malibu-Newton Canyon Viticultural Area (95R–014P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in the State of California to be known as ''Malibu-Newton Canyon.'' The petition for this viticultural area was filed by Mr. George Rosenthal, President of Rancho Escondido, Inc.

The ''Malibu-Newton Canyon'' viticultural area comprises approximately 850 acres within Newton Canyon, a bowl-shaped valley located on the south-facing side of the Santa Monica Mountains. Vineyards currently within the proposed viticultural area are located on the Rancho Escondido Estate. Rancho Escondido is comprised of approximately 157 acres, all of which lie within the proposed area. Approximately 14 of these acres are planted with premium wine producing vineyards. Varietals include Cabernet Savignon, Merlot, Cabernet Franc, Chardonnay and Petite Verdot. Currently, there are no wineries located within the proposed ''Malibu-Newton Canyon'' area.

ATF believes that the establishment of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

EFFECTIVE DATE: June 13, 1996.

FOR FURTHER INFORMATION CONTACT: David Brokaw, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF received a petition from Mr. George Rosenthal, President of Rancho Escondido, Inc., proposing to establish a new viticultural appellation in the Malibu area of Los Angeles County, California, to be known as ''Malibu-Newton Canyon.'' The viticultural area, comprising approximately 850 acres, is located within Newton Canyon which is a bowl-shaped valley located on the south-facing side of the Santa Monica Mountains. Vineyards currently within the viticultural area are located on the Rancho Escondido Estate. Rancho Escondido is comprised of approximately 157 acres, all of which lie within the ''Malibu-Newton Canyon'' viticultural area. Approximately 14 of these acres are planted with premium wine producing vineyards. Varietals include Cabernet Savignon, Merlot, Cabernet Franc, Chardonnay and Petite Verdot. Currently, there are no wineries located within the ''Malibu-Newton Canyon'' viticultural area.

Notice of Proposed Rulemaking

In response to Mr. George Rosenthal's petition, ATF published a notice of proposed rulemaking, Notice No. 817, in the Federal Register on December 22, 1995 [60 FR 66535], proposing the establishment of the Malibu-Newton Canyon viticultural area. The notice requested comments from all interested persons by February 20, 1996.

Comments on Notice of Proposed Rulemaking

ATF did not receive any letters of comment in response to Notice No. 817.

Two letters of support from landowners located within the Malibu-Newton Canyon viticultural area were received prior to issuing Notice No. 817. Accordingly, this final rule establishes a Malibu-Newton Canyon viticultural area with boundaries identical to those proposed in Notice No. 817. The petition provides the following information as evidence that the viticultural area meets the regulatory requirements discussed previously.

Evidence That the Name of the Area Is Locally or Nationally Known

According to the petitioner, the origin of the name Malibu comes from the ancient Chumash Indian word MALA I BOO, meaning ''Place on the Cliff,'' and was the name of an Indian village just beyond Malibu Beach. After the Spaniards took control of southern California, the encompassing Chumash ranchera UMALIBO became known as the Malibu Rancho. A Spanish settler, Jose Bartolome Tapia gained control of the rancho and was later granted the land by the Governor of the Californias. The present day spelling appears on the name of the Topanga Malibu Sequit grant dated July 12, 1805. It originally totalled 13,315 acres, one of the largest southern California Ranchos at that time.

The petitioner further states that throughout the 19th century, Rancho Malibu changed hands many times but remained intact. Until the construction of the Pacific Coast Highway in the 1930's, the privacy of Rancho Malibu had not been invaded. With the burgeoning economy of southern California, conditions greatly changed. This historic rancho was finally subdivided during the same decade. Following soon after, the famous Malibu Beach Colony was established where movie stars and industry moguls began constructing their homes. The Malibu area then quickly developed into the highly recognized community of Los Angeles as it is known today.

Throughout this region there exists topography in the form of roads, a creek, a lake, a canyon, a beach, hiking trails, parks, vistas, etc. which denote the name ''Malibu.'' The region lying roughly from the ridge line of the Santa Monica Mountains to the ocean, and from Topanga Canyon to the Ventura County line is commonly known as Malibu, according to the petitioner. While the city of Malibu was incorporated in 1992, the entire surrounding area described above continues to be recognized as Malibu. ''Malibu'' could be applied to any of the hills/mountains which drain toward the ocean through the city of Malibu, including Newton Canyon, the location of the viticultural area.

The petitioner provided a 1:250,000 scale Topographic-Bathymetric map of Los Angeles to document the use of the name, ''Malibu.'' An article in the October 15, 1994, issue of the ''Wine Spectator,'' entitled ''A Vineyard Grows in Malibu Canyon,'' refers to the area around ''The Malibu Estate'' (Rancho Escondido, Inc.) as ''Malibu Hills.'' Also, included as an exhibit was a copy of an article from, ''The Underground Wine Journal,'' 1994, entitled, ''Distinctive New Wines.'' This article refers to ''The Malibu Estate'' as being located ''in the hills above Malibu.''

According to the petitioner, the name ''Newton Canyon'' is generally known as describing the specific area in which the viticultural area is located. This is evidenced by the name of the main street running through the viticultural area— ''Newton Canyon Road.'' In addition, maps of the area, including the U.S.G.S. map referenced and shown within the petition, label the area as, ''Newton Canyon.'' The petitioner states that, ''Newton Canyon alone is not descriptive enough to describe the general location of the viticultural area, and further, might possibly cause public confusion in relation to Newton Vineyards, located in the Napa Valley.'' Therefore, the petitioner proposed the name, ''Malibu-Newton Canyon.''

Historical or Current Evidence that the Boundaries of the Viticultural Area Are As Specified in The Petition

The boundaries of the ''Malibu-Newton Canyon'' viticultural area follow the natural ridge lines which define Newton Canyon and are delineated on the U.S.G.S. Point Dume, California, quadrangle map.

Newton Canyon is a bowl-shaped valley located on the south-facing side of the Santa Monica Mountains, in the Malibu area of Los Angeles County. The canyon is oriented along an east-west axis. The valley floor lies at an elevation of approximately 1,400 feet. The surrounding ridgeline ranges in elevation from 1,800–2,100 feet on the southern ocean side of the canyon, continuing to 2,100–2,800 feet on the high side of the canyon to the north.

According to the petitioner, the elevation of the southern rim of the canyon is low enough to allow evening fog to sift into the valley, but high enough to keep out the marine layer that shrouds much of the coastline throughout the daytime. The northern rim of the canyon joins the crest of the Santa Monica Mountains that divides oceanside from leeside. Lying at the eastern most side of the canyon, Castro Peak is another distinguishing feature which marks one of the highest points in the Santa Monica Mountains at 2,824 feet.

The petitioner further states that approximately two-thirds of the surrounding Malibu area contains slopes greater than 25 percent, with only one-fifth having relatively level terrain. Throughout the past several decades, most of the usable land in the Malibu area has been developed. Because of increasingly high land prices, very little of the land in the general Malibu area is still used for agriculture. The Santa Monica Mountains also have thousands of acres dedicated to State and national parks, with more acreage being aggressively acquired by public conservation agencies.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish the Viticultural Features of the Area From Surrounding Areas

Climate

Based upon a 1994 climate study completed by Fox Weather, Oxnard, California, the petitioner asserts the following: The general climate of the Malibu area is typical of southern California with mild, rainy winters, and warm, dry summers. However, there are several climatological factors which distinguish the ''Malibu-Newton Canyon'' viticultural area from the surrounding region.

While summer temperatures often exceed 80 degrees in the afternoon, cooling ocean breezes flow into the valley in the evening, according to the petitioner. Moreover, during the evening and early morning a light fog often filters into the valley and settles along the slopes, creating a unique microclimate which is significantly cooler than the surrounding inland areas. Typically, the morning sun shines through the fog, which in turn is swept out by warm winds and high daytime temperatures. The valley enjoys southern exposure to the sun throughout the afternoon. According to the petitioner, these conditions are ideal for premium grape growing.

Because of its high elevation and orientation, the viticultural area does not experience the constantly overcast skies and cooler temperatures of the coastal region immediately below.

Newton Canyon, within which the viticultural area is located, is a unique pocket protected from marine influence. The coastline near sea level is a more temperate climate controlled by marine stratus with uniformly cold

temperatures, fog and low clouds. This cooler and more humid coastal environment, mainly affecting areas below the 1,300 foot level, can create grape rot and delay maturation.

The petitioner claims that the ''Malibu-Newton Canyon'' viticultural area is, in the daytime, a sunny warm oasis for a coastal location. The area is located at an elevation which lies just at the bottom of the inversion layer and just at the top of the marine layer. Typically, the marine layer ceiling is approximately 1,400 feet on average. The southern or bottom rim of the canyon acts as a barrier to the marine layer, preventing the bulk of the coastal fog and low clouds from penetrating the valley for extended periods of time. This allows the ''Malibu-Newton Canyon'' viticultural area to enjoy favorable cooling effects of the Pacific ocean and have the warm sunny daytime temperatures found in the adjacent interior valleys.

Nearby inland areas experience uniformly hot summer temperatures similar to those experienced in the upper elevations on the oceanside of the Santa Monica Mountains. However, these inland areas receive little or no fog and much less precipitation than the oceanside regime, according to the petitioner.

An additional distinctive aspect is an increasing amount of precipitation with increasing elevation. The petitioner states that upland weather stations report practically twice the mean precipitation of the nearby lowland stations. Furthermore, the greatest monthly precipitation during the rainy season is from 1.5 to 3.0 times as great as that for the lowland stations. Precipitation is concentrated in the winter months. The average annual rainfall is about 24 inches, with approximately 12 percent occurring from the months of April to October.

The viticultural area experiences typical low temperatures in the winter time, just above freezing temperatures. Infrequent winter freezes have been known to occur during the dormant winter growing cycle.

In summary, the petitioner states that the viticultural area is characterized by an isolated microclimate that captures the favorable climatic conditions necessary for premium wine grape growing. In contrast, the petitioner states that the surrounding areas found on the oceanside of the Santa Monica Mountains (i.e, Malibu, Oxnard, Santa Monica) are uniformly cool and overcast. Surrounding inland areas found on the leeside of the Santa Monica Mountains (i.e, Thousand Oaks, Agoura, Woodland Hills) are uniformly hot and dry. The petitioner provided a diagram illustrating the ''Malibu-Newton Canyon'' microclimate and a November 29, 1994, ''CLIMATOLOGICAL SURVEY FOR RANCHO ESCONDIDO VINEYARDS,'' by Alan D. Fox of Fox Weather.

Physical Features

According to the petitioner, the primary distinction of the viticultural area is its unique combination of shape, elevation, orientation and relative location to the marine influences of the Pacific Ocean. The viticultural area lies within a clearly defined valley with a ''bowl'' shape resting high on the oceanside of the Santa Monica Mountains. These physical features create a pocket which harbors the distinct microclimatic described above. The petitioner provided aerial photos to illustrate these physical features.

Drainage

All of the viticultural area drains into Newton Canyon Creek, continuing to Zuma Creek which then drains into the Pacific Ocean at Point Dume's westward beach, according to the petitioner.

Soils

As evidence of soil types, the petitioner provided a 1994 soils study completed by Soil & Plant Laboratory, Inc., Orange, California, in addition to ''Soils of the Malibu Area California'' published by the Soil Conservation Service, United States Department of Agriculture.

According to this information, major soils within the viticultural area range from loam to clay loam in texture. Subsoil texture ranges from clay loam to clay. Current plantings are mainly on Castaic and Rincon silty clay loams and Malibu loam which are lower elevation terrace soils that are moderately deep, with favorable Capability Class ratings of II to IV. Steeper hillside soils (mostly above the 1,700 foot contour line) are shallower with Capability Class ratings ranging from IV to VIII.

Soils in the viticultural area have moderate to high inherent fertility. Soil reaction in surface soils ranges from moderately acid to slightly alkaline. Subsoil ph varies with type and several areas are calcareous.

According to the petitioner, soil tests performed prior to the planting of vineyards in 1988 revealed that the topsoil found in much of lower Newton Canyon contained crushed rock, as a result of the construction of the nearby Kanan Dume Road tunnel, which is ideal for good drainage.

The surrounding areas are mainly steep hillsides and mountainous uplands with poor soil capability. These soils are usually shallower than those found in the viticultural area, and are subject to erosion.

Boundary

The boundary of the ''Malibu-Newton Canyon'' viticultural area may be found on one United States Geological Survey map, entitled Point Dume Quadrangle, California, 7.5 minute series, with a scale of 1:24,000.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this executive order.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to describe more accurately the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that area.

Accordingly, a regulatory flexibility analysis is not required because this final rule is not expected (1) to have significant secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paperwork Reduction Act

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

Drafting Information

The principal author of this document is David Brokaw, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.152 to read as follows:

* * * * *

§ 9.152 Malibu-Newton Canyon.

(a) *Name.* The name of the viticultural area described in this petition is ''Malibu-Newton Canyon.''

(b) *Approved maps.* The appropriate map for determining the boundary of the Malibu-Newton Canyon viticultural area is the U.S.G.S. map, ''Point Dume Quadrangle, California'' (7.5 Minute Series 1:24,000 Topographic map, photorevised 1981).

(c) *Boundary.* The Malibu-Newton Canyon viticultural area is located in Los Angeles County, California. The boundary is as follows:

(1) Beginning at the intersection of the Newton Canyon creek (lowest elevation) and an unnamed medium duty road referred to by the petitioner as Kanan Dume Road at the boundary of section 13 and 18 on the U.S.G.S. map ''Point Dume Quadrangle.''

(2) Then south along Kanan Dume Road to the point where an unnamed, unimproved dirt road referred to by the petitioner as Ramerez Mountain Way crosses over Kanan Dume Road at the tunnel in the northwest corner of section 19.

(3) Then east along Ramerez Mountain Way, following the southern ridgeline of Newton Canyon, to Latigo Canyon Road in the southwest corner of section 17.

(4) Then south along Latigo Canyon Road to an unnamed, unimproved dirt road referred to by the petitioner as Newton Mountain Way at the southern boundary of section 17.

(5) Then northeast along Newton Mountain Way, following the southeastern ridgeline of Newton Canyon, to an unnamed, unimproved dirt road referred to by the petitioner as Castro Mountain Way in section 16.

(6) Then west along Castro Mountain Way, past Castro Peak, following the northern ridgeline of Newton Canyon to Latigo Canyon Road in section 18.

(7) Then southwest along the natural ridgeline of Newton Canyon to the intersection of Kanan Dume Road and the 1,600 foot contour line in the southeastern portion of section 13.

(8) Then southeasterly along Kanan Dume Road to the beginning point.

Signed: May 7, 1996.

Bradley C. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14857 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–P

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 9

[T.D. ATF–377; Ref: Notice No. 818, T.D. ATF–148]

RIN 1512–AA07

Extension Of The Paso Robles Viticultural Area (93F–026T)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of Treasury.

ACTION: Final rule. Treasury decision.

SUMMARY: This final rule extends the western border of the Paso Robles viticultural area in San Luis Obispo County, California. This extension will include vineyard land similar to land in the current Paso Robles viticultural area which was established on October 4, 1983, by the issuance of Treasury Decision ATF–148 (48 FR 45241). This extension of the western border adds approximately 52,618 acres, of which 235 acres are being planted to vineyards.

EFFECTIVE DATE: August 12, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Lou Blake, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8210).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive American viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

The original petition to extend the western border of the Paso Robles viticultural area was filed in July 1993, by Justin C. Baldwin as spokesperson for his own vineyard and winery and for five other vineyards in the area. All of the vineyards and the winery, which are located outside the western border of the current Paso Robles viticultural area, were established after the original Paso Robles viticultural area was approved. At the time Mr. Baldwin submitted his petition additional information was still needed to complete the petition. Until the additional information could be obtained, the original petition was returned to Mr. Baldwin.

July Ackerman, Executive Director of the Paso Robles Vintners and Growers Association, later resubmitted the petition in December 1994. Ms. Ackerman, in her official role as Executive Director, along with members of the Paso Robles Vintners and Growers Association, supported the extension. The petition also included the names of 71 people in the grape and wine

industries who supported the expansion area.

Ms. Ackerman stated the expansion area has always been considered a part of the Paso Robles Wine Country. In fact, the petition noted that the expansion area was included in the original petition but was removed due to a petition involving a contiguous area. The expansion area is between the boundaries set forth in these two petitions. In 1989 the Paso Robles Chamber of Commerce published ''A History and Tour Guide of the Paso Robles Wine Country.'' Included in this publication was one of the vineyards and wineries located in the expansion area. As noted, the expansion area was also originally included in the petition for the current Paso Robles viticultural area. However, a concurrent petition was being considered for the York Mountain viticultural area and to prevent any intrusion into York Mountain the petitioner for Paso Robles amended the southwestern border. At the same time, the western boundary was amended to begin at the next most eastern range line. At the time of this amendment, no vineyards had been established in the area beyond the amended western boundary.

The expanded western border of the Paso Robles viticultural area will continue to maintain a southwestern border adjacent to York Mountain's northern border. This expansion would add approximately 52,618 acres to the existing viticultural area. Since the final rule for the Paso Robles viticultural area was published in 1983, seven vineyards have been planted in the expansion area.

Notice of Proposed Rulemaking

In response to Ms. Ackerman's petition, ATF published a notice of proposed rulemaking, Notice No. 818, in the Federal Register on January 10, 1996 (61 FR 706), proposing the extension of the western border. This notice requested comments from all interested persons. Written comments were to be received on or before April 9, 1996. No comments were received in response to Notice No. 818.

Historical and Current Evidence

The name of the area comes from the Spanish name ''El Paso de Robles'' (meaning ''the Pass of the Oaks''), which was given to the area by travelers between the missions of San Miguel and San Luis Obispo. A land grant, in this name, was conveyed by Governor Micheltorena to Pedro Narvaez on May 12, 1844. This land grant included the present area of Paso Robles, Templeton, and Adelaida.

Historically, the Santa Lucia Mountain range has been known as the western border of the Paso Robles area. All seven of the vineyards planted since 1983 are located east of the Santa Lucia Mountain Range, just beyond the western border of the current Paso Robles Viticultural area and north of the York Mountain viticultural area.

In addition, the expansion area contains the same telephone number prefixes and post office zip codes as the existing viticultural area. Further, the expansion area utilizes the same government services (*i.e.* schools, fire departments, etc.) as the existing viticultural area.

Geographical Evidence

The petitioner provided geographical evidence derived from the ''Soil Survey of San Luis Obispo County, California'' —Paso Robles Area. This survey was a cooperative effort of the Soil Conservation Service and the University of California Agriculture Experiment Station. Petitioner's data also reflects information collected from airports, forestry stations, city and county historical records and individual agriculturalists.

The expansion area is characterized by rolling hills, 750 feet to 1800 feet, similar to the current Paso Robles appellation and unlike the more mountainous area of York Mountain. Soils generally consist of Nacimiento Ayar, Nacimento Los Osos Balcom Series and Linne-Calodo Series, three of the four soil types found in the current appellation.

Temperatures in the expansion area are the same as the current appellation, ranging between 20–110 degrees Fahrenheit. Rainfall in the current appellation is between 10 and 25 inches per year. The expansion area averages 25 inches per year maintaining a similarity with the current appellation and less than the 45 inches per year within the York Mountain Viticultural Area. Degree days of 2500—3500 are also the same for both the current appellation and the expansion area.

Boundaries

The boundaries for the extension of the Paso Robles viticultural area use range and township lines, the county line and other points of reference. These same features are used as boundaries for the existing Paso Robles viticultural area.

The points of reference for the boundaries of the current viticultural area and the expansion area are found on United States Geological Survey (U.S.G.S.) map entitled ''San Luis Obispo,'' scale 1:250,000 (1956, revised 1969).

Paperwork Reduction Act

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

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that region. No new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Drafting Information

The principal author of this document is Mary Lou Blake, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subject in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by revising section 9.84(c) to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.84 Paso Robles.

* * * * *

(c) *Boundaries.* The Paso Robles viticultural area is located within San Luis Obispo County, California. From the point of beginning where the county

lines of San Luis Obispo, Kings and Kern Counties converge, the county line also being the township line between T.24S. and T.25S., in R.16E.:

(1) Then in a westerly direction along this county line for 42 miles to the range line between R.9E. and R.10E.;

(2) Then in a southerly direction for 12 miles along the range line to the southwest of corner of T.26S. and R.10E.;

(3) Then in a southeasterly direction, approximately 5.5 miles to a point of intersection of the Dover Canyon Jeep Trail and Dover Canyon Road;

(4) Then in an easterly direction along Dover Canyon Road, approximately 1.5 miles, to the western border line of Rancho Paso de Robles;

(5) Then, following the border of the Paso Robles land grant, beginning in an easterly direction, to a point where it intersects the range line between R.11E. and R.12E.;

(6) Then southeasterly for approximately 16.5 miles to the point of intersection of the township line between T.29S. and T.30S. and the range line between R.12E. and R.13E.;

(7) Then in an easterly direction for approximately 6 miles to the range line between R.13E. and R.14E.;

(8) Then in a northerly direction for approximately 6 miles to the township line between T.28S. and T.29S.;

(9) Then in an easterly direction for approximately 18 miles to the range line between R.16E. and R.17E.;

(10) Then in a northerly direction for approximately 24 miles to the point of beginning.

Signed: May 17, 1996.

Bradley A. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14854 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 70 and 71

[T.D. ATF–378; CRT 93–137]

RIN 1512–AB53

Statement of Procedural Rules

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Treasury Decision, final rule.

SUMMARY: This Treasury decision removes regulations in 27 CFR Part 71, Statement of Procedural Rules, which are duplicated in 31 CFR Part 1, Disclosure of Records. It also transfers certain regulations from 27 CFR Part 71 to 27 CFR Part 70, resulting in the elimination of Part 71.

EFFECTIVE DATE: This final rule is effective August 12, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Bryce, Tax Compliance Branch, (202–927–8220) or Eric O'Neal, Disclosure Branch, (202–927–8480), Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, President Clinton announced a regulatory reform initiative. As part of this initiative, each Federal agency was instructed to conduct a page by page review of all agency regulations to identify those which are obsolete or burdensome and those whose goals could be better achieved through the private sector, self-regulation or state and local governments. In cases where the agency's review disclosed regulations which should be revised or eliminated, the agency would, as soon as possible, propose administrative changes to its regulations.

The page by page review of all regulations was completed as directed by the President. In addition, on April 13, 1995, the Bureau published Notice No. 809 (60 FR 18783) in the Federal Register requesting comments from the public regarding which ATF regulations could be improved or eliminated. As a result of the Bureau's analysis of its regulations and the public comments received, a number of regulatory initiatives were developed which are intended to accomplish the President's goals.

Pursuant to the President's directive, ATF reviewed 27 CFR part 71, Statement of Procedural Rules. ATF determined that there were regulations in part 71 which were largely duplicative of regulations found in 31 CFR part 1, Disclosure of Records. ATF also decided that certain regulations in part 71 should be transferred to 27 CFR part 70, Procedure and Administration, since they were related to the subject matter of part 70.

Part 71 deals primarily with the procedures for the disclosure of records and the publication of rules, regulations, forms, and instructions. ATF has determined that the information contained in sections 71.21, 71.22, 71.23, 71.24, and 71.25 is largely duplicative of information already contained in 31 CFR part 1. Part 1 contains the regulations of the Department of Treasury concerning disclosure of records, and provides Appendices specifically relating to the component Bureaus of the Treasury Department, including ATF.

ATF has decided that it is unnecessary to provide identical information regarding the disclosure of records in two separate titles of the Code of Federal Regulations. Thus, we are removing sections 71.21—71.25 and Appendix A. So that users of Title 27 will know where to look for the ATF regulations on disclosure of records, we have added a new section which cross-references the disclosure regulations of the Department of Treasury. The new section also informs the public that inquiries regarding the disclosure of ATF records may be directed to the Chief, Disclosure Branch. The appendix in 31 CFR part 1 relating to ATF will be updated to reflect the locations where the public may inspect and copy ATF documents.

Certain sections within part 71 contain information which is not found in 31 CFR part 1. Section 71.26 provides rules for disclosure of certain specified matters relating to ATF. Section 71.27 explains the procedures for requesting or demanding disclosure of records or information in testimony or related matters. Section 71.41 explains the procedures for issuing rules and regulations. Section 71.42 deals with the issuance of forms and instructions. All of these sections will be moved to 27 CFR part 70, since they relate to procedure and administration. In addition, the pertinent sections in part 70 relating to the scope of the part, and the definitions of terms used in the part, are amended to reflect the new sections incorporated from part 71.

As a result of these changes, part 71 will be removed from the Code of Federal Regulations. Certain other minor technical changes have been made to the regulations which have been redesignated in this final rule.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to

publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action, because (1) it will not 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 Executive Order 12866.

Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, and removes information found elsewhere in the regulations, it is unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b).

Drafting Information

The principal author of this document is Nancy Bryce, Tax Compliance Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 70

Administrative practice and procedure, Authority delegations, Claims, Customs duties and inspection, Disaster assistance, Excise taxes, Freedom of information, Government employees, Law enforcement, Law enforcement officers, Privacy.

Authority and Issuance

Chapter I of title 27, Code of Federal Regulations is amended as follows:

Part 70—PROCEDURE AND ADMINISTRATION

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

Authority: 5 U.S.C. 301 and 552; 26 U.S.C. 4181, 4182, 5064, 5146, 5203, 5207, 5275, 5367, 5415, 5504, 5555, 5684(a), 5741, 5761(b), 5802, 6020, 6021, 6064, 6102, 6155, 6159, 6201, 6203, 6204, 6301, 6303, 6311, 6313, 6314, 6321, 6323, 6325, 6326, 6331–6343, 6401–6404, 6407, 6416, 6423, 6501–6503, 6511, 6513, 6514, 6532, 6601, 6602, 6611, 6621, 6622, 6651, 6653, 6656, 6657, 6658, 6665, 6671, 6672, 6701, 6723, 6801, 6862, 6863, 6901, 7011, 7101, 7102, 7121, 7122, 7207, 7209, 7214, 7304, 7401, 7403, 7406, 7423, 7424, 7425, 7426, 7429, 7430, 7432, 7502, 7503, 7505, 7506, 7513, 7601–7606, 7608–7610, 7622, 7623, 7653, 7805.

§§ 71.26, 71.27, 71.41 and 71.42 [Redesignated]

Par. 2–3. Sections 71.26, 71.27, 71.41 and 71.42 are redesignated as follows:

Old section	New section
71.26	70.802
71.27	70.803
71.41	70.701
71.42	70.702

Par. 4. Section 70.1 is amended by adding paragraphs (e) and (f) to read as follows:

§ 70.1 General.

* * * * *

(e) The regulations in Subpart H of this part relate to rules, regulations and forms. The most important rules are issued as Treasury decisions. This subpart also applies to the development and availability of tax return forms and instructions and other forms and instructions.

(f) The regulations in Subpart I of this part relate to the disclosure of matters such as accepted offers in compromise, applications for permits, certificates of label approval, true identities of companies authorized to use trade names, information relating to the tax classification of a roll of tobacco wrapped in reconstituted tobacco, and comments received in response to a notice of proposed rulemaking. This subpart also applies to requests or demands for disclosure in testimony and in related matters.

Par. 5. Section 70.11 is amended by adding two definitions in alphabetical order to read as follows:

§ 70.11 Meaning of Terms

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the delegation order.

* * * * *

Secretary. The Secretary of the Treasury or designated delegate.

* * * * *

Par. 6. 27 CFR Part 70 is amended by adding a heading for Subpart H, immediately preceding the redesignated § 70.701, to read as follows:

Subpart H—Rules, Regulations and Forms

Par. 7. The newly redesignated § 70.701 is amended by revising the first sentence of paragraph (a)(1), the first sentence in paragraph (d)(1) and the ninth sentence in paragraph (d)(1), removing the last sentence in paragraph (d)(1), and removing the last sentence in paragraph (d)(2)(i)(B) to read as follows.

§ 70.701 Rules and regulations.

(a) *Formulation.* (1) Alcohol, tobacco, firearms, and explosives rules take various forms. * * *

* * * * *

(d) *Publication of rules and regulations.* (1) *General.* All Bureau of Alcohol, Tobacco and Firearms regulations and amendments thereto are published as Treasury Decisions which appear in the Federal Register, the Code of Federal Regulations, and the quarterly Alcohol, Tobacco and Firearms (ATF) Bulletin. * * * The Bulletin is published quarterly and may be obtained, on a subscription basis, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

* * * * *

Par. 8. The newly redesignated § 70.702 is amended by revising the first sentence of paragraph (a) to read as follows.

§ 70.702 Forms and instructions.

(a) *Tax return forms and instructions.* Tax forms and instructions are developed by the Bureau to explain the requirements of Chapters 32, 51, 52, and 53 of Title 26 of the United States Code or regulations issued thereunder, and are issued for the assistance of taxpayers in exercising their rights and discharging their duties under such laws and regulations. * * *

* * * * *

Par. 9 . A new section 70.801 is added to read as follows:

§ 70.801 Publicity of information.

For information relating to the disclosure of records that is not contained in this Subpart I, see 31 CFR Part 1 and the Appendix of that Part relating to the Bureau of Alcohol, Tobacco and Firearms. Direct further questions to the Chief, Disclosure Branch, Washington, DC 20226, (202) 927–8480.

Par. 10. 27 CFR Part 70 is amended by adding a heading for Subpart I, immediately preceding the new § 70.801, to read as follows:

Subpart I—Disclosure

Par. 11. The newly redesignated § 70.802 is amended by revising the first sentence in paragraph (a), the first and third sentences in paragraph (d), the first sentence in paragraph (f) and the second and last sentences in paragraph (g) to read as follows:

§ 70.802 Rules for disclosure of certain specified matters.

(a) *Accepted offers in compromise.* For each offer in compromise submitted and accepted pursuant to 26 U.S.C. 7122 in any case arising under Chapter 32 (relating to firearms and ammunition excise taxes) and Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) of Title 26 of the United States Code, under section 107 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act, or in connection with property seized under Title I of the Gun Control Act of 1968 (18 U.S.C., Chapter 44) or title XI of the Organized Crime Control Act of 1970 (18 U.S.C., Chapter 40), a copy of the abstract and statement relating to the offer shall be kept available for public inspection, for a period of 1 year from the date of acceptance, in the office of the regional director (compliance) who received the offer and in the office of the Assistant Director (Liaison and Public Information), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226. * * *

(d) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages.* Upon written request, the Chief, Alcohol and Tobacco Programs Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, shall furnish information as to the issuance, pursuant to section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and Part 4, 5, or 7 of this chapter, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. * * * The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by 31 CFR 1.7. * * *

* * * * *

(f) *Information relating to the tax classification of a roll of tobacco wrapped in reconstituted tobacco.* Upon written request, the Deputy Associate Director (Regulatory Enforcement Programs), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, shall furnish information as to a Bureau determination of the tax classification of a roll of tobacco wrapped in reconstituted tobacco. * * *

(g) *Comments received in response to a notice of proposed rulemaking.* * * * Comments may be inspected in the Disclosure Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226. * * * The provisions of 31 CFR 1.7, relating to fees, apply with respect to requests made in accordance with this paragraph.

PART 71—STATEMENT OF PROCEDURAL RULES— [REMOVED]

Par. 12. 27 CFR Part 71 is removed.

Signed: May 20, 1996.

John W. Magaw,

Director.

Approved: May 24, 1996.

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14855 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

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27 CFR Part 200

[T.D. 374]

RIN 1512–AB56

Technical Amendments

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF) Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This Treasury decision changes the titles Regional Regulatory Administrator and Regional Director (Compliance) to District Director. All changes are to provide clarity and uniformity throughout title 27 Code of Federal Regulations.

EFFECTIVE DATE: June 13, 1996.

FOR FURTHER INFORMATION CONTACT: Julie F. Cox, Tax Compliance Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202–927–8220).

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) administers regulations published in chapter I of title 27 Code of Federal Regulations. Upon reviewing title 27 for the annual revision, ATF determined that the regulations in part 200 should be revised to reflect the ATF field structure reorganization that established District Directors in place of the Regional Directors (Compliance) (formerly Regional Regulatory Administrators).

These amendments do not make any substantive changes and are only intended to improve the clarity of title 27.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no recordkeeping or reporting requirements.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because it will not, (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 Executive Order 12866.

Administrative Procedures Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b).

Drafting Information

The principal author of this document is Julie F. Cox, Tax Compliance Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR 200

Administrative practice and procedure, Authority delegations.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 200—RULES OF PRACTICE IN PERMIT PROCEEDINGS

Paragraph 1. The authority citation for part 200 continues to read as follows:

Authority: 26 U.S.C. 7805, 27 U.S.C. 204.

Part 200—[AMENDED]

Par. 3. Section 200.5 is amended by removing the definition of ''Regional

regulatory administrator'', adding the definition ''District director'', and by revising the following terms to read as follows:

* * * * *

Attorney for the Government. The Attorney in the office of the Chief Counsel (assigned to the National or district office) authorized to represent the district director in the proceeding.

* * * * *

District director. The principal ATF district official responsible for administering the regulations in this part.

* * * * *

Initial decision. The decision of the district director or administrative law judge in a proceeding on the suspension, revocation or annulment of a permit.

* * * * *

Par. 4. Remove the phrase ''regional director (compliance)'' each place it appears and add, in place thereof, the phrase ''district director'' in the following sections:

(a) Section 200.25;
(b) Section 200.27;
(c) Section 200.29;
(d) Section 200.31;
(e) Section 200.35;
(f) Section 200.36;
(g) Section 200.37;
(h) Section 200.38;
(i) Section 200.45;
(j) Section 200.46;
(k) Section 200.48;
(l) Section 200.49;
(m) Section 200.49a;
(n) Section 200.49b;
(o) Section 200.55(a);
(p) Section 200.57;
(q) Section 200.59;
(r) Section 200.60(a), (b) and (c);
(s) Section 200.61;
(t) Section 200.62;
(u) Section 200.63;
(v) Section 200.64(a), (b) and (c);
(w) Section 200.65;
(x) Section 200.70;
(y) Section 200.71;
(z) Section 200.72;
(aa) Section 200.73;
(bb) Section 200.75;
(cc) Section 200.78;
(dd) Section 200.79(b);
(ee) Section 200.80;
(ff) Section 200.85;
(gg) Section 200.95;
(hh) Section 200.105;
(ii) Section 200.106;
(jj) Section 200.107;
(kk) Section 200.107a;
(ll) Section 200.108;
(mm) Section 200.109;
(nn) Section 200.110;
(oo) Section 200.115;
(pp) Section 200.116;
(qq) Section 200.117;
(rr) Section 200.126;
(ss) Section 200.129.

Par. 5. Before § 200.107 the undesignated section heading is amended by removing the words ''Regional Director (Compliance)'' and adding the words ''District Director'' in place thereof.

§ 200.27 [Amended]

Par. 6. Section 200.27 heading is amended by removing the words ''regional director (compliance)'' and adding the words ''district director'' in place thereof.

§ 200.107a [Amended]

Par. 7. Section 200.107a heading is revised by removing the words ''Regional director's'' and adding the words ''District director's'' in place thereof.

Signed: May 17, 1996.

Bradley A. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14856 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

[Docket No. S–045]

RIN 1218–AA74 (AB06)

Personal Protective Equipment for Shipyard Employment (PPE)

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule; corrections.

SUMMARY: This document makes corrections to the final rule on Personal Protective Equipment for Shipyard Employment, which was published in the Federal Register on May 24, 1996 at 61 FR 26322.

EFFECTIVE DATE: Section 1915.152(b) will not become effective until an Office of Management and Budget (OMB) control number is received and displayed for this ''collection of information'' in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et *seq.*).

FOR FURTHER INFORMATION CONTACT: Ms. ANNE C. CYR, Acting Director, Office of Information, Division of Consumer Affairs, Room N–3647, Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 219–8151.

SUPPLEMENTARY INFORMATION: This document contains corrections to the final rule for Personal Protective Equipment for Shipyard Employment, which was published on May 24, 1996 (61 FR 26322). As published, the final rule contained an error in the placement of Note 1 to § 1915.152(b) in the regulatory text of the final rule.

Authority: This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, DC this 10th day of June, 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

Accordingly, the publication on May 24, 1996 of Personal Protective Equipment for Shipyard Employment (61 FR 26322) is hereby corrected as set forth below.

§ 1915.152 [Corrected]

1. On page 26352, in the third column, paragraph (b) is corrected to read:

* * * * *

(b) *Hazard assessment and equipment.* The employer shall assess its work activity to determine whether there are hazards present, or likely to be present, which necessitate the employee's use of PPE. If such hazards are present, or likely to be present, the employer shall:

(1) Select the type of PPE that will protect the affected employee from the hazards identified in the occupational hazard assessment;

(2) Communicate selection decisions to affected employees;

(3) Select PPE that properly fits each affected employee; and

(4) Verify that the required occupational hazard assessment has been performed through a document that contains the following information: occupation, the date(s) of the hazard assessment, and the name of the person performing the hazard assessment.

Note 1 to paragraph (b): A hazard assessment conducted according to the trade or occupation of affected employees will be considered to comply with paragraph (b) of this section, if the assessment addresses any PPE-related hazards to which employees are exposed in the course of their work activities.

Note 2 to paragraph (b): Non-mandatory Appendix A to this subpart contains examples of procedures that will comply

with the requirement for an occupational hazard assessment.

* * * * *

[FR Doc. 96–15052 Filed 6–12–96; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 96–025]

RIN 2115–AF32

Reorganization of Coast Guard Areas, Districts, and Marine Inspection and Captain of the Port Zones

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: To conform with an internal reorganization of its field command structure, the Coast Guard is amending the descriptions of the Second and Eighth Coast Guard District boundaries and redesignating several Marine Inspection and Captain of the Port Zones. In addition, the Coast Guard is amending the description of the location of the Atlantic Area, Pacific Area, and Eleventh Coast Guard District offices. These changes are administrative and will not impact the type or level of Coast Guard services performed.

EFFECTIVE DATE: This rule is effective June 13, 1996, except for § 3.04–1(a) which is effective June 14, 1996, and § 3.04–3(a) which is effective June 28, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in the preamble are available for inspection or copying at the Office of the Executive Secretary, Marine Safety Council (G–LRS/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., Room 3406, Washington, DC 20593–0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Melton, Plans and Policy Division (G–CPP), U.S. Coast Guard Headquarters, between 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The telephone Number is (202) 267–2299.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Atlantic Area and Pacific Area

During 1996, the Coast Guard reorganized the Area field command and control structures and relocated the Atlantic Area office from New York City, to Portsmouth, VA, and relocated the Eleventh District office from Long Beach, CA, to Alameda, CA. The Atlantic and Pacific Area Commanders also serve as the Fifth and Eleventh District Commanders, respectively. The separate authorities and responsibilities of the Area Commanders and District Commanders are unaffected by the consolidated of their command staffs.

Second District—Merger Into the Eighth District

Previously, the Second Coast Guard District and Eighth District exercised jurisdiction in their respective regions. In 1996, the Coast Guard realigned its field command and control structure in the Gulf of Mexico and Midwestern regions through the merger of the Second District into the Eighth District. The Second District has been disestablished and the Eighth District boundaries have been expanded to include the prior Second District area of responsibilities. This realignment enables more efficient internal management and enhances mission performance in the affected region. The merger streamlined command and control of activities within the combined Second and Eighth District regions. The Eighth District Commander now exercises authority over the combined geographic region. The merger will not adversely affect the public, since there will be no change in Coast Guard operational assets or Coast Guard services in the respective regions. The descriptions of Marine Inspection and Captain of the Port Zones which belonged to the Second District are being renumbered to reflect their realignment with the Eighth District.

Discussion of Changes

§ 3.01–1. This section, describing generally the Area Commanders' responsibilities, is revised to reflect the fact that the Atlantic Area Commander also serves as Fifth District Commander and the Pacific Area Commander also serves as the Eleventh District Commander.

§ 3.04–1. This section, describing the Area offices and jurisdictions, is revised to reflect the relocation of the Atlantic Are office from New York, NY to Portsmouth, VA and eliminates reference to the Second Coast Guard District which was disestablished with its merger into the Eighth District. The section is also revised to correctly reflect the location of the Pacific Area office as Alameda, CA and to reflect relocation of Eleventh District office from Long Beach, CA to Alameda, CA.

§ 3.10–1. This section, describing the Second District, is removed to conform with the disestablishment of the Second District as a result of its merger into the Eighth District.

§ 3.10–10 through 03.10–50. These sections, describing the six Marine Inspection and Captain of the Port Zones within the prior Second District, are redesignated under Subpart 3.40 to conform with the reassignment of these MI and COTP zones to Eighth District as a result of the merger of the Second District into the Eighth District.

§ 3.40–1. This section, describing the Eighth District, is revised to describe its new boundaries which incorporate the prior Second District boundaries as a result of the merger of the Second District into the Eighth District.

The current CFR descriptions do not reflect the reorganizations in the Coast Guard Areas, affected Coast Guard District, and the realignment of Marine Inspection (MI) and Captain of the Port (COTP) Zones. Since this is a matter relating to agency organization, procedure, and management, it is excluded from the requirements of section 553(b)(3)(A) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) for a notice of proposed rulemaking and public comment. These changes are administrative and will not impact the type of level of Coast Guard services performed. Further, since the rule has no substantial effect on service to the public, good cause exists under 5 U.S.C. 553(d) to make the rule effective less than 30 days after publication.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This rule merely implements administrative changes within the Coast Guard structure. Coast Guard services to the public will not be changed.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, as revised by 59 FR 38654, July 29, 1994, this rule is categorically excluded from further environmental documentation. This rule is an administrative change under paragraph 2.B.2.1, and will not impact the environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 3

Organization and functions (Government Agencies).

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 3 as follows:

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

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

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

2. In § 3.01–1, paragraph (b) is revised to read as follows:

§ 3.01–1 General description.

* * * * *

(b) The two Coast Guard Areas are the Atlantic Area (see § 3.04–1) and the Pacific Area (see §3.04–3). The Coast Guard Area Commander is in command of a Coast Guard Area; the offices are referred to as a Coast Guard Area Office. The office of the Commander, Atlantic Area, is located in the Fifth Coast Guard District and the Commander, Atlantic Area, also serves as the Fifth District Commander. The office of the Commander, Pacific Area, is located in the Eleventh Coast Guard District and the Commander, Pacific Area, also serves as the Eleventh District Commander. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

* * * * *

3. In § 3.04–1, paragraph (a) is revised, and in paragraph (b), the word ''Second'' is removed to read as follows:

§ 3.04–1 Atlantic Area.

(a) The Area Office is in Portsmouth, VA.

* * * * *

4. In § 3.04–3, paragraph (a) is revised to read as follows:

§ 3.04–3 Pacific Area.

(a) The Area Office is in Alameda, CA.

* * * * *

Subpart 3.10—Second Coast Guard District [Heading Removed]

§ 3.10–1 [Removed]; § 3.10–10 [Redesignated as § 3.40–40]; § 3.10–5 [Redesignated as § 3.40–45]; § 3.10–30 [Redesignated as § 3.40–50]; § 3.10–35 [Redesignated as § 3.40–55]; § 3.10–40 [Redesignated as § 3.40–60]; and § 3.10–50 [Redesignated as § 3.40–65]

5. In Subpart 3.10, the subpart heading and § 3.10–1 are removed; § 3.10–10 is redesignated as § 3.40–40; § 3.10–15 is redesignated as § 3.40–45; § 3.10–30 is redesignated as § 3.40–50; § 3.10–35 is redesignated as § 3.40–55; § 3.10–40 is redesignated as § 3.40–60; and § 3.10–50 is redesignated as § 3.40–65.

6. In § 3.40–1, paragraph (b) is revised to read as follows:

§ 3.40–1 Eighth district.

* * * * *

(b) The Eighth Coast Guard District is comprised of North Dakota, South Dakota, Wyoming, Nebraska, Iowa, Colorado, Kansas, Missouri, Kentucky, West Virginia, Tennessee, Arkansas, Oklahoma, New Mexico, Texas, Louisiana, Mississippi, and Alabama; that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; that part of Wisconsin south of 46°20′ N. latitude and west of 90° W. longitude; that part of Minnesota south of 46°20′ N. latitude; those parts of Florida and Georgia west of a line starting at the Florida coast at 83°50′ W. longitude; thence northerly to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude; thence due north to the southern bank of the Jim Woodruff Reservoir at 84°45′ W. longitude; thence northeasterly along the eastern bank of the Jim Woodruff Reservoir and northerly along the eastern bank of the Flint River to Montezuma, GA.; thence northwesterly to West Point, GA.; and the Gulf of Mexico area west of a line bearing 199 T. from the intersection of the Florida coast at 83°50′ W. longitude (the coastal end of the Seventh and Eighth Coast Guard District land boundary.) [DATUM NAD83]

13. In § 3.55–1, paragraph (a) is revised to read as follows:

3.55–1 Eleventh District.

(a) The District Office is in Alameda, California.

* * * * *

Dated: May 28, 1996.

Kent H. Williams,

Vice Admiral, U.S. Coast Guard Chief of Staff.

[FR Doc. 96–15046 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD05–94–065]

RIN 2115–AE47

Drawbridge Operation Regulations; Nacote Creek, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the New Jersey Department of Transportation (NJDOT), the Coast Guard is changing the regulations governing the operation of the Route 9 Bridge across Nacote Creek, mile 1.5, in Smithville, Atlantic County, New Jersey. The change will require the Route 9 Bridge to open on signal except from 11 p.m. to 7 a.m., when a two hour advance notice for openings will be required. This change should help relieve the bridge owner of the burden of having a bridge tender constantly available at times when there are few or no requests for openings, while still providing for the needs of navigation.

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

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On December 20, 1995, the Coast Guard published a notice of proposed rulemaking entitled ''Drawbridge Operation Regulations, Nacote Creek, New Jersey'' in the Federal Register (60 FR 65613). The Coast Guard received one letter commenting on the notice of proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

The Route 9 Bridge across Nacote Creek, mile 1.5, at Smithville, Atlantic

County, NJ, has a vertical clearance of 5′ above mean high water (MHW) and 8′ above mean low water (MLW) in the closed position. The current regulations require the bridge to open on signal at all times.

Review of the bridge logs provided by NJDOT revealed that between 11 p.m. and 7 a.m., there were limited requests for bridge openings for the years 1992, 1993 and 1994. NJDOT is seeking relief from the requirement that a bridge tender be present during the hours of 11 p.m. and 7 a.m. when there are minimal requests for openings. The NJDOT requested a permanent change to the regulations governing operation of the Route 9 Bridge to require the draw to open on signal, except from 11 p.m. to 7 a.m., which will require a two hour advance notice. At all other times the bridge will open on signal. The bridge tenders will be on call to open the draw when the advance notice is given. A 24 hour special telephone number will be posted on the bridge and maintained by the NJDOT.

Accordingly, a new provision allowing the draw of the Route 9 bridge, at mile 1.5, to remain closed from 11 p.m. to 7 a.m. unless two hours advance notice is given will be designated as paragraph (a). The current provision allowing the draw of the Atlantic County (Rte. 575) bridge, at mile 3.5, to remain closed unless eight hours advance notice is given will be designated as paragraph (b). A general provision requiring the passage of Federal, State, and local government vessels used for public safety through all drawbridges is published at 33 CFR 117.31, and is no longer required to be published for each waterway. Therefore, this change will remove the provision requiring passage of public vessels from section 117.732.

Discussion of Comments and Changes

The Coast Guard received one comment from the New Jersey State Historic Preservation office which offered no objection to the Coast Guard's proposed rulemaking. Therefore, no changes to the proposed rule were made.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the rule will not prevent mariners from passing through the Route 9 Bridge but will only require mariners to provide two hours advance notice from 11 p.m. to 7 a.m. Removal of the public vessel provision from this rule will have no impact since this provision is included at 33 CFR 117.31.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their fields and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Therefore, for the reasons set out under Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism Assessment

The Coast Guard has analyzed this rule under the principles and criteria in Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.732 is revised to read as follows:

§ 117.732 Nacote Creek.

(a) The Route 9 bridge, mile 1.5, shall open on signal, except that from 11 p.m. to 7 a.m., the draw shall open if at least two hours notice is given.

(b) The draw of the Atlantic County (Rte. 575) bridge, mile 3.5 at Port Republic, shall open on signal if at least eight hours notice is given.

Dated: May 10, 1996.

W.J. Ecker,

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

[FR Doc. 96–15045 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN: 1840–AC14 and 1840–AB44

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Student Assistance General Provisions regulations to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. These sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

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

FOR FURTHER INFORMATION CONTACT: Paula Husselmann or David Lorenzo, U.S. Department of Education, 600 Independence Avenue, S.W., (Room 3053, ROB–3) Washington, D.C. 20202. Telephone (202) 708–7888. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Final regulations for the Student Assistance General Provisions were published in

the Federal Register on November 29 and December 1, 1995 (60 FR 61424 [Equity in Athletics Disclosure Act], 61776 [Student Right-to-Know Act]). Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1995. OMB approved the information collection requirements in the regulations on March 14, 1996 for the graduation rate portion of the Student Right-to-Know Act and Campus Security Act, and March 29, 1996 for the Equity in Athletics Disclosure Act. The information collection requirements in these regulations will therefore become effective with all of the other provisions of the regulations on July 1, 1996.

Waiver of Proposed Rulemaking

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

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: June 6, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends Part 668 of Title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for Part 668 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, 1099c, and 1141 unless otherwise noted.

§§ 668.41, 668.48 [Amended]

2. Sections 668.41 and 668.48 are amended by republishing the OMB control number following the section to read as follows: ''(Approved by the Office of Management and Budget under control number 1840–0711)''

§§ 668.41, 668.46, 668.49 [Amended]

3. Sections 668.41, 668.46, and 668.49 are amended by adding the OMB control number following each section to read as follows: ''(Approved by the Office of Management and Budget under control number 1840–0719)''

[FR Doc. 96–14819 Filed 6–12–96; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN59–1–7217a; FRL–5510–7]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On August 29, 1995, the State of Indiana submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (EPA) for rule changes specific to Allison Engine Company (Allison) plants 5 and 8 located in Marion County, Indiana. The submittal provides for an annual particulate matter ''bubble'' limit (a single limit which applies to the combined emissions from more than one source) for several boilers, and the shutdown of two other boilers. Short term particulate matter emission limits for all remaining stacks remain unchanged. This submittal represents a reduction in allowable particulate emissions of 67.7 tons per year, and the State has submitted a modeling analysis which shows that the revised rules will not have an adverse effect on air quality.

DATES: The ''direct final'' is effective on August 12, 1996, unless EPA receives adverse or critical comments by July 15, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886–3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman at (312) 886–3299.

SUPPLEMENTARY INFORMATION:

I. Background

Indiana's submittal of August 29, 1995, contains revisions to Title 326 Indiana Administrative Code (326 IAC) 6–1–12. The purpose of these changes is to provide a combined annual emission limit for several boilers at Allison, and to set an emission limit of zero tons per year for 2 boilers which have shut down.

The proposed rules were published in the Indiana Register on March 1, 1995. Public hearings were held on the rules on January 11, 1995, and April 5, 1995, in Indianapolis, Indiana. The rules were adopted by the Indiana Air Pollution Control Board on April 5, 1995; were published in the Indiana Register on November 1, 1995, and, became effective on November 3, 1995.

II. Analysis of State Submittal

The rule revisions in the August 29, 1995, submittal provide for new particulate matter (measured as total suspended particulate) limits for three stacks at Allison's plants 5 and 8. Previously, the stack serving boilers 1–4 (plant 5) had a limit of 173.0 tons per year (tpy), the stack serving boiler 2 (plant 8) had a limit of 3.2 tpy, the stack serving boilers 3–6 (plant 8) had a limit of 9.3 tpy, and the stack serving boilers 7–11 (plant 8) had a limit of 12.2 tpy. These stacks also had limits of 0.337, 0.15, 0.15, and 0.15 pounds per million British Thermal Units (lb/MMBTU), respectively. The revision provides limits of 0 tons per year for boilers 2 and 11, which have shut down. The hourly mass limits remain unchanged at 0.337 lbs/MMBTU for boilers 1–4 of plant 5, 0.15 lbs/MMBTU for boilers 3–6 of plant 8, and 0.15 lbs/MMBTU for boilers 7–10 of plant 8. The rule provides for a combined limit of 130.0 tons per year for the boilers mentioned above, as well as new limits on the types and amounts of fuel which may be burned at the boilers, and a recordkeeping requirement to document compliance.

One problem which occurs several times in the rule is that, in the emissions limitations table, a list of several sources is followed by a single limit. For example, boilers 1–4 have a limit of .337 lbs/MMBTU. It is not clear from this whether the limit is meant to apply to individual boilers, or a single stack serving several boilers in common. The State has informed EPA that its intention in such cases is that the limit applies to each boiler. Also, the State has agreed to correct this problem, which occurs in a number of Indiana PM rules. The EPA believes that, since there is no more lenient interpretation

than the one intended by the State, the EPA believes this interpretation will not impede the enforceability of the Allison rules.

This SIP revision will result in an overall reduction in allowed particulate matter emissions of 67.7 tpy. The State has submitted a modeling analysis which shows the maximum particulate impact off plant property to be 1.53 micrograms per cubic meter. The allowable impact for this type of bubble (see 51 FR 43814) is 5 micrograms per cubic meter. Therefore, the EPA concludes that the new regulations will protect air quality in Marion County, Indiana.

III. Final Rulemaking Action

Indiana's submittal includes revisions to 326 IAC 6–1–12. The EPA has completed an analysis of this SIP revision request based on a review of the materials presented by Indiana and has determined that it is approvable because it will result in a decrease in allowable particulate matter emissions and will protect the air quality in the Marion County area.

The EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, EPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on August 12, 1996, unless EPA receives adverse or critical comments by July 15, 1996. If EPA receives comments adverse to or critical of the approval discussed above, EPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in subsequent rulemaking. Please be aware that EPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, EPA hereby advises the public that this action will be effective on August 12, 1996.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 9, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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

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

Under section 205 of the Unfunded Mandates Act, the 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 objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year, the 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, the EPA is not required to develop a plan with regard to small governments. This rule only approves the incorporation of existing State rules into the SIP. It imposes no additional requirements.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: May 15, 1996.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(108) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(108) On August 29, 1995, Indiana submitted a site specific SIP revision request for Allison Engine Company in Marion County, Indiana. The revision provides limits of 0 tons per year for boilers 2 and 11, which have shut down. The hourly mass limits remain unchanged at 0.337 pounds per million British Thermal Units (lbs/MMBTU) for boilers 1–4 of plant 5, 0.15 lbs/MMBTU for boilers 3–6 of plant 8, and 0.15 lbs/MMBTU for boilers 7–10 of plant 8. The rule provides for a combined limit of 130.0 tons per year for the boilers mentioned above, as well as new limits on the types and amounts of fuel which may be burned at the boilers, and a recordkeeping requirement to document compliance.

(i) Incorporation by reference. Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 12: Marion County. Added at 19 In. Reg. 186. Effective November 3, 1995.

[FR Doc. 96–14961 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[VA010–5545a; FRL–5514–6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Alternative Compliance Plans for the Reynolds Metals Graphic Arts Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires four packaging rotogravure printing presses at the Reynolds Metals—Bellwood plant, located in Richmond, Virginia and six packaging rotogravure printing presses at the Reynolds Metals—South plant also located in Richmond, Virginia to meet emission limits by averaging emissions, on a daily basis, within each of the two plants. The intended effect of this action is to approve two graphic arts alternative compliance plans; one for the Reynolds Metals—Bellwood plant and one for the Reynolds Metals—South plant (also known as the Foil plant). This action is being taken under Section 110 of the Clean Air Act.

DATES: This final rule is effective July 29, 1996 unless within July 15, 1996, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (215) 566–2104. email address: spink.marcia@epamail.epa.gov

SUPPLEMENTARY INFORMATION: On November 4, 1986, the Virginia State Air Pollution Control Board (now known as the Virginia Department of air Pollution Control) submitted alternative compliance plans as a revision to its State Implementation Plan (SIP) for the Reynolds Metals—Bellwood plant and the Reynolds Metals—South plant, both located in Richmond, Virginia. Both of these facilities are subject to the federally approved Virginia graphic arts regulation, Section 4.55(m) [currently cited as Rule 4–36, Sections 120–04–3601 through 120–04–3615]. The alternative compliance plans allow each of these facilities to average emissions, on a daily basis, in order to meet the applicable packaging rotogravure standard in Virginia Rule 4–36.

The applicable Virginia SIP graphic arts regulation requires that packaging rotogravure sources reduce emissions by 65% by weight of volatile organic compound (VOC) emissions on a line-by-line basis. The Virginia SIP further requires that compliance be based on daily averages.

Description of the Alternative Compliance Plan for the Bellwood Plant

The printing presses participating in this alternative compliance plan are:

(1) Presses No. 1, 2, 4, 6, 8, 9, 10, 11
(2) Extrudes No. 1, 2, 3, 4
(3) Treating Station for Press #3
(4) Laminator No. 1 (by incineration)

Included in the description of the Bellwood alternative compliance plan is a reasonably available control technology determination (RACT) determination for Laminator No. 3. Reynolds states that this operation is not a packaging rotogravure operation because of certain unique features. If, in fact, this source is not a packaging rotogravure operation, it would be considered a non-CTG source (i.e a source for which EPA has not issued a Control Technique Guideline). The 1990 Clean Air Act Amendments require that major sources in ozone nonattainment areas be subject to RACT. Richmond, where Reynolds is located, is a moderate ozone nonattainment area. Virginia's plan limits the total emissions from this operation to 2 tons per day, in lieu of any other limit. EPA is proposing to approve the 2 ton per day emission cap as RACT for Laminator No. 3.

Description of the Alternative Compliance Plan for the South (Foil) Plant

The printing presses participating in this alternative compliance plan are:

(1) Cigarette Machines Nos. 1, 2, 3, 4
(2) Coloring Machines No. 7
(3) Glue Mounter Nos. 1, 23
(4) Reseal Machines Nos. 2, 3, 4, 5
(5) Coloring Machines Nos. 1, 2, 6 (unless exhausted to incinerator)
(6) In-line Machine No. 24 (unless exhausted to incinerator)

The alternative compliance plan is configured such that if the equipment in items (5) and/or (6) above are exhausted to an incinerator, they will not participate in the plan.

SIP Submittal

The November 4, 1986 SIP submittal package from Virginia consisted of the following documents:

(1) Cover letter dated 11/4/86 from Richard Cook, VA to James Seif, EPA Region III.

(2) Consent Order for South-Foil plant, DSE 412A–86 amended 10/86 dated 10/30/86.

(3) Consent Order for Bellwood plant, DSE 413A–86 amended 10/86 dated 10/30/86.

(4) Public hearing certification for 9/30/85 public hearing.

(5) Letter to Ray Cunningham, EPA Region III, from Virginia submitting the SAPCB meeting agenda.

(6) Letter dated 11/4/86 from John Daniel, VA to David Arnold, EPA Region III.

The Consent Orders for South and for Bellwood each require that 65% emission reduction be achieved at the plant over the historical amount of solvent used to apply the same amount of solids. On December 5, 1986, EPA

sent a letter to Virginia, requesting additional information concerning the formulas used to determine compliance and the effect of the revised alternative compliance plan configurations on the proposed Richmond SIP. On February 12, 1987, Virginia responded with additional information which included changes and clarification to the formulas.

Virginia Graphic Arts Regulations

The Virginia graphic arts regulations were cited as being deficient in the June 14, 1988 follow-up letter to the May 26, 1988 SIP call. Specifically, the graphic arts regulation requires, for packaging rotogravure operations, a 65% reduction. The baseline from which this reduction is to be calculated is not specified. EPA's guidelines for graphic arts sources require that a waterborne ink (75% water/exempt solvent by volume) or a high-solids ink (60% solids) be used. If such inks are not used, the VOC content of those inks must be reduced by 65% for packaging rotogravure operations. Such a percentage reduction would be calculated based on the VOC content of the inks used each day. The reductions obtained by following EPA's guidelines would be larger than those calculated from a historical average, as Virginia is proposing for Reynolds. Therefore, the graphic arts regulation, 4.55(m), was not considered RACT. The deficiencies with the graphic arts regulation were identified in the June 14, 1988 follow-up letter to the May 26, 1988 SIP call. On May 10, 1991, Virginia submitted a request to revise the graphic arts regulation, among other regulations, in response to the comments made in the June 14, 1988 EPA letter. The revised State regulations were effective July 10, 1991. EPA approved the amended version of Rule 4–36 as a revision to the Virginia SIP on March 31, 1994 (59 FR 15117) and incorporated it by reference into the SIP at 52.2420(c)(99)(i)(B)(3). Further details regarding the specifics of the alternative compliance plans for the two Reynolds Metals plants and issues relating to approval of these plans can be found in the accompanying technical support document.

Final Action

EPA is approving the alternative compliance plans for the Reynolds Metals-Bellwood and Reynolds Metals-South plants, which were submitted on November 4, 1986 as a revision to the Virginia SIP.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 29, 1996 unless, by July 15, 1996, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on July 29, 1996.

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of EPA's action to approve alternative compliance plans for the Reynolds Metals—Bellwood and the Reynolds

Metals—South plants. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: May 17, 1996.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(110) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(110) Alternative Compliance Plans submitted on November 4, 1986 by the Virginia State Air Pollution Control Board:

(i) Incorporation by reference.

(A) Letter of November 4, 1986 from the Virginia State Air Pollution Control Board transmitting alternative compliance plans for the Reynolds Metals—Bellwood and South Plants, Richmond, Virginia.

(B) The below-described Consent Agreements and Orders between the Commonwealth of Virginia and the Reynolds Metals Company, effective October 31, 1986:

(*1*) DSE–413A–86—Consent Agreement and Order Addressing Reynolds Metals Company's Bellwood Printing Plant (Registration No. 50260).

(*2*) DSE–412A–86—Consent Agreement and Order Addressing Reynolds Metals Company's Richmond Foil Plant (Registration No. 50534).

(ii) Additional material.

(A) Remainder of November 4, 1986 State submittal.

(B) Letter of February 12, 1987 from the Virginia State Air Pollution Control Board.

[FR Doc. 96–14967 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN61–1–7230a; FRL–5509–5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On September 19, 1995, and November 8, 1995, the State of Indiana submitted a State Implementation Plan (SIP) revision request to the EPA establishing regulations for automobile refinishing operations in Clark, Floyd, Lake, and Porter Counties, as part of the State's 15 percent (%) Rate of Progress (ROP) plan control strategies for Volatile Organic Compounds (VOC) emissions. VOC is an air pollutant which combines with oxides of nitrogen in the atmosphere to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. ROP plans are intended to bring areas which have been exceeding the public health-based Federal ozone air quality standard closer to attaining the ozone standard. This rule establishes VOC content limits for suppliers and users of coating and surface preparation products applied in motor vehicle/mobile equipment refinishing operations, as well as requires subject refinishing facilities to meet certain work practice standards to further reduce VOC. Indiana expects that the control measures specified in this automobile refinishing SIP will reduce VOC emissions by 4,679 pounds per day (lbs/day) in Lake and Porter Counties and 1,172 lbs/day in Clark and Floyd Counties. This rule is being approved because it meets all the applicable Federal requirements.

DATES: The ''direct final'' rule is effective on August 12, 1996, unless EPA receives adverse or critical comments by July 15, 1996. If the effective date is delayed, timely notification will be published in the Federal Register.

ADDRESSES: Copies of the revision request are available for inspection at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Submittal Background

Section 182(b)(1) of the Clean Air Act (the Act) requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of VOC by November 15, 1996. In Indiana, Lake and Porter Counties are classified as ''severe'' nonattainment for ozone, while Clark and Floyd Counties are classified as ''moderate'' nonattainment. As such, these counties are subject to the 15% ROP requirement.

The Act specifies under section 182(b)(1)(C) that the 15% emission reduction claimed under the ROP plan must be achieved through the implementation of control measures through revisions to the SIP, the promulgation of federal rules, or the issuance of permits under Title V of the Act, by November 15, 1996. Control measures implemented before November 15, 1990, are precluded from counting toward the 15% reduction. In addition, section 172(c)(9) requires moderate areas to adopt contingency measures by November 15, 1993. The General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (April 28, 1992, 57 FR at 18070), states that the contingency measures generally must provide reductions of 3% from the 1990 base-year inventory, which can be met through additional SIP revisions.

Indiana has adopted and submitted automobile refinishing rules for the control of VOC as a revision to the SIP for the purpose of meeting the 15% ROP plan control measure requirement for Clark and Floyd Counties, as well as meeting the contingency measure requirement for Lake and Porter Counties. Determination of what emission credit the State can take for these rules for purposes of the 15% ROP plan and contingency measures will be addressed in a subsequent rulemaking action addressing the 15% ROP plan and measures as a whole.

On June 7, 1995, the Indiana Air Pollution Control Board (IAPCB) adopted the automobile refinishing rule. Public hearings on the rule were held on January 11, 1995, April 5, 1995, and June 7, 1995, in Indianapolis, Indiana. The rule was signed by the Secretary of State on October 3, 1995, and became effective on November 2, 1995; it was published in the Indiana State Register on November 1, 1995. The Indiana

Department of Environmental Management (IDEM) formally submitted the automobile refinishing rule to EPA on September 19, 1995, as a revision to the Indiana SIP for ozone; supplemental documentation to this revision was submitted on November 8, 1995. EPA made a finding of completeness in a letter dated February 9, 1996.

The September 19, 1995, and November 8, 1995, submittals include the following rules:

326 Indiana Air Code (IAC) 8–10 Automobile Refinishing

(1) Applicability
(2) Definitions
(3) Requirements
(4) Means to limit volatile organic compound emissions
(5) Work practice standards
(6) Compliance procedures
(7) Test procedures
(8) Control system operation, maintenance, and monitoring
(9) Record keeping and reporting

The rule establishes, for Clark, Floyd, Lake, and Porter Counties, VOC content limits for motor vehicle/mobile equipment refinishing coatings and surface preparation products which must be met by both the suppliers of the coatings and products and the refinishers which use them. As an alternative to using compliant coatings, owners or operators of subject refinishing facilities can install and operate add-on control systems, such as incinerators, carbon adsorbers, etc., which must achieve an overall reduction of VOC by 81% for compliance with the rule. The rule also establishes certain work practice standards for subject refinishers to further reduce VOC, including equipment, housekeeping, and training requirements. Indiana based its rules upon EPA's draft Control Techniques Guidelines (CTG) for automobile refinishing, Alternative Control Techniques (ACT) for automobile refinishing, EPA's 1992 VOC model rules, as well as automobile refinishing rules adopted in other states.

II. Evaluation of Submittal

As previously discussed, Indiana intends that this SIP revision submittal will be one of the control measures which will satisfy 15% ROP plan and contingency measure requirements under the Act.

A review of what emission reduction this SIP achieves for purposes of the Indiana 15% ROP plans and contingency measures will be addressed when EPA takes rulemaking action on the Lake and Porter 15% ROP and contingency measures SIP, and the Clark and Floyd 15% ROP and contingency measures SIP. (EPA will take rulemaking on the overall 15% ROP and contingency measures in a subsequent rulemaking action(s).) It should also be noted that Indiana's automobile refinishing rules are not required to be reviewed for purposes of Reasonably Available Control Technology (RACT) requirements under the Act, because no automobile refinishing facility in Indiana has the potential to emit at least 25 tons of VOC, which would qualify a major source for RACT purposes.

In order to determine the approvability of the Indiana automobile refinishing SIP, the rule was reviewed for its consistency with section 110 and part D of the Act, and its enforceability. Used in this analysis were EPA policy guidance documents, including the draft CTG for automobile refinishing; the ACT for automobile refinishing; the June 1992, model VOC rules as they pertain to add-on control systems; and a memorandum from G.T. Helms to the Air Branch Chiefs, dated August 10, 1990, on the subject of '' Exemption for Low-Use Coatings.'' A discussion of the rule and EPA's rule analysis follows.

Applicability

The rule's applicability criteria in section 1 establishes that manufacturers and suppliers of refinishing coatings used in the subject counties, as well as the owners or operators of the facilities that refinish motor vehicles or mobile equipment in those counties, are subject to this rule. Activities exempt by section 1 from this rule are aerosol coating, graphic design, and touch-up coating applications.

For purposes of this rule, ''motor vehicles'' is defined in section 2(31) to mean automobiles, buses, trucks, vans, motor homes, recreational vehicles, and motorcycles. ''Mobile equipment'' is defined in section 2(30) to mean any equipment which may be driven or drawn on a roadway, including but not limited to the following: truck bodies; truck trailers; cargo vaults; utility bodies; camper shells; construction equipment such as mobile cranes, bulldozers, and concrete mixers; farming equipment such as tractors, plows, and pesticide sprayers; and miscellaneous equipment such as street cleaners, golf carts, ground support vehicles, tow motors, and fork lifts.

The activities exempt from the requirement of the rule are defined as follows. Section 2(2) defines ''aerosol coating products'' to mean a mixture of resins, pigments, liquid solvents, and gaseous propellants, packaged in a disposable can for hand-held application. Section 2(24) defines ''graphic design application'' to mean the application of logos, letters, numbers, and graphics to a painted surface, with or without the use of a template. ''Touch-up coating'' is defined in section 2(52) to mean a coating applied by brush or hand held, nonrefillable aerosol can to repair minor surface damage and imperfections.

The applicability criteria in section 1 clearly indicate the industry and activities subject to the rule. The rule's applicability criteria are, therefore, approvable.

Definitions

The rule's definitions in section 2, which are based upon similar definitions in the ACT and draft CTG, accurately describe the subject industry, the subject and exempt coating categories, and the applicable control methods and equipment specified in the rule. These definitions are, therefore, approvable.

Compliance Dates

Section 3 clearly identifies all the required components of the rule and corresponding compliance dates. Each manufacturer or distributor of coating or surface preparation products manufactured or distributed for use in Clark, Floyd, Lake, and Porter Counties must comply with the rule's applicable VOC content limits and compliance procedures by November 1, 1995.

Any person commercially providing refinishing coatings or surface preparation products for use in the four subject counties which were manufactured after November 1, 1995, must meet the rule's applicable VOC content and compliance procedures by February 1, 1996. Section 3 does allow the distribution of non-compliant coatings intended to be used by sources which meet the rule requirements through an add-on control system rather than through compliant coatings, if certain compliance procedures are followed in section 6.

Section 3 further provides that any person applying any refinishing coating or surface preparation product must meet the applicable control requirements, work practice standards, compliance procedures, test procedures, control system provisions, and record keeping and reporting requirements of the rule, by May 1, 1996.

Finally, on and after May 1, 1996, section 3 prohibits any person from soliciting or requiring any refinishing facility to use a refinishing coating or surface preparation product that does not comply with applicable VOC content limits contained in the rule,

unless that facility operates a compliant add-on control system. These dates are all well within the November 15, 1996, deadline by which rules must be implemented in order to be creditable toward the 15% ROP plan.

Emission Limitations

The rule's VOC content limits for coatings and surface preparation products are established in section 4, and are generally consistent with option 1 limits specified in the ACT and draft CTG. The limits specified in section 4 of the rule are as follows:

Coating category	VOC content limit	
	grams/liter	lbs/gallon
Pretreatment wash primer	780	6.5
Precoat	660	5.5
Primer/Primer surfacer	576	4.8
Primer sealer	552	4.6
Topcoat:		
Single and two stage	600	5.0
Three and four stage	624	5.2
Specialty	840	7.0
Surface Preparation Products (Plastic)	780	6.5
Surface Preparation Products (Other)	168	1.4

For purposes of this rule, ''VOC content,'' is defined under section 2(54) to mean the weight of VOC, less water, and less exempt solvent, per unit volume, of coating or surface preparation product. Subject refinishers must meet these VOC content limits on an as-applied basis.

As an alternative to meeting the VOC content limits of this rule, section 4 allows subject refinishers to operate a control system which must achieve an overall reduction of VOC of at least 81% in order to be in compliance. For purposes of this rule, overall control efficiency is defined in section 2 as the product of the capture and control device efficiencies of the control system. The capture efficiency is the fraction of all VOC applied that is directed to a control device and control device efficiency is the ratio of the pollution destroyed or secured by a control device and the pollution introduced into the control device, expressed as a fraction.

Section 4 also requires that the application of all specialty coatings except anti-glare/safety coatings shall not exceed 5% by volume of all coatings applied on a monthly basis, based upon a draft CTG recommendation to assure that specialty coatings are not used as substitutes for coatings which have more stringent emission limits. ''Specialty coatings'' is defined at section 2(45) to mean coatings which are necessary due to unusual and uncommon job performance requirements, including but not limited to, the following: weld-through primers, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and multi-color coatings. These sub-categories of specialty coatings are further defined in section 2 of the rule.

Work Practice Standards

In addition to coating and surface preparation product emission limits, subject owners or operators of refinishing facilities must comply with certain work practice standards under section 5, which include equipment, housekeeping, and training requirements, to further reduce VOC. The rule's work practice standards require certain equipment be used to apply coatings, to clean the coating applicators, and to store waste solvent, coating, and other materials used in surface preparation, coating application, and clean-up. These equipment standards are based upon similar provisions in the ACT and draft CTG.

Section 5 specifies that coating applicators be cleaned in an enclosed device that: (1) is closed during coating applicator equipment cleaning operations except when depositing and removing objects to be cleaned, (2) is closed during non-cleaning operations with the exception of the device's maintenance and repair, (3) recirculates cleaning solvent during the cleaning operation so that the solvent is available for reuse on-site or for disposal off-site.

Section 5 also specifies that subject refinishers can only use the following equipment for coating application: (1) High-Volume Low-Pressure (HVLP) spray equipment, (2) electrostatic equipment, or (3) any other coating application equipment that has been demonstrated, to the satisfaction of IDEM, to be capable of achieving at least 65% transfer efficiency. For purposes of this rule, ''HVLP spray'' is defined under section 2(27) to mean technology used to apply coating to a substrate by means of coating application equipment which operates between 0.1 and 10 pounds per square inch gauge air pressure measured dynamically at the center of the air cap and at the air horns of the spray system. ''Electrostatic application'' is defined under section 2(20) to mean the application to a substrate of charged atomized paint droplets which are deposited by electrostatic attraction. Equipment which matches any of the above definitions is acceptable to be used under the rule. To determine whether applicator equipment other than HVLP or electrostatic equipment meet the 65% transfer efficiency requirement, the refinisher is required under section 5 to submit sufficient data for IDEM to be able to determine accuracy of the transfer efficiency claims. All coating applicators as well as applicator cleaning devices are further required under section 5 to be operated and maintained according to the manufacturer's recommendations, and those recommendations shall be available for inspection by IDEM or EPA upon request.

As for storage equipment requirements, section 5 specifies that closed, gasket-sealed containers must be used exclusively to store spent solvent, waste coating, spray booth filter, paper and cloth used in surface preparation and surface cleanup, and used automotive fluids until disposed of off-site.

In addition to equipment standards, section 5 requires subject refinishers to adopt certain housekeeping practices, such as scheduling operations of a similar nature to reduce VOC material and applying coatings and surface preparation products in a manner that minimizes overspray. Operators and owners of subject refinishing facilities must also, under section 5, develop an annual training program using written and hands-on procedures to properly instruct employees on how to implement these housekeeping practices, how to properly use and maintain the equipment required by section 5, prepare coatings for application according to manufacturer's instructions so that coatings meet applicable VOC content limits as applied, and comply with the recordkeeping requirements of the rule. Untrained employees are allowed to perform regulated activities for not more than 180 days.

Compliance Procedures, Record Keeping, and Reporting

VOC Content Limits

In order to demonstrate compliance with the VOC content limits of the rule, section 6(a) requires refinishing product manufacturers to keep, for each coating or surface preparation product supplied, the following: (1) the product description; (2) the date of manufacture; (3) the thinning instructions; (4) the VOC content in grams per liter and pounds per gallon, as supplied and as applied after any thinning recommended by the manufacturer; (5) a statement that the coating is, or is not, in compliance with the VOC limits in section 4(b) of the rule, and that if the coating is not in compliance, this rule

prohibits its application at a refinishing facility that does not control VOC emissions with the application of a control system; and (6) the name, address, telephone number, and signature of the person purchasing the product. The manufacturer must also provide a document containing this information to the owner or operator of the refinishing facility.

Commercial providers of coating or surface preparation products in the subject counties are required under section 6(b) to both provide to the recipient and keep the following records of all such products supplied in those counties: (1) the product description; (2) the amount supplied; (3) the date supplied; (4) the VOC content in grams per liter and pounds per gallon, as supplied and as applied after thinning recommended by the manufacturer; and (5) the name, address, telephone number, and signature of the person purchasing the product.

The owner or operator of a refinishing facility subject to this rule is required under section 6(c) to submit to IDEM a statement certifying that the facility has acquired and will continuously employ coating or surface preparation products meeting the rule's VOC limits, or that an add-on control system in compliance of this rule has been installed, including a description of the control system. Further, the owner or operator must meet coating and surface preparation record keeping requirements under section 9 which includes keeping, for a minimum of 3 years, records of each refinishing job performed, the job identification number and the date or dates the job was performed, and for each coating or surface preparation product used: (1) the records of the category the coating or product falls under the rule; (2) the quantity of coating or product used; (3) the VOC content of the coating as supplied; (4) the name and identification of additives added; (5) the quantity of additives added; (6) the VOC content of the additives; and (7) for each surface preparation product, the type of substrate to which the product is applied. Although the VOC policy memo ''Exemptions for Low-Use Coatings'' recommends usage limitations and record keeping of rule-exempt coatings in order to assure exempted coatings are not used as substitutes for coatings subject to limits under the rule, additional record keeping to cover the aerosol coating, graphic design application coatings, and touch-up coatings exempted under section 1 of the rule is not needed, because these coatings are typically dispensed from small containers and are not capable of being used as substitutes for the subject coatings.

Owners and operators must also, under section 9(a)(3), maintain documents such as Material Safety Data Sheets (MSDS), product, or other data sheets provided by the coating manufacturer, distributor, or supplier, of the coatings or surface preparation products for a period of 3 years following use of the product, which may be used by EPA or IDEM to verify the VOC content, as supplied. Except when using a control system, section 9(a)(4) requires any incidence in which a non-compliant coating was used to be reported to IDEM within 30 days, along with the reasons for use of the non-compliant coating and corrective actions taken.

Owners and operators are allowed under section 7 to use data provided with the coatings or surface preparation products formulation information, such as the container label, the product data sheet, and the MSDS sheet, in order to comply with the limits and record keeping; however, section 7 provides that owners and operators of refinishing facilities are nonetheless subject to the applicable test methods of 326 IAC 8–1–4 and 40 CFR part 60, Appendix A. 326 IAC 8–1–4, the State's VOC rule testing procedures, was approved by EPA and incorporated in the Indiana SIP on March 6, 1992 (57 FR at 8082). 40 CFR Part 60 Appendix A is Method 24, EPA's established test method for determining VOC content.

IDEM and EPA are allowed under section 7 to require VOC content verification of any coating or surface preparation product using EPA Method 24. In the event of any inconsistency between Method 24 and product formulation data used by the facility, section 7 provides that Method 24 shall govern in determining compliance.

The record keeping/reporting requirements for subject facilities are generally consistent with the draft CTG and assure compliance on an as-applied basis. Additionally, the rule's requirements for manufacturers and distributors to meet the coating limits should assure sufficient supply of compliant coatings so that owners or operators of refinishing facilities can comply with the rule. The compliance, testing, and record keeping requirements for coatings and surface preparation products are, therefore, approvable.

Add-on Control Systems

For demonstration of compliance with the control system requirements, section 4 requires the source to perform an initial compliance test of the system on or before May 1, 1996, in accordance with the test method and requirements of section 7, which, as stated before, include 40 CFR 60 Appendix A and 326 IAC 8–1–4. Section 4 also requires an operating parameter value be established during the initial compliance test, that, when measured through control system monitoring, indicates compliance with the 81% overall control efficiency requirement. Section 8(b) establishes the procedures for determining and monitoring the operating parameter for each type of control device, which are consistent with the 1992 VOC model rules. Section 7(c) requires additional compliance tests every two years after the date of the initial compliance test, whenever the control system is operated under conditions different from those which were in place at the time of the previous compliance test, and within 30 days of a written request by IDEM or the EPA. These compliance tests are required to be submitted to IDEM as required by section 7(c).

Section 4(c)(5) specifies that continuous compliance is demonstrated when the operating parameter value remains within a specified range from the operating parameter measured during the most recent compliance test that demonstrated the facility was in compliance. Section 9(b) requires that continuous monitoring records of the control system's operating parameter measured shall be maintained, as well as records of all 3 hour periods of operation when controls systems exceed parameter deviations acceptable under section 4(c)(5).

Section 8(a) requires control systems be operated and maintained according to the manufacturer's specification and instructions, with a copy of these operating and maintenance procedures maintained as close to the control system as possible for reference of personnel and inspectors. The operation of the control system may be modified upon written request of IDEM or EPA based on the results of the initial or subsequent compliance test. Section 9(b) requires that a log of the operating time of the facility and the facility's capture system, control device, and monitoring equipment, along with a maintenance log for the control system, and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system. Control system and monitoring record keeping, shall, like coating record keeping, be kept for at least 3 years. Section 9(b)(7) requires that sources report within 30 days of

occurrence of maintenance or repairs on control system or monitoring equipment, and any 3 hour period of operation where the acceptable parameter range under section 4(c)(5) is exceeded, along with the corrective action taken.

The above requirements are generally consistent with the 1992 VOC model rules' compliance procedures and record keeping/reporting requirements as they pertain to add-on control equipment, except that the 1992 VOC model rules do not allow for acceptable operating parameter deviations from the parameter value established through compliance testing, and EPA has no technical support which demonstrates that control systems still meet the 81% requirement when operating under the rule's allowable performance deviations. However, because compliant coatings will be readily available due to the rule's coating supplier requirements, and add-on control equipment is cost prohibitive for most autobody shops, EPA does not expect that many refinishing facilities will comply with the Indiana rule through means of a control system. Since control systems are expected to be rarely used by Indiana's automobile refinishing facilities, EPA will not request Indiana to remove the operating parameter deviation allowance for approval. It should be noted that such acceptable parameter deviations will not be acceptable in RACT rules without sufficient technical support. Based on the above analysis, the compliance, testing, and record keeping provisions for add-on control systems are approvable.

Work Practice Standards

The draft CTG recommends record keeping be required to assure compliance with equipment standards under the rule, including maintenance and repair records, and for equipment cleaners, records of guns cleaned and solvent added and removed.

Although the Indiana rule does not identify specific record keeping for equipment covered under the rule, inspection of coating applicators, cleaning equipment, and storage containers used at a given facility, along with the manufacturer's maintenance instructions required to be available at the facility under the rule, should suffice to indicate compliance with the equipment standards.

As for the Indiana rule's housekeeping and annual training requirements, section 5 requires that the owner or operator keep for a minimum of 3 years a list of persons, by name and activity, and the topics in which they have been trained, and the date by which the trainee completed each training topic, as well as a statement signed by the trainer certifying each trainee who satisfactorily completed training in the equipment, housekeeping, and record keeping requirements of the rule as they apply to the specific job responsibilities of the employee. These record keeping requirements are approvable.

Enforcement

The Indiana Code (IC) 13–7–13–1, states that any person who violates any provision of IC 13–1–1, IC 13–1–3, or IC 13–1–11, or any regulation or standard adopted by one (1) of the boards (i.e., IAPCB), or who violates any determination, permit, or order made or issued by the commissioner (of IDEM) pursuant to IC 13–1–1, or IC 13–1–3, is liable for a civil penalty not to exceed twenty-five thousand dollars per day of any violation. Because this submittal is a regulation adopted by the IAPCB, a violation of which subjects the violator to penalties under IC 13–7–13–1, and because a violation of the ozone SIP would also subject a violator to enforcement under section 113 of the Act by EPA, EPA finds that the submittal contains sufficient enforcement authority for approval. In addition, IDEM has submitted a civil penalty policy document which accounts for various factors in the assessment of an appropriate civil penalty for noncompliance with IAPCB rules, among them, the severity of the violation, intent of the violator, and frequency of violations. EPA finds these criteria sufficient to deter non-compliance.

III. Final Rulemaking Action

Based upon the analysis above, the EPA finds that Indiana's regulation covering automobile refinishing operations, 326 IAC 8–10, as submitted on September 19, 1995, and November 8, 1995, includes enforceable state regulations consistent with Federal requirements. EPA is, therefore, approving this SIP revision submittal.

IV. Procedural Background

A. Direct Final Action

The EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, EPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on August 12, 1996, unless EPA receives adverse or critical comments by July 15, 1996. If EPA receives comments adverse to or critical of the approval discussed above, EPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Any parties interested in commenting on this action should do so at this time. If no such comments are received, EPA hereby advises the public that this action will be effective on August 12, 1996.

B. Executive Order 12866

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

C. Applicability to Future SIP Decisions

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

D. Unfunded Mandates

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

Under section 205 of the Unfunded Mandates Act, the 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 objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

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

E. Regulatory Flexibility

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements a State has already imposed. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA*., 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

F. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: May 13, 1996.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.770 is amended by adding paragraph (c)(106) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(106) On September 19, 1995, and November 8, 1995, Indiana submitted automobile and mobile equipment refinishing rules for Clark, Floyd, Lake, and Porter Counties as a revision to the State Implementation Plan. This rule requires suppliers and refinishers to meet volatile organic compound content limits or equivalent control measures for coatings used in automobile and mobile equipment refinishing operations in the four counties, as well as establishing certain coating applicator and equipment cleaning requirements.

(i) Incorporation by reference. 326 Indiana Administrative Code 8–10: Automobile refinishing, Section 1: Applicability, Section 2: Definitions, Section 3: Requirements, Section 4: Means to limit volatile organic compound emissions, Section 5: Work practice standards, Section 6: Compliance procedures, Section 7: Test procedures, Section 8: Control system operation, maintenance, and monitoring, and Section 9: Record keeping and reporting. Adopted by the Indiana Air Pollution Control Board June 7, 1995. Filed with the Secretary of State October 3, 1995. Published at Indiana Register, Volume 19, Number 2, November 1, 1995. Effective November 2, 1995.

* * * * *

[FR Doc. 96–14965 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Parts 52 and 81

[NM 28–1–7312; FRL–5514–2]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Mexico; Approval of the Vehicle Inspection and Maintenance Program, Emissions Inventory, and Maintenance Plan; Redesignation to Attainment; Albuquerque/Bernalillo County, New Mexico; Carbon Monoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is redesignating to attainment the Albuquerque/Bernalillo County carbon monoxide (CO) nonattainment area. This action is in response to a request from the Governor of New Mexico on behalf of the Albuquerque and Bernalillo County carbon monoxide nonattainment area. The Governor's request included a revision to the State Implementation Plan (SIP) for the administration of a vehicle inspection and maintenance (I/M) program, a 1993 emissions inventory for Albuquerque/Bernalillo County, and an attainment maintenance plan. On February 16, 1996, the EPA proposed approval of the Albuquerque/ Bernalillo County I/M program, 1993 periodic emissions inventory, the maintenance plan, and the request for redesignation, because all met the requirements set forth in the Clean Air Act (Act). This final action promulgates the rule, redesignating the area to attainment, and incorporating the request into the SIP.

EFFECTIVE DATE: July 15, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the addresses listed below. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket Room M1500), Environmental Protection Agency, 401 M Street SW., Washington, D. C. 20460

Environmental Protection Agency, Region 6, Air Planning Section (6PD–

L), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733

Albuquerque Environmental Health Department, Air Pollution Control Division, One Civic Plaza Room 3023, Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Witosky, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7214.

SUPPLEMENTARY INFORMATION:

I. Background

Albuquerque/Bernalillo County, New Mexico, was designated nonattainment for CO and classified as moderate with a design value below 12.7 parts per million (ppm) (specifically 11.1 ppm), under sections 107(d)(4)(A) and 186(a) of the Act, upon enactment of the Clean Air Act Amendments (CAAA) of 1990 (the Act).[1] Please reference 56 FR 56694 (November 6, 1991) and 57 FR 13498 and 13529 (April 16, 1992). On November 5, 1992, the Governor of New Mexico submitted to the EPA a SIP revision for CO concerning Albuquerque/Bernalillo County that was intended to satisfy the Act's requirements due on November 15, 1992. The Act outlines certain required items to be included in CO SIPs. The required items for the Albuquerque/Bernalillo County CO SIP, due November 15, 1992, included: (1) a comprehensive, accurate, and current inventory of actual emissions from all sources of CO in the nonattainment area (sections 172(c)(3) and 187(a)(1) of the Act); (2) no later than September 30, 1995, and no later than the end of each three year period thereafter, until the area is redesignated to attainment, a revised inventory meeting the requirements of sections 187(a)(1) and 187(a)(5) of the Act; (3) a permit program to be submitted by November 15, 1993, which meets the requirements of section 173 for the construction and operation of new and modified major stationary sources of CO (section 172(c)(5)); (4) contingency measures due November 15, 1993, that are to be implemented if the EPA determines that the area has failed to attain the primary standards by the applicable date (section 172(c)(9)); (5) a commitment to upgrade and submit a SIP revision for the I/M program by November 15, 1993, (section 187(a)(4)); and (6) an oxygenated fuels program (section 211(m)).

Several of these items required to be in the City/County CO SIP were approved at different times prior to this action. The 1990 base year inventory, the oxygenated fuels program, and the winter wood burning program were approved on November 29, 1993, at 58 FR 62535. The nonattainment New Source Review program was approved on December 21, 1994, at 58 FR 67326. Required contingency measures were approved on May 5, 1995, at 59 FR 23167. Transportation conformity rules were approved on November 8, 1995, at 60 FR 56238. This action provides final approval for the 1993 emissions inventory, the vehicle inspection and maintenance program, the attainment maintenance plan, and the maintenance contingency provisions.[2] Hence, the City/County has a completely approved SIP for the purposes of redesignation.

The Albuquerque/Bernalillo County Air Quality Control Board has ambient monitoring data showing attainment of the CO National Ambient Air Quality Standards (NAAQS) during the period from 1992 through all of 1995. Therefore, in an effort to comply with the Act and to ensure continued attainment of the CO NAAQS, on April 14, 1995, the Governor of New Mexico submitted a CO redesignation request and a maintenance plan for the Albuquerque/Bernalillo County area. The redesignation request and maintenance plan were both approved by the Albuquerque/Bernalillo County Air Quality Control Board (hereafter referred to as City/County) after a public hearing held on April 13, 1995.

II. Evaluation of Petition

The Act revised section 107(d)(3)(E) to provide specific requirements that an area must meet in order to be redesignated from nonattainment to attainment. The EPA performed a detailed analysis of the City/County's petition and proposed approval on February 16, 1996 (see 61 FR 6179). The EPA concluded that the City/County had met all applicable requirements. No comments received during the public comment period have given the EPA cause to rescind the proposed approval. Please see the proposed rule and Technical Support Document (TSD) for the complete analysis.

III. Response to Comments

The EPA received one letter containing adverse comments to the proposed action.

Comment: The commenter questioned whether the City of Albuquerque and Bernalillo County would be in attainment if a previously operational special-purpose monitor were still in place. The commenter contended that the permanent monitoring network in place does not accurately reflect air quality in the ''Uptown'' area of the City.

Response: The EPA disagrees with this comment in two respects. The City/County operates an extensive CO monitoring network that sufficiently covers the nonattainment area, operating more monitors than required of cities of equal or greater population and area. All current monitoring sites meet the siting criteria the EPA uses to evaluate the location of individual monitors. The network as a whole also conforms to the current EPA policy and guidance that dictate coverage and resolution of monitoring data within a given domain to demonstrate attainment.

The EPA reviewed the comment with the City/County to determine if air quality analysis had been conducted in the ''Uptown'' area of the City. The City/County provided documentation and analysis of a monitoring exercise carried out in the high CO season of 1995. The City/County deployed two special purpose monitors for 11 days to discern if a CO ''hot spot'' exists at the intersection nearest the previous site of the special purpose monitor. Direct monitoring data showed little possibility that ambient CO concentrations currently present a problem for human health or the environment. The monitoring data generated by the special purpose monitor indicate CO levels in compliance with the national standards. It should be pointed out that the special purpose monitors were placed to measure the highest possible concentrations at the locations in question, and CO levels still remained below national standards. Statistical tests on the correlation between CO values at the permanent and special purpose monitors indicate that the monitoring data were representative of air quality, reasonable and accurate. Hence, the City/County has adequately ascertained that the existing monitoring network accurately reflects air quality in the ''Uptown'' area. To review the information provided by City/County, see the addendum to the Technical

[1] The Clean Air Act as amended (1990 Amendments) made significant changes to the air quality planning requirements for areas that do not meet (or that significantly contribute to ambient air quality in a nearby area that does not meet) the CO NAAQS (see Pub. L. No. 101–549, 104 Stat. 2399). References herein are to the CAAA, 42 U.S.C. sections 7401 *et seq.*

[2] The attainment contingency measure approved on May 5, 1995 at 59 FR 23167 would become one of two maintenance contingency measures through final action on this petition.

Support Document (TSD) in the docket file.

Comment: The commenter asserted that efforts of the City of Albuquerque and Bernalillo County to reduce vehicle-miles travelled (VMT) in the nonattainment area are inadequate for the City/County to achieve attainment.

Response: The EPA disagrees that the City/County should be required to implement additional reductions in VMT to attain the standard. The main components of the CO control program are the vehicle inspection and maintenance program, the oxygenated fuels program, the episode contingency plan, and the new source review permit program. The City/County has also adopted general and transportation conformity rules that are also currently being applied. Although the commenter specifically mentions high occupancy vehicle (HOV) lanes, the use of mass transit, public education campaigns, and pedestrian and bike trails, these programs do not constitute the mainstay of the CO control program, upon which the City/County achieved attainment and requested redesignation. The main parts of the control program, in conjunction with other federal programs, have enabled the area to achieve four years of continuous attainment with the CO standard. Should the main parts of the program not achieve maintenence of the standard, contingency measures will be applied without further action by the City/County to bring the area back into attainment. See the proposed rule for discussion of the applicable contingency measures.

Comment: The commenter asserted that implementation of the Intermodal Multimodal Transporation Plan and Transportation Improvement Program is deficient.

Response: The implementation of the Intermodal Multimodal Transporation Plan and Transportation Improvement Plans (TIP) are not under the purview of the EPA. The EPA takes this opportunity to point out that the U.S. Department of Transportation renders the determination that the TIP does or does not conform to the SIP, for transportation planning purposes.

IV. Final Action

The EPA is issuing final approval of the request of the State of New Mexico and Albuquerque/Bernalillo County to redesignate the Albuquerque CO nonattainment area to attainment status. The EPA is also issuing final approval of the vehicle inspection and maintenance program, the 1993 periodic emissions inventory, and the attainment maintenance plan. The EPA received and addressed comments on the proposed approval of all these elements of the complete CO SIP.

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

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

Miscellaneous

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

The SIP approvals under section 110 and subchapter I, part D, of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. § 7410(a)(2)).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The EPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference.

40 CFR Part 81

Air pollution control, National parks, and Wilderness areas.

Dated: May 15, 1996.

Carol M. Browner,

Administator.

40 CFR Parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart GG—New Mexico

2. Section 52.1620 is amended by adding paragraph (c)(63) to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(63) A revision to the New Mexico SIP approving a request for redesignation to attainment, a vehicle inspection and maintenance program, and the required maintenance plan for the Albuquerque/Bernalillo County CO nonattainment area, submitted by the Governor on May 11, 1995. The 1993 emissions inventory and projections were included in the maintenance plan.

(i) Incorporation by reference.

(A) A letter from the Governor of New Mexico to EPA dated April 14, 1995, in which the Governor requested redesignation to attainment based on the adopted Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation No. 28, Motor Vehicle Inspection, as amended April 12, 1995 and effective on July 1, 1995.

(ii) Additional material. Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico, approved and adopted by the Air Quality Control Board on April 13, 1995.

3. Section 52.1627 is revised to read as follows:

§ 52.1627 Control strategy and regulations: Carbon monoxide.

Part D Approval. The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April 13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart C—Section 107 Attainment Status Designations

2. In § 81.332 the table for ''New Mexico-Carbon Monoxide'' is amended by revising the entry for the Albuquerque Area Bernalillo County to read as follows:

§ 81.332 New Mexico.

* * * * *

NEW MEXICO-CARBON MONOXIDE

	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Albuquerque Area Bernalillo County	July 15, 1996	Attainment.		

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 96–14968 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1150

[Ex Parte No. 392 (Sub-Nos. 2 and 3)]

Class Exemption for the Construction of Connecting Track and Rail Construction Under 49 U.S.C. 10901

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (the Board) grants final approval to a class exemption for the construction and operation of connecting railroad track in Ex Parte No. 392 (Sub-No. 2) and terminates the Ex Parte No. 392 (Sub-No. 3) proceeding that proposed to adopt a different class exemption for all rail construction projects not covered by the connecting track exemption. Final regulations establishing the exemption for connecting track are set forth below.

EFFECTIVE DATE: July 13, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The exemption for the construction of connecting track was initially proposed in Ex Parte No. 392 (Sub-No. 2). By decision served on September 15, 1992, and notice of proposed rulemaking published in the Federal Register on September 16, 1992 (57 FR 42733), our predecessor agency, the Interstate Commerce Commission (ICC), sought public comments on proposed changes to 49 CFR Part 1150 that would establish a class exemption for all rail construction, or, alternatively, for construction of connecting railroad tracks. The Board is adopting (with minor changes) the proposed class exemption for the construction and operation of connecting tracks. We believe the changes will facilitate expanded rail service and reduce regulatory delay and also satisfy the requirements of the environmental laws, because the exemption has been structured so as to assure that there will be a full and timely environmental review in each case. We do not believe a class exemption for other rail constructions is warranted. Therefore, we will terminate the Ex Parte No. 392 (Sub-No. 3) proceeding and simply continue our practice of expeditiously handling individual construction exemption requests as an alternative to the class exemption the ICC had proposed. Additional information is contained in the Board's decision served on June 13, 1996. To purchase a copy of the decision, write to, call, or pick up in person from: DC News & Data, Inc., 1201 Constitution Avenue, N.W., Room 2229, Washington, D.C. 20423. (Assistance for the hearing impaired is available through TDD service (202) 927–5721.)

List of Subjects in 49 CFR Part 1150

Administrative practice and procedure, Railroads.

Decided: May 29, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, Title 49, Chapter X, part 1150 is amended as set forth below:

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

1. The authority citation for part 1150 is revised to read as follows:

Authority: 5 U.S.C. 553 and 559; 49 U.S.C. 701 note (sec. 204 of the ICC Termination Act of 1995), 721(a), 10502, and 10901.

2. A new § 1150.36 is added to read as follows:

§ 1150.36 Exempt construction of connecting track.

(a) *Scope.* This class exemption applies to proceedings involving the construction and operation of connecting lines of railroad within existing rail rights-of-way, or on land owned by connecting railroads, under 49 U.S.C. 10901 (a), (b), and (c). (See the reference to connecting track in 49 CFR 1105.6(b)(1).) This class exemption is designed to expedite and facilitate connecting track construction while ensuring full and timely environmental review. The Surface Transportation Board (Board) has found that its prior review of connecting track construction and operation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; that continued regulation is not necessary to protect shippers from abuse of market power; and that the construction of connecting track would be of limited scope. *See* 49 U.S.C. 10502. To use this class exemption, a pre-filing notice, environmental report, historic report, and notice of exemption must be filed that complies with the procedures in § 1150.36 (b) and (c), and the Board's environmental rules, codified at 49 CFR part 1105.

(b) *Environmental requirements.* The environmental regulations at 49 CFR part 1105 must be complied with fully. An environmental report containing the information specified at 49 CFR 1105.7(e), as well as an historic report containing the information specified at 49 CFR 1105.8(d), must be filed either before or at the same time as the notice of exemption is filed. *See* 49 CFR 1105.7(a). The entity seeking the exemption authority must also serve copies of the environmental report on the agencies listed at 49 CFR 1105.7(b). Because the environmental report must include a certification that appropriate agencies have been consulted in its preparation (*see* 49 CFR 1105.7(c)), parties should begin environmental and historic consultations well before the notice of exemption is filed. Environmental requirements may be waived or modified where a petitioner demonstrates in writing that such action is appropriate. *See* 49 CFR 1105.10(c). It is to the advantage of parties to consult with the Board's Section of Environmental Analysis (SEA) at the earliest possible date to begin environmental review.

(c) *Procedures and dates.* (1) At least 20 days prior to the filing of a notice of exemption with the Board, the party seeking the exemption authority must notify in writing: the State Public Service Commission, the State Department of Transportation (or equivalent agency), and the State Clearinghouse (if there is no clearinghouse, the State Environmental Protection Agency), of each State involved. The pre-filing notice shall include: the name and address of the railroad (or other entity proposing to construct the line) and the proposed operator; a complete description of the proposed construction and operation, including a map; an indication that the class exemption procedure is being used; and the approximate date that construction is proposed to begin. This pre-filing notice shall include a certification that the petitioner will comply with the Board's environmental regulations, codified at 49 CFR part 1105, and a statement that those regulations generally require the Board to:

(i) Prepare an environmental assessment (EA) (or environmental impact statement (EIS) if necessary),

(ii) Make the document (EA or EIS, as appropriate) available to the parties (and to the public, upon request to SEA); and

(iii) Accept for filing and consideration comments on the environmental document as well as petitions for stay and reconsideration.

(2) Petitioner must file a verified notice of exemption with the Board at least 90 days before the construction is proposed to begin. In addition to the information contained in § 1150.36(c)(1), the notice shall include a statement certifying compliance with the environmental rules at 49 CFR part 1105 and the pre-filing notice requirements of 49 CFR 1150.36(c)(1).

(3) The Board, through the Director of the Office of Proceedings, shall publish a notice in the Federal Register within 20 days after the notice of exemption is received that describes the construction project and invites comments. SEA will then prepare an EA (or, if necessary, an EIS). The EA generally will be made available 15 days after the Federal Register notice. It will be served on all parties and appropriate agencies. Others may request a copy from SEA. The deadline for submission of comments on the EA will generally be within 30 days of its availability (*see* 49 CFR 1105.10(b)). If an EIS is prepared, the time frames and procedures set forth in 49 CFR 1105.10(a) generally will apply.

(4) The Board's environmental document (together with any comments and SEA's recommendations) shall be used in deciding whether to allow the particular construction project to proceed under the class exemption and whether to impose appropriate mitigating conditions upon its use (including use of an environmentally preferable route). If the Board concludes that a particular project will result in serious adverse environmental consequences that cannot be adequately mitigated, it may deny authority to proceed with the construction under the class exemption (the ''no-build'' alternative). Persons believing that they can show that the need for a particular line outweighs the adverse environmental consequences can file an application for approval of the proposed construction under 49 U.S.C. 10901.

(5) No construction may begin until the Board has completed its environmental review and issued a final decision.

(6) Petitions to stay the effective date of the notice of exemption on other than environmental and/or historic preservation grounds must be filed within 10 days of the Federal Register publication. Petitions to stay the effective date of the notice on environmental and/or historic preservation grounds may be filed at any time but must be filed sufficiently in advance of the effective date to allow the Board to consider and act on the petition before the notice becomes effective. Petitions for reconsideration must be filed within 20 days of the Federal Register publication.

(7) The exemption generally will be effective 70 days after publication in the Federal Register, unless stayed. If the notice of exemption contains false or misleading information, the exemption is void *ab initio* and the Board shall summarily reject the exemption notice.

(8) Where significant environmental issues have been raised or discovered during the environmental review process, the Board shall issue, on or before the effective date of the exemption, a final decision allowing the exemption to become effective and imposing appropriate mitigating conditions or taking other appropriate action such as selecting the ''no build'' alternative.

(9) Where there has been full environmental review and no significant environmental issues have been raised or discovered, the Board, through the Director of the Office of Proceedings, shall issue, on or before the effective date of the exemption, a final decision consisting of a Finding of No Significant Impact (FONSI) to show that the environmental record has been considered (*see* 49 CFR 1105.10(g)).

(10) The Board, on its own motion or at the request of a party to the case, will stay the effective date of individual notices of exemption when an informed decision on environmental issues cannot be made prior to the date that the exemption authority would otherwise become effective. Stays will be granted initially for a period of 60 days to

permit resolution of environmental issues and issuance of a final decision. The Board expects that this 60-day period will usually be sufficient for these purposes unless preparation of an EIS is required. If, however, environmental issues remain unresolved upon expiration of this 60-day period, the Board, upon its own motion, or at the request of a party to the case, will extend the stay, as necessary to permit completion of environmental review and issuance of a final decision. The Board's order will specify the duration of each extension of the initial stay period. In cases requiring the preparation of an EIS, the Board will extend the stay for a period sufficient to permit compliance with the procedural guidelines established by the Board's environmental regulations.

(d) *Third-Party Consultants.* An environmental and historic report required under 49 CFR 1105.7 and 1105.8 will not be required where a petitioner engages a third-party consultant who is approved by SEA and acts under SEA's direction and supervision in preparing the EA or EIS. In such a case, the third-party consultant must act on behalf of the Board, working under SEA's direction to collect the environmental information that is needed and to compile it into a draft EA or EIS, which is prepared under SEA's direction and then submitted to SEA for its final review and approval. *See* 49 CFR 1105.10(d).

[FR Doc. 96–14902 Filed 6–12–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 960111003–6068–03; I.D. 060796A]

Pacific Halibut Fisheries; 1996 Halibut Landing Report No. 3

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

ACTION: Inseason action.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes these inseason actions pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock.

EFFECTIVE DATE: Southern Oregon Sport Halibut Season: 11:59 p.m., Pacific Daylight Time, June 1, 1996, until June 2, 1996.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995, and amended at 61 FR 11337, March 20, 1996). On behalf of the IPHC, this inseason action is published in the Federal Register to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

Inseason Action

1996 Halibut Landing Report No. 3

Southern Oregon Sport Halibut Season to Close June 1

The preliminary catch estimate for the 1996 sport halibut fishery between the Florence North Jetty (Siuslaw River, 44°01°08″ N. lat.) and the California border (42°00°00 N. lat.) indicates the 5,999 lb (2.72 metric tons (mt)) catch limit will be reached on June 1. Therefore, the sport halibut fishery in this area will close at 11:59 p.m. on June 1.

Sport fishing for Pacific halibut will reopen on June 2 and remain open through August 1, 7 days a week, only in the area inside the 30–fathom curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600 from the Florence North Jetty (Siuslaw River) to the California border, or until 1,500 lb (.68 mt) are estimated to have been taken (except that any poundage remaining unharvested after the earlier season will be added to this season) and the season is closed by the IPHC, whichever occurs first. The daily bag limit remains two halibut per person, one with a minimum overall size limit of 32 inches (81.28 centimeters (cm)) and the second with a minimum overall size limit of 50 inches (127.0 cm).

Dated: June 7, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–15058 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 115
Thursday, June 13, 1996

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

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 545, 559, 560, 563, 567, 571

[No. 96–47]

RIN 1550–AA88

Subsidiaries and Equity Investments

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Thrift Supervision (OTS) is proposing to update, reorganize, and streamline its subsidiaries and equity investment regulations and policy statements. This proposal follows a detailed review of each pertinent regulation and policy statement to determine whether it is necessary, imposes the least possible burden consistent with safety and soundness, and is written in a clear, straightforward manner. Today's proposal is being made pursuant to the Regulatory Reinvention Initiative of the Vice President's National Performance Review and section 303 of the Community Development and Regulatory Improvement Act of 1994.

DATES: Comments must be received on or before August 12, 1996.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552, Attention Docket No. 96–47. These submissions may also be hand-delivered to 1700 G Street, NW., from 9:00 A.M. to 5:00 P.M. on business days or may be sent by facsimile transmission to FAX Number (202) 906–7755. Comments will be available for inspection at 1700 G Street, NW., from 9:00 A.M. until 4:00 P.M. on business days.

FOR FURTHER INFORMATION CONTACT: Debra Merkle, Project Manager, Supervision Policy, (202) 906–5688; Donna Miller, Senior Program Manager, Supervision Policy, (202) 906–7488; Susan Miles, Senior Attorney, Regulations and Legislation Division, (202) 906–6798; Dean Shahinian, Senior Counsel for Corporate Activities, Business Transactions Division, (202) 906–7289; or Deborah Dakin, Assistant Chief Counsel, (202) 906–6445, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

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I. Background of the Proposal

In a comprehensive review of the agency's regulations in the spring of 1995, OTS identified numerous provisions for immediate repeal, plus several key regulatory areas for further intensive, systematic regulatory burden analysis. These areas—lending and investment authority, subsidiaries and equity investments, insurance referrals and loan-related fees, and charter and bylaws—were selected because they are vital to thrift operations, and have not been developed on an interagency basis or been comprehensively reviewed for many years. Today's proposal presents the results of an intensive review of OTS's subsidiary and equity investments regulations and related policy statements.

Since commencing its reinvention initiative in the spring of 1995, OTS has already repealed eight percent of its regulations. In addition, in January of 1996, OTS issued a comprehensive proposal on its lending and investment regulations.[1] That proposal, once adopted in final form, will reduce the number of lending and investment regulations from 43 to 23. Burden reduction proposals regarding charter and bylaws and insurance referrals and loan-related fees will be issued in the near future.

Today's proposal regarding subsidiaries and equity investments is also expected to result in significant regulatory burden reduction. In developing this proposal, OTS considered the relevant regulations, guidance, legal interpretations, and reporting requirements of the other federal banking agencies. In addition, as with our other regulatory reinvention efforts, this proposal was prepared in consultation with those who use the regulations on a daily basis, including the agency's regional examination staff and a focus group composed of representatives of the thrift industry.

The consensus that emerged from this process is that the primary need in the subsidiaries and equity investment area is to enhance flexibility and clarify available investment options, as opposed to simply eliminating large portions of regulatory text. Thus, although today's proposal does call for the elimination of 12 paragraphs of regulatory text, the most significant burden reduction is expected to result from clarifying investment options and streamlining procedural requirements.

II. Objectives

The overarching goal of OTS's reinvention initiative is to reduce regulatory burden on savings associations to the greatest extent possible consistent with statutory requirements and safety and soundness. In the context of the subsidiary and equity investment regulations, we believe that maximum burden reduction can be achieved by pursuing the following six specific objectives:

[1] 61 FR 1162 (January 17, 1996).

A. Create More User-Friendly Subsidiary and Equity Investment Regulations

Our first objective is to make it easier for savings associations to find and understand the regulations governing subsidiaries and equity investments. Industry representatives and other reviewers expressed concern that the current subsidiary and equity investment regulations are scattered throughout the regulations and are worded in a confusing manner. Accordingly, this proposal:

• *Reorganizes the regulations for easier reference.* New part 559 consolidates all of the regulations that apply directly to subsidiaries. It features a chart to allow ready comparisons of the requirements applicable to operating subsidiaries and service corporations. This should make it easier for savings associations to determine which structure will best meet their needs. The lending and investment chart and regulations in proposed part 560 are also being expanded to include permissible equity investments.

• *Employs plain language drafting.* Proposed part 559 utilizes plain language drafting techniques that have been pioneered by the Department of the Interior and promoted by the Vice President's Regulatory Reinvention Initiative. If thrifts find this approach helpful, OTS will expand the use of plain language drafting to encompass other regulatory projects. The goal of plain language drafting is to decrease industry frustration, inadvertent errors, the need to seek clarification in correspondence and phone calls, and the amount of staff time institutions must devote to understanding the regulations. Plain language drafting emphasizes the use of informative headings, lists and charts where appropriate, short sentences, sections and paragraphs, non-technical language (including the use of ''you''), and sentences in the active voice.

B. Codify Pass-Through Investment Authority

Institutions and examiners have also expressed concern that OTS's subsidiary and equity investment regulations do not reflect all significant investment options. As a result, some institutions may not be aware of options that have been recognized in various OTS opinions and policy statements.

The most significant gap in the current regulations concerns pass-through investment authority. As is explained more fully below, federal savings associations have long been permitted to exercise pass-through investment authority, that is, to invest in companies that engage exclusively in activities that federal savings associations may conduct directly. These companies generally are organized as mutual funds or limited partnerships. Indirect investments of this type often offer important benefits—such as risk spreading, enhanced liquidity, and greater investment security (due to any overcollateralization or recourse commitment offered by the organizer of the pass-through entity).

Because pass-through investment authority has been discussed in OTS opinions and policy statements (rather than the regulations), some institutions may be unaware of this investment option and applicable restrictions. Even institutions that are aware of the option frequently feel the need to write to OTS seeking confirmation or clarification of the circumstances under which they may exercise this authority. To resolve this uncertainty, OTS proposes to codify pass-through investment authority in proposed part 560.

C. Update the List of Preapproved Activities for Service Corporations

OTS's service corporation regulation contains a list of preapproved activities that service corporations of most federal savings associations may conduct after notifying OTS. Service corporations wanting to engage in activities not on the preapproved list must submit a formal application to OTS demonstrating, among other things, that the proposed activity is reasonably related to the business of a federal thrift.

The list of pre-approved service corporation activities has not been updated for many years. As a result, institutions are often required to file applications for activities that are clearly reasonably related, but have not yet been added to the preapproved list.

The proposal updates the preapproved list in several respects. First, the list is being amended to confirm that all activities that federal savings associations may conduct directly are preapproved. This general authorization is substituted for the current detailed (but incomplete) listing of specific activities that thrifts may conduct directly. Second, the proposal broadens the universe of customers for whom certain services that are already preapproved may be provided. Third, the proposal adds activities that OTS has routinely approved on a case-by-case basis and other specific finance-related activities that have been authorized for bank service corporations and bank operating subsidiaries. Each of these changes is described in more detail below.

The proposal also reemphasizes OTS's longstanding position that federal thrifts may, on a case-by-case basis, apply for approval for their service corporations to engage in any activity not on the preapproved list that is reasonably related to the operation of a thrift. The preapproved list reflects the most common service corporation activities and is not intended to be a comprehensive statement of every conceivable reasonably related activity.

D. Streamline Subsidiary Notice and Application Procedures

The industry focus group made the agency aware of confusion over subsidiary notice and application requirements, including what procedures apply when converting a subsidiary from a service corporation to an operating subsidiary or the reverse. Regulations governing service corporations were first promulgated in 1965, finance subsidiaries in 1984, and operating subsidiaries in 1992. The procedures for establishing and operating each type of entity have never been thoroughly harmonized.

Thus, OTS has reviewed these procedural requirements with a view toward enhancing consistency and clarity and substituting notices for more burdensome applications (or recordkeeping for notices) wherever feasible. As a result, the proposal:

• *Allows all savings associations to establish or acquire operating subsidiaries upon 30 days notice to OTS.* Under current regulations, all but the strongest institutions must submit an application for prior OTS approval to establish an operating subsidiary. As part of this application, institutions must affirmatively demonstrate that the proposed operating subsidiary will improve the institution's financial and managerial condition. By contrast, the strongest institutions (*i.e.*, those eligible for expedited treatment under 12 CFR 516.3(a)) need only notify OTS 30 days before establishing an operating subsidiary and, unless OTS objects, can establish their subsidiaries at the end of that period. Based on the agency's experience with operating subsidiaries, we have concluded that the 30-day notice procedure provides adequate information and opportunity to object whenever an operating subsidiary is proposed by any federal thrift—especially since operating subsidiaries can only engage in activities that federal thrifts may conduct directly. Accordingly, OTS is proposing to apply the notice procedure to all federal thrifts who wish to form operating subsidiaries.

• *Clarifies the procedures for redesignating a subsidiary as an operating subsidiary or a service corporation.* The current regulations are unclear about how and when a service corporation may be converted into an operating subsidiary, or an operating subsidiary into a service corporation, and whether a notice or application must be filed with OTS. Both operating subsidiaries and service corporations are incorporated under state law. The distinctions based on ownership, control, and activities that separate an operating subsidiary from a service corporation for OTS regulatory purposes do not affect this underlying corporate form. OTS, therefore, has taken the position that merely redesignating a service corporation as an operating subsidiary or vice versa, without adding new activities, does not constitute an event requiring notice or application to OTS. The proposal makes this position clear by establishing explicit, streamlined recordkeeping provisions to document all such redesignations.

• *Streamlines salvage power procedures affecting service corporations.* Under the current regulations, a savings association must file an application and obtain formal OTS approval before using its salvage powers to make an additional investment to protect its interest in a troubled service corporation. The proposal allows a savings association to file a notice in lieu of a formal application. Under the proposal, institutions will be permitted to proceed with salvage investments in service corporations within 30 days of filing notice, unless the OTS raises objection.

E. Clarify and Simplify Computation of the Service Corporation Investment Limit

Section 5(c)(4)(B) of the Home Owners' Loan Act (HOLA) limits a federal savings association's aggregate investment in service corporations to 3% of total assets. The implementing regulations have long provided that all loans to service corporations count toward this investment limit, except for ''conforming loans.'' The amount of conforming loans that qualify for exclusion from the 3% limit varies on the basis of whether the lending institution owns more than 10% of the stock of the borrowing service corporation.

Institutions have expressed frustration at the complexity and ambiguity of these service corporation investment rules. Accordingly, today's proposal clarifies which loans to service corporations may be considered separately from the general statutory service corporation investment limit of 3% of assets (see the discussion of proposed § 559.4 below for details). The proposal also removes the confusing distinctions tied to a thrift's percentage ownership of the service corporation. A single rule regarding the amount of qualifying loans to service corporations that will be exempt from the 3% investment cap will be applied to all federal thrifts regardless of percentage of ownership of the service corporation.

F. Clarify What Constitutes a ''Subsidiary'' Under Various Regulatory Provisions and, in so Doing, Simplify Calculations of Capital

Another concern expressed by the industry focus group was the complexity of determining the appropriate amount of capital to be held against service corporation investments, especially when the service corporation itself has investments in lower-tier entities. A further complication is that the HOLA ties OTS regulations in the areas of transactions with affiliates, lending limits, and capital to a variety of banking statutes and regulations that in turn define ''subsidiary'' differently and not entirely consistently.

• *Defines ''subsidiary'' in a manner that is more consistent with the other banking agencies.* The proposal adopts the same definition of ''subsidiary'' used by the other banking agencies for purposes of transactions with affiliates, lending limits, and notices regarding subsidiaries. The proposal also modifies the capital definition of ''subsidiary'' to follow Generally Accepted Accounting Principles (GAAP) and to be more consistent with the other federal banking agencies. Currently, the OTS employs a definition of ''subsidiary'' for capital purposes that is far more encompassing than the definitions used by the other banking agencies and GAAP. This sometimes results in higher capital requirements for thrifts.

• *Defines ''includable subsidiary'' in a manner that eliminates overstatement of the risk presented by lower-tier nonincludable subsidiaries.* Under the current capital regulations (as interpreted by instructions in the Thrift Financial Report), a savings association's investment in a first-tier subsidiary engaged exclusively in activities permissible for national banks must be completely deducted from capital if a lower-tier subsidiary engages in any activity impermissible for a national bank. Deduction is required even when the first-tier subsidiary's investment in the lower-tier subsidiary constitutes a tiny portion of its total assets. Under the proposal, savings associations will only be required to deduct the actual amount of their indirect investment in the lower-tier nonincludable subsidiary.

The OTS is hopeful that the foregoing reforms, taken as a whole, will result in a significant decrease in the regulatory burden associated with establishing and operating thrift subsidiaries and making pass-through equity investments. The remainder of this preamble provides a historical overview of the regulation of thrift subsidiaries and a detailed section-by-section description of the proposed amendments.

III. Historical Overview

Regulations affecting the ability of savings associations to invest in service corporations and other subsidiaries and to make limited equity investments have evolved over the past 30 years in response to changes in statutes, competition, and the financial markets. The result has been increased flexibility in service corporation activities and in the permissible form of corporate structures (*e.g.*, finance subsidiaries and operating subsidiaries). With this increased flexibility, however, has come added complexity and elements of inconsistency.

In order to provide a context for OTS's current proposal, a brief history of key developments in the subsidiary and equity investment authority of federal thrifts is provided.

A. Service Corporations

In 1964, Congress authorized federal savings associations to invest up to one percent of their assets in service corporations.[2] The statute did not limit the types of activities in which such service corporations could engage. The accompanying legislative history noted, however, that such investments were expected to be reasonably related in purpose to the savings and loan business.[3] This standard was incorporated into the implementing regulations of the Federal Home Loan Bank Board (FHLBB), the predecessor regulatory agency to the OTS. The FHLBB regulations expressly indicated that certain service corporation activities met the reasonably related standard and established an application process for considering other proposed activities. This allowed federal savings associations and the agency to gain experience in identifying appropriate service corporation activities.

The HOLA was amended in 1980 to expand the authority of federal savings

[2] Pub. L. 88–560, section 905, amending 12 U.S.C. 1464.

[3] H. Rep. 1703, 1964 U.S. Code Congressional and Administrative News 3444.

associations ''to act as one-stop family financial centers''[4] and to increase the amount a federal savings association could invest in its service corporations from one percent to a maximum of three percent of its assets.[5]

In December 1980, the FHLBB proposed to update the list of preapproved activities for service corporations.[6] In determining which activities were appropriate for preapproval, the FHLBB ''examined activities that have been approved consistently for service corporations upon application to the Board, newly authorized activities for Federal associations, and the present needs of the residential mortgage market.''[7] This list of preapproved activities remains in effect today,[8] with only a few additions and modifications, such as securities brokerage services (added in 1989).[9]

In 1989, the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) mandated that OTS adopt capital regulations requiring substantial amounts of additional capital to be held against thrifts' investments in subsidiaries, such as service corporations, that engaged as principal in activities not permissible for national banks. The OTS adopted these regulations in November, 1989.

No new activities have been added to the preapproved list since 1989, although the OTS has continued to receive, review, and process applications to engage in new activities on a case-by-case basis.

Thus, the same basic regulatory structure for service corporations first established in 1964—a list of preapproved activities, coupled with authorization to apply to engage in any other reasonably related activities—has continued until the present. Nothing in today's proposal would alter this basic structure. Instead, OTS is proposing to update the preapproved list, clarify how to compute the service corporation investment limit, and simplify the capital treatment of investments in subsidiaries.

B. Finance Subsidiaries

In 1984, the FHLBB recognized a federal savings association's incidental authority to establish finance subsidiaries.[10] These entities are dedicated financing vehicles created to issue securities that the parent association is authorized to issue and to remit the proceeds to the parent. The securities issued via finance subsidiaries have typically been collateralized mortgage obligations, mortgage-backed bonds or Eurobonds backed by mortgages or mortgage-related securities. The finance subsidiary regulation has fallen into disuse since OTS promulgated the operating subsidiary regulation. Operating subsidiaries can do all that finance subsidiaries can do and more. Thus, we are proposing to repeal the finance subsidiary rule.

C. Operating Subsidiaries

In October, 1992, the OTS authorized federal savings associations to establish operating subsidiaries.[11] Thrift operating subsidiaries were modeled on national bank operating subsidiaries. Under the OTS operating subsidiary regulation, a federal thrift may make unlimited investments in an operating subsidiary, provided the thrift is the majority owner and has effective operating control and the subsidiary engages only in activities that the thrift could conduct directly. Unlike service corporations, operating subsidiaries can issue minority ownership interests to investors that are not savings associations. Thus, operating subsidiaries offer federal thrifts greater structural flexibility. Unlike service corporations, however, operating subsidiaries can only do what a federal thrift could do directly.

D. Pass-Through Investments

Finance subsidiaries and operating subsidiaries are examples of pass-through investments. In both instances, a savings association acquires an interest in a company that in turn engages exclusively in activities that the savings association can perform directly. However, pass-through investment options have not been restricted to operating subsidiaries and finance subsidiaries.

In 1982, the FHLBB issued a legal opinion, which was followed by a policy statement in 1986, recognizing that federal thrifts have incidental authority to invest indirectly in permissible investments.[12] In other words, federal thrifts can purchase shares of a mutual fund, a partnership interest in a limited partnership, or interests in a similar investment vehicle, *provided* the pass-through entity's activities are limited to those a federal thrift could conduct directly. At about the same time, the OCC, through legal opinions and guidance, authorized similar investments for national banks.

These types of pass-through investments do not count against service corporation limits, nor are they deemed to be operating subsidiaries. The pass-through entity must comply with the same restrictions that would apply if the thrift engaged in the activity or held the asset directly. Additional restrictions have been imposed on a case-by-case basis. These include limiting the amount of investment that a thrift can make in any one pass-through entity to the amount that would be permitted under the loans to one borrower (LTOB) rule. (Pass-through investment authority has recently proven to be an important vehicle for authorizing several community development investments, such as purchasing limited partnership interests in Low Income Housing Tax Credit partnerships.)

Several other legal opinions have authorized federal savings associations (like national banks) to invest, with certain restrictions, in certain ''special purpose corporations'' that engage exclusively in activities federal savings associations may conduct directly. To date, such corporations have been used to enable thrifts to pool resources with others to obtain basic support services (such as data processing and ATM operations) free from the operating subsidiary control requirement and the service corporation investment limits.

One of the key objectives of today's proposal is to rationalize and harmonize these various pass-through investment options. Codification of these options will ensure industry awareness, reduce confusion, and facilitate consistent application of relevant safety and soundness standards.

IV. Section-by-Section Analysis

A. New Part 559—Subsidiaries

OTS proposes to adopt a new part 559, Subsidiaries, that will include all of the agency's regulations affecting

[4] S. Rep. 96–368 at 13, 1980 U.S. Code Congressional and Administrative News 248. *See also* 45 FR 85049 (Dec. 24, 1980).

[5] Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221, 94 Stat. 132, section 401, amending 12 U.S.C. 1464(c)(4)(B).

[6] 45 FR 85048 (Dec. 24, 1980) (proposed rule); 46 FR 24526 (May 1, 1981) (final rule).

[7] 45 FR at 85049.

[8] In 1982, the FHLBB proposed a much broader list of potential preapproved activities, 47 FR 9855 (March 8, 1982), but did not adopt the proposal in the wake of the Garn-St Germain Depository Institutions Act of 1982 (DIA), which significantly expanded federal savings association activities. The FHLBB did add personal property leasing and commercial lending (activities that the DIA had authorized for federal savings associations) and rearranged the list for ease of reference, 48 FR 23032 (May 23, 1983).

[9] 54 FR 32954 (Aug. 11, 1989).

[10] 49 FR 29357 (July 20, 1984).

[11] 57 FR 48942 (Oct. 29, 1992).

[12] Memorandum T–79a, issued on June 10, 1986, memorialized this authority. T-memoranda issued by the FHLBB were the counterparts of OTS Thrift Bulletins. Memorandum T–79a has not been superseded by a later Thrift Bulletin.

federal thrift subsidiaries, that is, operating subsidiaries and service corporations. The agency believes this action will make it much easier for savings associations to find and use these regulations. This new part will utilize techniques of ''plain language'' drafting, employing simple expression and short sentences to the full extent possible.

Section 559.1 What Does This Part Cover? (Proposed)

This proposed section explains the scope of new part 559 and sets forth OTS's basic statutory authority over operating subsidiaries and service corporations. The section first explains which regulations in part 559 apply only to federal savings associations and which apply to all savings associations. It then incorporates into one place language from current §§ 545.74(b)(5) and 545.81(h) regarding limits that OTS may impose on subsidiary activities for supervisory, safety or soundness, or legal reasons.

Proposed § 559.1 also incorporates language from current § 545.81(i). That paragraph provides that the OTS may impose conditions in writing when authorizing a federal thrift to acquire or establish an operating subsidiary or to engage in new activities in an existing operating subsidiary and that such conditions are enforceable. This statement is true for conditions OTS imposes in all of its approvals and authorizations, not just those involving operating subsidiaries. The regulation merely makes explicit what is already implicit in OTS's safety and soundness jurisdiction.

Subpart A—Regulations Applicable to Federal Savings Associations (Proposed)

This subpart will contain regulations directly applicable only to operating subsidiaries and service corporations of federal savings associations. The subpart may indirectly apply to operating subsidiaries and service corporations of state-chartered savings associations by virtue of various statutory and regulatory provisions that tie state savings associations to certain requirements applicable to federal thrifts.[13]

Section 559.2 What Are the Characteristics of, and What Requirements Apply to, Operating Subsidiaries and Service Corporations of Federal Savings Associations? (Proposed)

Proposed § 559.2 authorizes federal savings associations to establish or acquire operating subsidiaries and service corporations. The introductory text explains that OTS may limit this authority for supervisory, legal, or safety and soundness reasons.

The majority of proposed § 559.2 takes the form of a chart that lists, in a side-by-side format, the different characteristics of, and requirements that apply to, operating subsidiaries and service corporations. These include ownership, activities, investment limits, the applicability of other federal statutes and regulations, and notices. The chart reiterates that in addition to preapproved service corporation activities, a federal thrift may continue to apply to the OTS for case-by-case approval to engage in any activity that is reasonably related to the operation of a thrift.The regulation also confirms that state law is preempted for operating subsidiaries to the same extent as it is for the parent federal savings association, as has been the case since operating subsidiaries were first authorized. However, state law is not preempted for service corporations.

Where appropriate, and for ease of reference, the subsidiaries chart cross-references other applicable OTS regulations that have been the subject of frequent questions to the agency. The chart is derived in large part from the current regulations at 12 CFR 545.74 and 12 CFR 545.81. OTS expects that this format will make it easier for a federal savings association to compare these two structures and determine which best fits the association's needs.

Section 559.3 What Activities Are Permissible for Service Corporations? (Proposed)

This section replaces the list of preapproved activities found in current § 545.74(c). OTS proposes to revise the list of preapproved activities to:

- Specifically affirm that any activity a federal thrift may conduct directly, except deposit-taking, is preapproved for a service corporation, when conducted in the same manner as allowed at the federal savings association level. This includes all activities listed in the HOLA and proposed part 560, as well as other incidental powers addressed in OTS legal opinions and guidance. As a result, OTS proposes to delete various activities from the preapproved list that federal thrifts are obviously permitted to conduct (*e.g.*, lending) and to reiterate only those activities the service corporation may conduct without being subject to the same limitations that would apply to the federal savings association (*e.g.*, data processing services and leasing). As set forth in the subsidiaries chart at § 559.2(i), investments made by service corporations are not aggregated with the parent thrift for purposes of determining the parent thrift's compliance with any investment limits, such as those that appear in section 5(c) of the HOLA. For example, the educational loans made by a service corporation do not count against the parent thrift's educational lending cap (5% of assets).
- Include certain activities that the OTS already routinely approves on a case-by-case basis (*i.e.*, foreign currency exchange, operating a collection agency, and distributing welfare benefits).
- Specifically include community development and charitable activities, including investing in community development financial institutions.
- Allow business and professional activities that involve financial documents, financial clients, or are generally finance-related to be performed for any person. These activities—clerical, accounting, and internal auditing services, advertising, liquidity management and credit analysis, developing personnel benefit plans, establishing and maintaining remote service units, and purchasing office supplies and equipment—currently have been preapproved only when performed for other financial institutions.
- Expand the list to include a limited number of services that have not been previously authorized, but are reasonably related to the operation of a federal savings association and have been permitted for bank operating subsidiaries and bank service corporations. These include financial courier services and check and credit card guaranty and verification services.

OTS seeks comment on whether certain other activities that have been permitted only upon application, such as acting as an insurance agent for private mortgage insurance, or underwriting insurance or reinsurance, should be preapproved activities for service corporations.

Section 559.4 How Much May a Savings Association Invest in Service Corporations? (Proposed)

This proposed section replaces current § 545.74(d). It reiterates that a savings association may invest in the

[13] *See* 12 U.S.C. 1828(m) and 1831e, and 12 CFR 303.13.

aggregate 3% of its assets in one or more service corporations as long as the excess investment over 2% serves primarily community, inner city, or community development purposes. In addition, the proposal revises and significantly simplifies the rules governing when a federal savings association may make loans to service corporations separate from the 3% of assets limit. Such loans are only permitted when:

(1) The federal savings association has the authority elsewhere under the HOLA to make the loan;

(2) The thrift has adequate capacity under any applicable percentage of assets limit to make the loan (*e.g.*, 10% of assets for commercial loans); and

(3) The loan complies with the loans-to-one borrower regulation.[14]

This proposed treatment is more consistent with the OCC's treatment of loans to bank service corporations. It would remove the current aggregate regulatory limit of 50% of capital on loans to multiple service corporations, but subjects loans to any one service corporation to the LTOB requirements. A thrift (like a bank) would be able to exceed this limit only when making loans to a service corporation that are secured with exceptionally high quality collateral.

Subpart B—Regulations Applicable to All Savings Associations (Proposed)

Section 559.10 What Must a Savings Association and Its Subsidiary Do To Maintain Separate Corporate Identities?

This section describes what a savings association and its subsidiaries must do to establish that they have separate identities. The purpose for these requirements is to reduce the potential for customer confusion or for a court to hold the parent liable for the subsidiary's conduct or obligations. The requirements are derived from current §§ 545.81(f), 563.37, and 571.21.

Section 559.11 What Notices Are Required To Establish or Acquire a New Subsidiary or Engage in New Activities Through an Existing Subsidiary?

This section combines and streamlines the overlapping notice requirements currently contained in §§ 545.74(b)(2), 545.81(c), and 563.37(c).

Section 559.12 How May a Subsidiary of a Savings Association Issue Securities?

This section replaces current § 563.132 and reiterates its basic requirement: a savings association must notify OTS before a subsidiary issues securities. The section also incorporates requirements from existing § 545.82, requiring that securities issued by all subsidiaries indicate that they are not covered by federal deposit insurance and may not be called or accelerated in the event of the savings association's insolvency.

Section 559.13 How May a Savings Association Exercise Its Salvage Power in Connection With Its Service Corporation?

This section replaces the application procedure of current § 563.38 with a 30-day notice requirement. In its notice, an institution must fully document its additional investment in a manner that demonstrates how its action is consistent with safety and soundness and document other salvage alternatives considered. The agency may take objection to, or grant conditional approval of, a notice to exercise salvage power to assist a troubled service corporation.

B. Amendments to Proposed New Part 560—Lending and Investment

OTS is also proposing to add provisions dealing with subsidiary and equity-related investments to proposed new part 560—Lending and Investments.

Section 560.30 General Lending and Investment Powers for Federal Savings Associations

In the interest of completeness, OTS proposes to add several equity- and subsidiary-related investments to the lending and investment powers chart contained in this regulation. The chart will now include investments in small business investment corporations chartered pursuant to section 301(d) of the Small Business Act, open-end management investment companies, and service corporations.

Section 560.32 Pass-Through Investments

This new section will codify federal savings associations' authority to invest in entities, such as limited partnerships and mutual funds, that hold only assets, and engage only in activities, permissible for federal savings associations. Unlike an operating subsidiary, a thrift does not have effective operating control over such investments. To allow thrifts flexibility while maintaining effective OTS supervision of such investments, OTS proposes to establish a safe harbor. Investments made in accordance with the safe harbor standards will not require advance notice to OTS. Under the safe harbor, a federal savings association may invest up to 15% of its capital without prior OTS approval in:

(1) A limited partnership;

(2) An open-end management investment company (mutual fund);

(3) A closed-end investment trust; or

(4) An entity in which the federal savings association invests primarily to use the services provided (*e.g.*, data processing);

so long as the entity in which the investment is made:

(1) Is engaged solely in activities in which the federal savings association itself may engage directly; and

(2) Would not be controlled by the savings association;

and the thrift:

(1) Has liability limited to the amount of its investment;

(2) Has adequate capacity within the relevant HOLA investment category (*e.g.*, 10% of assets for commercial loans);

(3) Is able to monitor internal managerial controls to ensure they are equivalent to those the thrift would be required to have in place if engaging in the activity directly; and

(4) Does not, after making the investment, have more than 50% of its capital invested in pass-through investments.

A savings association must provide written notice to OTS before making any pass-through investment that does not meet the foregoing standards. OTS will review these notices and may object or impose conditions for supervisory, legal, or safety and soundness reasons.

This structure will clarify the rules applicable to pass-through investments, thereby enhancing savings association access to this investment option and establishing uniform safety and soundness constraints. This structure will ensure that the OTS is aware of, and has opportunity to object, to any move by a thrift to place significant amounts of its assets under the operating control of third parties.

OTS solicits comments on whether other structures, such as limited liability companies, should be preapproved.

Section 560.33 De Minimis Investments

OTS and its predecessor have long recognized that a federal savings association's incidental powers include the ability to make charitable contributions that assist its community. In the past, thrifts have sometimes requested permission to make (and book) *de minimis* equity investments in community organizations in an amount

[14] The LTOB regulation is also being amended to clarify that it does apply to service corporations. It will remain inapplicable to a savings association's loans to its operating subsidiaries.

equal to what they could otherwise directly contribute. To further thrifts' community development activities, OTS proposes to add a section specifically confirming that a federal savings association may make these types of *de minimis* investments. The proposed regulation provides that the investments must be of a type that would be permissible for a national bank under 12 CFR Part 24 and in the aggregate may not exceed the greater of $100,000 or one-fourth of 1% of a thrift's total capital.

C. Disposition of Existing Regulations

Part 545 Operations (Federal Savings Associations)

Section 545.74 Service Corporations

Paragraph (a) of § 545.74 defines terms specific to the service corporation section. The OTS is proposing to remove this paragraph. The operative provisions of new part 559 will cover the matters now addressed by the definitions.

Paragraph (b) begins by restating the broad statutory authority of federal savings associations under section 5(c)(4)(B) of the HOLA to invest in service corporations that are organized under the laws of the state in which the association's home office is located. This authority will be incorporated into the proposed lending/investment chart in part 560, with a cross-reference to the more extensive provisions contained in proposed part 559.

Paragraphs (b)(1)–(5) set forth general notice, application, examination, and activities provisos. The proposed subsidiaries chart at § 559.2(e)(2) incorporates the requirement in paragraph (b)(1) that a service corporation's activities be either pre-approved by regulation or specifically approved by application. The OTS proposes to move the notice requirements contained in paragraph (b)(2) into new § 559.11. Paragraph (b)(3) requires weaker savings associations to apply to OTS for permission to engage in any activities beyond what a federal savings association may conduct directly. This requirement has been incorporated into proposed § 559.2(e)(2)(ii). The examination requirement currently found in paragraph (b)(4) will be included in the subsidiaries chart at § 559.2(o)(2). The restriction on activities where OTS has supervisory objections contained in paragraph (b)(5) has been incorporated into the introductory text of § 559.1.

Paragraph (c) of § 545.74 first sets forth the OTS's general rule that federal savings associations may invest in service corporations that can engage in such activities reasonably related to the activities of federal associations as the OTS may approve. The OTS proposes to retain this general rule and move it to the new subsidiaries chart at § 559.2(e)(2). Paragraph (c) next explains how to apply for approval to engage in such activities. OTS proposes to incorporate this requirement into the chart at § 559.2(e)(2)(iii).

The next sentence in paragraph (c) authorizes service corporations of most savings associations to engage in the listed preapproved activities upon satisfying a notice requirement. This requirement has been moved to § 559.2(e)(2)(i).

Finally, paragraph (c) lists the preapproved activities. The proposal would replace this list with a revised, updated compilation of new preapproved activities. For example, currently, a variety of activities that a federal savings association itself may conduct are scattered throughout the list as preapproved for service corporations. Instead of individually listing these activities, the proposal simply preapproves for service corporations all activities that a thrift may conduct directly, other than taking deposits. The list would be reorganized by grouping related activities and moving the list to proposed § 559.3, as discussed more fully in section IV.A. of this preamble.

Paragraph (c)(4) contains safeguards that apply to securities brokerage activities of service corporations. These safeguards will remain in that paragraph, with one exception, while OTS considers whether to incorporate them into new part 559, or modify the safeguards and apply them to all securities sales programs taking place on thrift premises by subsidiaries, affiliates, and broker dealers. OTS is proposing to remove paragraph (c)(4)(ii)(F), which has barred savings associations (not their service corporations) from contracting with third parties for securities brokerage activities. This restriction predates the 1994 Interagency Guidelines on Retail Sales of Nondeposit Investment Products. The Guidelines now contain safeguards to ensure that any contractual relationship with a third-party broker-dealer will be conducted in a proper manner. Thus, paragraph (c)(4)(ii)(F) has become unnecessary. Removing this restriction will provide thrifts with greater flexibility in structuring operations involving the sale of nondeposit investment products.

Paragraph (d) addresses the permissible aggregate amount of investments in, or loans to, service corporations by a federal thrift. The HOLA specifically authorizes thrifts to invest up to 3% of their assets in the stock and obligations of service corporations (generally, 2% undesignated authority plus an additional 1% for community-development). Since 1970, the regulations have allowed a federal thrift to make additional loans to its service corporations if the thrift has the authority under the HOLA to make the same loan to a third party. This lending authority has been subject to limitations that changed over time, but has always been separate and apart from the 3% of assets limitation.

For example, the current regulatory provisions allow a federal thrift to make ''conforming loans'' of up to 100% of its capital to any service corporation in which the thrift has an ownership interest of less than 10%, with no aggregate limit. A separate aggregate limit of 50% of capital applies to loans made to all other service corporations. ''Conforming loans'' is broadly defined at § 545.74(a)(2) as any type of loan a federal savings association may make except for nonconforming real estate loans and unsecured construction loans. Thus, if a thrift currently has only one wholly-owned service corporation, it may, to the extent it has commercial loan authority available under the statutory 10% of assets limit, make commercial loans to its service corporation of up to 50% of its capital.

When these provisions were last substantively amended in 1985, the 100% of capital limit paralleled the then-existing LTOB limit. The percentage limits in the regulation do not reflect the new lower LTOB limit of 12 CFR 563.93, although paragraph (d) does state that these loans are subject to any applicable LTOB requirements. The LTOB regulation itself, however, states that it does not apply to loans made to subsidiaries.

As the foregoing overview indicates, the rules governing service corporation investment limits and conforming loans are needlessly complex and confusing, and in some respects inconsistent. The OTS proposes to substantially revise and simplify these rules and incorporate them into new § 559.4, as discussed more fully in Section IV.A. of this preamble.

Paragraph (e) describes the circumstances under which a federal savings association must dispose of its investment in a service corporation. The OTS proposes to retain this paragraph in the new subsidiaries chart as § 559.2(q)(2).

Section 545.76 Investment in Open-End Management Investment Companies

Paragraph (a) reiterates the HOLA's statutory grant of authority to federal savings associations to buy, sell or otherwise deal in registered securities of any open-end management investment company that restricts its portfolio to investments that federal savings associations may buy, sell or otherwise deal in without limitation as to percentage of assets.[15] The OTS proposes to incorporate this provision into the lending and investment chart in proposed § 560.30. An endnote to that chart will indicate that federal thrifts may be able to invest limited amounts in a broader range of pass-through investments under proposed new § 560.32.

Paragraph (b) provides that the maximum investment a federal thrift may make in any one open-end management investment company is limited to 5% of total assets. Paragraph (b) also applies the regulatory limitations imposed on a federal thrift's investments in commercial paper and corporate debt securities to the commercial paper and corporate debt securities investments of open-end management investment companies in which thrifts invest. The OTS proposes to remove paragraph (b) because its subject matter will be covered by the pass-through investment provisions of proposed new § 560.32.

Section 545.80 Small Business Investment Corporations

Section 545.80 reiterates section 5(c)(4)(D) of the HOLA's grant of statutory authority for federal savings associations to invest in small business investment corporations pursuant to section 301(d) of the Small Business Investment Company Act of 1958. The proposal moves this section into the proposed lending and investment powers chart in § 560.30.

Section 545.81 Operating Subsidiaries

Paragraph (a) sets forth federal savings associations' authority to establish or acquire operating subsidiaries subject to certain requirements. The OTS proposes to incorporate this paragraph into the introductory text of § 559.2.

Paragraph (b) defines the term ''operating subsidiary.'' The substance of this definition would be covered in the proposed subsidiaries chart as § 559.2 (c)(1) and (e)(1).

Paragraph (c) spells out the notice and application requirements that a federal savings association must meet to acquire or establish an operating subsidiary. Paragraph (c)(1) contains requirements for federal savings associations that are eligible for ''expedited treatment'' in the processing of applications as defined in § 516.3. Paragraph (c)(2) covers requirements for all other federal savings associations. In general, institutions that qualify for expedited treatment need only give 30 days notice to OTS before establishing an operating subsidiary, whereas other institutions must file an application and obtain advance approval. OTS proposes to apply the notice procedure to all institutions. Because operating subsidiaries can only engage in activities that are permissible for federal thrifts themselves, requiring a formal application and advance approval seems unduly burdensome. OTS can always object during the 30-day notice period in the unlikely event that an operating subsidiary proposal raises concerns.

Paragraph (c)(3) addresses the additional notice requirements of section 18(m) of the FDIA, the regulations associated with section 18(m) and all applicable clearances under those requirements. The notice requirements will be consolidated with similar requirements for all subsidiaries and moved into the new notice § 559.11.

Paragraph (d) details the conditions under which a federal savings association may convert its service corporation to an operating subsidiary. The OTS proposes to substantially simplify this paragraph and incorporate the conditions in new § 559.2(p).

Paragraph (e) indicates that all federal laws, regulations and policies of the OTS covering the operations of federal thrifts apply to the operations of operating subsidiaries. The paragraph also requires consolidation of the parent association and its operating subsidiary for application of statutory and regulatory requirements and limitations, unless otherwise provided by statute, regulation or OTS policy. OTS proposes to incorporate the substance of this paragraph into the subsidiaries chart at § 559.2(h)(1).

Paragraph (f) subjects operating subsidiaries and their parent federal savings associations to the same separate corporate existence requirements as apply to service corporations of savings associations under 12 CFR 571.21 and 563.37. As discussed below, OTS proposes to consolidate these overlapping sections into a new § 559.10.

Paragraph (g) subjects each operating subsidiary to the same examination and supervision authority as its parent federal savings association. This requirement will be included in the subsidiaries chart at § 559.2(o)(1).

Paragraph (h) provides that OTS may limit, at any time, the activities of an operating subsidiary for supervisory or legal reasons. OTS proposes to place this provision in § 559.1(a).

Paragraph (i) sets forth OTS's authority to impose conditions on an operating subsidiary for supervisory, legal or safety and soundness reasons. This authority has also been inherent in the review of the establishment of, or commencement of new activities by, service corporations, but has not been specifically set forth in regulation. The OTS proposes to move this paragraph to § 559.1(b), where it will explicitly apply to all conditions contained in all approvals affecting subsidiaries.

Paragraph (j) authorizes parent savings associations to own a deposit-taking operating subsidiary under certain conditions. This authority would be retained and included in the proposed subsidiaries chart at § 559.2(e)(1)(ii).

Paragraph (k) addresses changing from an operating subsidiary to a service corporation. The OTS proposes to incorporate this provision into the subsidiaries chart at § 559.2(p), where the rules governing changes from a service corporation to an operating subsidiary will also be stated.

Section 545.82 Finance Subsidiaries

Section 545.82 authorizes federal savings associations to establish subsidiaries solely for the purpose of issuing securities that the thrift may issue directly. Thrifts were authorized to establish finance subsidiaries before being authorized to establish operating subsidiaries. Because operating subsidiaries may perform the same activities as finance subsidiaries without as many restrictions, the OTS proposes to delete this section as redundant and obsolete, except for paragraphs (d)(2) and (d)(3). Paragraph (d)(2) of current § 545.82 prohibits a finance subsidiary from issuing or dealing in the deposits or savings accounts of its parent federal savings association and from representing in any way that securities issued by it are insured by the Federal Deposit Insurance Corporation. Paragraph (d)(3) prohibits a finance subsidiary from issuing any security that would permit accelerated payment, maturity or redemption upon the condition that its parent federal savings association was insolvent or had been placed in receivership. The agency believes both of these restrictions should apply to the issuance of securities by any subsidiary of a federal savings association.

[15] 12 U.S.C. 1464(c)(1)(Q).

Therefore, it proposes to incorporate them into proposed § 559.12, which will replace current § 563.132 and cover those issuances, as discussed below.

Because the requirements for finance subsidiaries go beyond those applicable to operating subsidiaries, OTS proposes to deem all existing finance subsidiaries to be operating subsidiaries for all purposes.

Part 563—Operations

Section 563.37 Operation of Service Corporation, Liability of Savings Association for Debt of Service Corporation

Paragraphs (a) and (b) of section 563.37 require savings associations and their service corporations to maintain a separate corporate existence and insulate the thrift from liability for debt of its service corporation. The OTS proposes to combine these requirements with those of 12 CFR 571.21, the policy statement regarding separate corporate existence of a service corporation, and move them into a new § 559.10.

Paragraph (c), which sets forth notice requirements for all savings association service corporations (not just service corporations of federal thrifts), would be incorporated in the new notice section, § 559.11, where the notice requirements applicable to federal thrift service corporations will also appear.

Section 563.38 Salvage Power of Savings Association To Assist Service Corporation

Section 563.38 addresses a savings association's use of its salvage power to assist a troubled service corporation. The salvage power doctrine permits a thrift to exceed applicable investment limitations where an infusion of additional capital is necessary to preserve the existing investment.

Paragraph (a) prohibits a savings association from exercising its salvage power to assist a troubled service corporation without prior OTS approval. Paragraph (b) conditions such approval on the OTS receiving an application demonstrating that the proposed action ''is for the protection of the savings association's investment and is consistent with safe, sound, and economical home financing.'' The application must also address alternative solutions, including those not involving financial assistance, to the service corporation's financial problem, and contain other information as the OTS deems necessary.

While it is important for the OTS to have advance knowledge of proposed salvage investments in service corporations, the OTS proposes to reduce burden by substituting a notice for the current application. While the notice would still contain much of the current information, the change would allow the savings association to make the salvage investment if OTS had not objected to the notice or imposed conditions within 30 days. The notice requirement will appear as new § 559.13.

Section 563.41 Loans and Other Transactions With Affiliates and Subsidiaries.

OTS proposes to modify the definition of ''subsidiary'' in this regulation to mirror the statutory definition of section 23A of the Federal Reserve Act, 12 U.S.C. 371c, rather than the OTS capital regulation. This will make it clear that the scope of the subsidiaries covered by the regulation is the same for thrifts as for banks.

Section 563.93 Lending Limitations

Similarly, the OTS proposes to amend the scope of its loans-to-one-borrower regulation to better conform with the scope of the OCC's lending limits regulation. This section will not apply to loans to a thrift's operating subsidiaries, but will apply to loans to its service corporations.

Section 563.132 Securities Issued Through Subsidiaries

This section requires savings associations to notify OTS when issuing securities through a subsidiary. OTS proposes to remove outdated provisions from this section and transfer the remaining notice requirements to new § 559.12.

Paragraph (a), which defines terms for this section, is being deleted as those terms are no longer necessary. Paragraph (b), which excludes certain securities in addressing the amount of securities issued by a subsidiary, is being removed as obsolete. The proposed regulation does not limit the amount of securities a subsidiary may issue.

Paragraph (c) sets forth the notice and application requirements that a parent savings association must satisfy prior to establishing a finance subsidiary, transferring additional assets to an existing finance subsidiary, or issuing securities through a subsidiary defined in paragraph (a)(1)(ii) of the section. The OTS proposes to modify the notice requirements of paragraph (c) by removing the references and requirements pertaining to finance subsidiaries and by reducing the application requirements to uniform notice requirements.

Part 567—Capital

Section 567.1 Definitions

OTS proposes to amend two definitions in its capital regulation. First, § 567.1(dd), which defines subsidiary, is being amended to mirror the OCC's definition of a subsidiary in its risk-based capital regulation, 12 CFR Part 3, Appendix A. This definition is more consistent with GAAP, defining a subsidiary as a company where the institution owns a majority of the stock. Currently, OTS employs a much broader definition of subsidiary, which can sometimes result in higher capital requirements. Proposed § 567.1(dd) includes language from the footnote currently located in § 567.1(dd), which provides that OTS reserves the right to review investments on a case-by-case basis to determine whether the investment is more appropriately treated as a subsidiary or as an equity investment.

Second, § 567.1(l), which defines ''includable subsidiary,'' currently encompasses subsidiaries that ''directly or indirectly'' engage in any activity not permissible for a national bank. The regulatory reference to ''indirect'' activities, which does not appear in the statutory provision upon which the regulation is based,[16] has been interpreted (in the Thrift Financial Report) as requiring a savings association's entire investment in a subsidiary engaged exclusively in activities permissible for national banks to be deducted from capital if a lower-tier subsidiary engages in any activity impermissible for a national bank. Deduction is required even when the first-tier subsidiary's investment in the lower-tier subsidiary constitutes a minute portion of its total assets. Eliminating the regulatory reference to ''indirect'' activities will enable OTS to revise the instruction in the Thrift Financial Report. Thereafter, savings associations will only be required to deduct the actual amount of their indirect investment in the lower-tier nonincludable subsidiary.

Part 571—Statements of Policy

Section 571.21 Separate Corporate Existence of a Service Corporation

Paragraph (a) sets forth the attributes of corporate separateness that should be maintained by a savings association and its service corporation. Maintaining this separate corporate identity is important to minimize the risks that a court, for equitable reasons, might pierce the corporate veil of a service corporation and hold the parent savings association

[16] 12 U.S.C. 1464(t)(5)

liable for the obligations or conduct of its service corporation. Paragraph (b), in addressing operation of service corporations and monitoring their compliance with paragraph (a), references § 563.37(a) and reiterates the potential for serious risk to the savings association from failure to maintain corporate separateness. The proposal would incorporate the substantive requirements of § 571.21 and § 563.37 into new § 559.10, which will apply to all subsidiaries.

V.—CHART SHOWING THE PROPOSED DISPOSITION OF REGULATIONS

Original provision	New provision	Comment
545.74(a)		Removed
545.74(b) introductory text	560.30	Incorporated into lending and investment powers chart.
545.74(b)(1)	559.2(e)(2)	
545.74(b)(2)	559.11	
545.74(b)(3)	559.2(e)(2)(ii)	
545.74(b)(4)	559.2(o)(2)	
545.74(b)(5)	559.1(a)	
545.74(c) introductory text	559.2(e)(2)	
545.74(c)(1)–(7)	559.3	
545.74(d)	559.4	Substantially revised.
545.74(e)	559.2(q)(2)	
545.76(a)	560.30	
545.76(b)		Removed.
545.80	560.30	
545.81(a)	559.2	
545.81(b)	559.2(c)(1), (e)(1)	
545.81(c)(1),(2)	559.2(a)(1)	
545.81(c)(3)	559.11	
545.81(d)	559.2(p)	
545.81(e)	559.2(h)(1)	
545.81(f)	559.10	
545.81(g)	559.2(o)(1)	
545.81(h)	559.1(a)	
545.81(i)	559.1(b)	Modified.
545.81(j)	559.2(e)(1)(ii)	
545.81(k)	559.2(p)	
545.82		Removed.
563.37(a), (b)	559.10	Modified.
563.37(c)	559.11	
563.38	559.13	Modified.
563.41(b)(4)		Modified.
563.93(a)		Modified.
563.132(a),(b)		Removed.
563.132(c)	559.12	Modified.
567.1(l)		Modified.
567.1(dd)		Modified.
571.21	559.10	Modified.

VI. Request for Comment

The OTS requests comments on all aspects of this proposal.

VII. Paperwork Reduction Act

The reporting requirements contained in this proposed rule have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995. Comments on the collection of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (1550), Washington, DC 20503, with copies to the Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Comments are invited on (i) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, (ii) the accuracy of the estimate of the burden of the collection of information, (iii) ways to enhance the quality of the information collected, and (iv) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

The reporting requirements in this proposed rule are currently found in 12 CFR 545.74, 545.81, 563.38, and 563.132. These requirements will be now be found in §§ 559.2, 559.3, 559.11, 559.12, and 559.13. These requirements are currently addressed in the following OMB approved packages: Control Nos. 1550–0013; 1550–0077; and 1550–0065.

We are proposing to repeal § 545.82 (finance subsidiaries) and the related OMB package (Control No. 1550–0033).

The requirements in new § 560.32 will be reflected in the OMB approved package No. 1550–0078. The package has been amended to reflect the following data for the requirements in new § 560.32.

The information is needed by the OTS to assist in regulating savings associations and their subsidiaries.

Estimated number of respondents: 1,460.

Estimated average burden per respondent: 8 hours.

Estimated annual frequency of responses: 1.

Estimated total annual reporting burden: 11,680.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number assigned to the collection of information in these proposed regulations will be displayed in the table at 12 CFR 506.1(b).

VIII. Executive Order 12866

The Director of the OTS has determined that this proposed rule does not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866.

IX. Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. The proposal reorganizes the regulation to make it easier for small savings associations to locate applicable rules. It streamlines requirements for all savings associations. It simplifies the applicable requirements when savings associations create, invest in, or conduct new activities through subsidiaries and clarifies the statutorily required notices for such actions.

X. Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, Section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. As discussed in the preamble, this proposed rule streamlines and reduces requirements on savings associations. The OTS has therefore determined that the proposed rule will not result in expenditures by state, local, or tribal governments or by the private sector of $100 million or more. Accordingly, sections 202 and 205 do not require a budgetary impact statement or discussion of regulatory alternatives to this proposal.

List of Subjects

12 CFR Part 545

Accounting, Consumer protection, Credit, Electronic funds transfers, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 559

Savings associations, Subsidiaries.

12 CFR Part 560

Consumer protection, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 563

Accounting, Advertising, Crime, Currency, Flood insurance, Investments, Morgages, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

12 CFR Part 567

Capital, Savings associations.

12 CFR Part 571

Accounting, Conflict of interests, Investments, Reporting and recordkeeping requirements, Savings associations.

Accordingly, and for the reasons set forth in the preamble, the Office of Thrift Supervision proposes to amend chapter V, title 12, Code of Federal Regulations, as set forth below.

PART 545—OPERATIONS

1. The authority citation for part 545 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1828.

§ 545.74 [Amended]

2. Section 545.74 is amended by removing and reserving paragraphs (a), (b), (d) and (e), by amending paragraph (c) by removing and reserving the introductory text and paragraphs (c)(1) through (c)(3) and (c)(5) through (c)(7), by removing and reserving paragraph (c)(4)(ii)(F), and by amending the introductory text to paragraph (c)(4)(i) by removing the words ''Execution of'' and adding in their place ''A service corporation may execute''.

§§ 545.76, 545.80 through 545.82 [Removed]

3. Sections 545.76, 545.80, 545.81, and 545.82 are removed.

4. Part 559 is added to read as follows:

PART 559—SUBSIDIARIES

Sec.

559.1 What does this part cover?

Subpart A—Regulations Applicable to Federal Savings Associations

559.2 What are the characteristics of, and what requirements apply to, operating subsidiaries and service corporations of federal savings associations?

559.3 What activities are preapproved for service corporations?

559.4 How much may a savings association invest in service corporations?

Subpart B—Regulations Applicable to All Savings Associations

559.10 What must a savings association and its subsidiary do to maintain separate corporate identities?

559.11 What notices are required to establish or acquire a new subsidiary or engage in new activities through a subsidiary?

559.12 How may a subsidiary of a savings association issue securities?

559.13 How may a savings association exercise its salvage power in connection with its service corporation?

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1828.

§ 559.1 What does this part cover?

(a) Subpart A of this part 559 contains requirements applicable to operating subsidiaries and service corporations of federal savings associations. Subpart B of this part 559 applies to subsidiaries of all savings associations. OTS is issuing this part 559 pursuant to its general rulemaking and supervisory authority under the Home Owners' Loan Act, 12 U.S.C. 1462 *et seq.*, and its specific authority under section 18(m) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(m). OTS may at any time limit a savings association's investment in a subsidiary or service corporation, or may limit or refuse to permit any activities of a subsidiary or service corporation for supervisory, legal, or safety and soundness reasons.

(b) Notices under this part are deemed to be applications for purposes of statutory and regulatory references to ''applications.'' Any conditions that OTS imposes for supervisory, legal, or safety and soundness reasons in approving any application shall be enforceable as a condition imposed in writing by the OTS in connection with the granting of a request by a savings association within the meaning of 12 U.S.C. 1818(b) or 1818(i).

Subpart A—Regulations Applicable to Federal Savings Associations

§ 559.2 What are the characteristics of, and what requirements apply to, operating subsidiaries and service corporations of federal savings associations?

A federal savings association (''you'') that meets the requirements of this section, as detailed in the following chart, may establish, acquire, or acquire

in an interest in an operating subsidiary or a service corporation. For ease of reference, this section cross-references other regulations in this chapter affecting subsidiaries. You should refer to those regulations for the details of how they apply to an operating subsidiary or a service corporation. The chart follows:

	Operating subsidiaries	Service corporations
(a) How may a savings association establish an operating subsidiary or a service corporation?	(1) To establish an operating subsidiary, you must file a notice satisfying § 559.11	(2) To establish a service corporation, you must file a notice satisfying § 559.11. Depending upon your condition and the activities in which the service corporation will engage, you may have to submit an application under § 559.2(e)(2).
(b) Who may own stock?	(1) Anyone may own stock in an operating subsidiary	(2) Only savings associations with home offices in the state where you have your home office may own stock in any service corporation in which you invest.
(c) What are the ownership requirements?	(1) You must hold at least 50% of the voting stock of the operating subsidiary. No one else may exercise effective operating control	(2) You are not required to hold a particular amount of stock and need not have control of the service corporation.
(d) Where may the subsidiary be incorporated?	(1) There are no geographic restrictions on where an operating subsidiary may be incorporated.	(2) A service corporation must be incorporated in the state where your home office is located.
(e) What activities are permissible?	(1)(i) After you have notified OTS in accordance with § 559.11, an operating subsidiary may engage in any activity that you may conduct directly.	(2) (i) If you are eligible for expedited treatment under § 516.3(a) of this chapter, and notify OTS as required by § 559.11, your service corporation may engage in activities listed in § 559.3.
	(ii) You may hold another insured depository institution as an operating subsidiary.	(ii) If you are subject to standard treatment under § 516.3(b) of this chapter, you must apply and receive OTS approval for your service corporation to engage in any activities except those authorized by § 559.3(a).
	(iii) Any finance subsidiary that existed on [insert effective date of final rule] shall be deemed an operating subsidiary.	(iii) A service corporation may also engage in any activity reasonably related to the activities of financial institutions, but not preapproved under § 559.3, after applying to OTS in accordance with § 516.1 of this chapter and receiving OTS's prior written approval.
(f) May the subsidiary invest in other entities?	(1)(i) An operating subsidiary may itself hold an operating subsidiary. All of the requirements of this part 559 apply equally to such a lower tier operating subsidiary. In applying the regulations in this part, operating subsidiaries should substitute ''operating subsidiary'' wherever this part refers to ''you'' or ''savings association.''	(2) A service corporation may invest in other entities, including corporations, partnerships, and other joint ventures. All of the requirements of this part apply equally to such entities except for paragraphs (b)(2), (d)(2), and (g)(2) of this section.
	(ii) An operating subsidiary may invest in a service corporation. Such a service corporation is subject to all of the requirements of this part.	
(g) Are there any limits on how much a savings association may invest?	(1) There are no limits on the amount you may invest in your operating subsidiaries, either separately or in the aggregate..	(2) You may invest up to the amounts set forth in § 559.4 in service corporations.
(h) Do federal statutes and regulations that apply to the savings association also apply to its subsidiaries?	(1) Unless otherwise specifically provided by statute, regulation, or OTS policy, all federal statutes and regulations apply to operating subsidiaries in the same manner as they apply to you. You and your operating subsidiary are generally consolidated and treated as a unit for statutory and regulatory purposes.	(2) (i) If the federal statute or regulation specifically refers to ''service corporation,'' it applies to all service corporations, regardless of whether you control the service corporation or whether it would be a subsidiary under GAAP.
		(ii) If the federal statute or regulation refers to ''subsidiary,'' it applies only to service corporations that you control.
(i) Do the investment limits that apply to federal savings associations (HOLA section 5(c) and part 560 of this chapter) apply to subsidiaries?	(1) Your assets and those of your operating subsidiary are aggregated when calculating investment limitations.	(2) Your service corporation's assets are not subject to the same investment limitations that apply to you.
(j) How does the capital regulation (part 567 of this chapter) apply?	(1) Your assets and those of your operating subsidiary are consolidated for all capital purposes.	(2) The capital treatment of a service corporation depends upon whether it is an includable subsidiary. That determination is based upon factors set forth in part 567 of this chapter, including your percentage ownership of the service corporation and the activities in which the service corporation engages.

	Operating subsidiaries	Service corporations
(k) How does the loans-to-one-borrower (LTOB) regulation (§ 563.93 of this chapter) apply?	(1) The LTOB regulation does not apply to loans from you to your operating subsidiary or loans from your operating subsidiary to you. Other loans made by your operating subsidiary are aggregated with your loans for LTOB purposes.	(2) The LTOB regulation applies to loans from you to your service corporation, but does not apply to loans from your service corporation to you. Other loans made by your service corporation are aggregated with your loans for LTOB purposes.
(l) How does transactions with affiliates (TWA) apply to subsidiaries?	(1) Section 563.41 of this chapter explains how TWA applies to subsidiaries.	(2) Section 563.41 of this chapter explains how TWA applies to subsidiaries.
(m) How does the Qualified Thrift Lender (QTL) test apply to subsidiaries?	(1) Under 12 U.S.C. 1467a(m)(5), you may determine whether you wish to consolidate the assets of a particular subsidiary for purposes of calculating your qualified thrift investments. Section 563.51 of this chapter contains the calculations that follow from this determination.	(2) Under 12 U.S.C. 1467a(m)(5), you may determine whether you wish to consolidate the assets of a particular subsidiary for purposes of calculating your qualified thrift investments. Section 563.51 of this chapter contains the calculations that follow from this determination.
(n) Does state law apply?	(1) State law applies to operating subsidiaries only to the extent it applies to you.	(2) State law applies to service corporations regardless of whether it applies to you.
(o) Is the subsidiary subject to examination by OTS?	(1) An operating subsidiary is subject to examination by OTS.	(2) A service corporation must agree in writing to permit and to pay the cost of such examinations as OTS deems necessary.
(p) What must be done to redesignate an operating subsidiary as a service corporation or a service corporation as an operating subsidiary.	(1) Before redesignating an operating subsidiary as a service corporation, you should consult with the OTS Regional Director for the Region in which your home office is located. You must maintain adequate internal records, available for examination by OTS, demonstrating that the redesignated subsidiary meets all of the applicable requirements of this part and that your board of directors has approved the redesignation.	(2) Before redesignating a service corporation as an operating subsidiary, you should consult with the OTS Regional Director for the Region in which your home office is located. You must also maintain adequate internal records, available for examination by OTS, demonstrating that the redesignated subsidiary meets all of the applicable requirements of this part and that your board of directors has approved the redesignation.
(q) What happens if the subsidiary fails to comply with the requirements of this part.	(1) If an operating subsidiary fails to continue to qualify as an operating subsidiary for any reason, you must notify OTS. Unless otherwise advised by OTS, if the subsidiary cannot comply within 90 days with all of the requirements for either an operating subsidiary or a service corporation under this section, you must promptly dispose of your investment in the subsidiary.	(2) If a service corporation, or any entity in which the service corporation invests pursuant to paragraph (f)(2) of this section, fails to meet any of the requirements of this section, you must notify OTS. Unless otherwise advised by OTS, if the subsidiary cannot comply within 90 days with all of the requirements for either an operating subsidiary or a service corporation under this section, you must promptly dispose of your investment in the subsidiary.

§ 559.3 What activities are preapproved for service corporations?

To the extent permitted by § 559.2(e)(2), a service corporation may engage in the following activities:

(a) Any activity that all federal savings associations may conduct directly, except taking deposits.

(b) Business and professional services. The following services are preapproved for service corporations only when they are limited to financial documents or financial clients or are generally finance-related:

(1) Accounting or internal audit;

(2) Advertising, marketing research and other marketing;

(3) Clerical;

(4) Courier;

(5) Data processing;

(6) Data storage facilities operation and related services;

(7) Office supplies, furniture, and equipment purchasing and distribution;

(8) Personnel benefit program development or administration;

(9) Relocation of personnel;

(10) Remote service unit operation, leasing, ownership or establishment;

(11) Research studies and surveys; and

(12) Software development and systems integration.

(c) Credit related activities:

(1) Abstracting;

(2) Appraising;

(3) Collection agency;

(4) Credit analysis;

(5) Check or credit card guaranty and verification;

(6) Escrow agent or trustee (under deeds of trust, including executing and deliverance of conveyances, reconveyances and transfers of title);

(7) Leasing; and

(8) Loan inspection.

(d) Consumer services:

(1) Financial advisory or consulting;

(2) Foreign currency exchange;

(3) Home ownership counseling;

(4) Income tax return preparation;

(5) Postal services;

(6) Stored value instrument sales; and

(7) Welfare benefit distribution.

(e) Real estate related services:

(1) Acquiring real estate for prompt development or subdivision, for construction of improvements, for resale or leasing to others for such construction, or for use as manufactured home sites, in accordance with a prudent program of property development;

(2) Acquiring improved real estate or manufactured homes to be held for rental or resale, for remodeling, renovating, or demolishing and rebuilding for sale or rental, or to be used for offices and related facilities of a stockholder of the service corporation;

(3) Maintaining and managing real estate; and

(4) Real estate brokerage for property owned by an association that owns capital stock of the service corporation, the service corporation, or a joint venture in which the service corporation participates.

(f) Securities brokerage, insurance and related services:

(1) Nondeposit investment product brokerage. Execution of transactions in securities or other nondeposit investment products on an agency or riskless principal basis solely upon the order of and for the account of customers, provided that the service

corporation complies with the provisions of § 545.74(c)(4) of this chapter;

(2) Investment advice, provided that the service corporation complies with the provisions of § 545.74(c)(4) of this chapter;

(3) Insurance brokerage or agency for liability, casualty, automobile, life, health, accident or title insurance;

(4) Liquidity management;

(5) Issuing notes, bonds, debentures or other obligations or securities; and

(6) Purchase or sale of coins issued by the U.S. Treasury.

(g) Investments:

(1) Tax-exempt bonds used to finance residential real property for family units;

(2) Tax-exempt obligations of public housing agencies used to finance housing projects with rental assistance subsidies;

(3) Small business investment companies licensed by the U.S. Small Business Administration to invest in small businesses engaged exclusively in the activities listed in paragraphs (a) through (i) of this section; and

(4) Investing in savings accounts of a stockholder thrift.

(h) Community development and charitable activities:

(1) Investments in governmentally insured, guaranteed, subsidized or otherwise sponsored programs for housing, small farms, or businesses that are local in character;

(2) Investments that meet the community development needs of, and primarily benefit, low- and moderate-income communities;

(3) Investments in low-income housing tax credit projects and entities authorized by statute (*e.g.*, Community Development Financial Institutions) to promote community, inner city, and community development purposes; and

(4) Establishing a corporation that is recognized by the Internal Revenue Service as organized for charitable purposes under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) and making a reasonable contribution to capitalize it, *provided* that the corporation engages exclusively in activities designed to promote the well-being of communities in which the shareholders of the service corporation operate.

(i) Activities reasonably incident to those listed in paragraphs (a) through (h) of this section for service corporations engaged in those activities.

§ 559.4 How much may a savings association invest in service corporations?

(a) A federal savings association (''you'') may invest in the capital stock, obligations, and other securities of a service corporation. Your aggregate investment in all such service corporations may not exceed 3% of your assets. If you have an aggregate outstanding investment in excess of 2% of your assets, that excess investment must serve primarily community, inner city, or community development purposes. You must designate the investments serving those purposes, which include:

(1) Investments in governmentally insured, guaranteed, subsidized or otherwise sponsored programs for housing, small farms, or businesses that are local in character;

(2) Investments for the preservation or revitalization of either urban or rural communities;

(3) Investments designed to meet the community development needs of, and primarily benefit, low- and moderate-income communities; or

(4) Other community, inner city, or community development-related investments approved by OTS.

(b) Except as provided in paragraph (c) of this section, your aggregate investment in service corporations includes all loans (except accounts payable incurred in the ordinary course of business and paid within 60 days) and all guarantees or take out commitments of such loans to a service corporation and to any entity in which the service corporation invests, whether or not you hold stock in that entity.

(c) In addition to the amounts you may invest under paragraph (a) of this section, and to the extent you have authority under section 5(c) of the HOLA and part 560 of this chapter, you may make loans to any service corporation in which you hold stock. Such loans are subject to the loans-to-one-borrower regulation, § 563.93 of this chapter. For purposes of the investment limits of section 5(c) of the HOLA and part 560 of this chapter, loans under this paragraph (c) will be aggregated with any other loans of that type you make.

Subpart B—Regulations Applicable to All Savings Associations

§ 559.10 What must a savings association and its subsidiary do to maintain separate corporate identities?

(a) Each savings association and subsidiary thereof must be operated in a manner that demonstrates to the public the separate corporate existence of the savings association and subsidiary. Each must operate so that:

(1) Their respective business transactions, accounts, and records are not intermingled;

(2) Each observes the formalities of their separate corporate procedures;

(3) Each is adequately financed as a separate unit in the light of normal obligations reasonably foreseeable in a business of its size and character;

(4) Each is held out to the public as a separate enterprise; and

(5) Unless the parent savings association has guaranteed a loan by the subsidiary, all borrowings by the subsidiary indicate that the parent is not liable.

(b) OTS regulations that apply both to savings associations and subsidiaries shall not be construed as requiring a savings association and its subsidiaries to operate as a single entity.

§ 559.11 What notices are required to establish or acquire a new subsidiary or engage in new activities through an existing subsidiary?

When required by section 18(m) of the Federal Deposit Insurance Act, a savings association (''you'') must file a notice (''Notice'') in accordance with § 516.1(c) of this chapter at least 30 days before establishing or acquiring a subsidiary or engaging in new activities in a subsidiary. The Notice must contain all of the information the FDIC requires pursuant to 12 CFR 303.13. Providing OTS with a copy of the notice you file with the FDIC will satisfy this requirement. If OTS notifies you within 30 days that the Notice presents supervisory concerns, or raises significant issues of law or policy, you must apply for and receive OTS's prior written approval in accordance with § 516.1(c) of this chapter before establishing or acquiring the subsidiary or engaging in new activities in the subsidiary.

§ 559.12 How may a subsidiary of a savings association issue securities?

(a) A subsidiary may issue, either directly or through a third party intermediary, any securities that its parent savings association (''you'') are authorized to issue (or if you are a mutual savings association, would be authorized to issue if you converted to the stock form). The subsidiary must not state or imply that the securities it issues are covered by federal deposit insurance. A subsidiary may not issue any security the payment, maturity, or redemption of which may be accelerated upon the condition that you are insolvent or have been placed into receivership.

(b) You must file a notice with OTS in accordance with § 516.1 of this chapter at least 30 days before issuing any securities through an existing subsidiary or in conjunction with establishing or acquiring a new subsidiary. If OTS notifies you within

30 days that the notice presents supervisory concerns or raises significant issues of law or policy, you must receive OTS's prior written approval before issuing securities through your subsidiary. The notice must contain:

(1) The amount of your assets or liabilities (including any guarantees you make with respect to the securities issuance) that you will transfer or make available to the subsidiary; the percentage that such amount represents of the current book value of your assets on an unconsolidated basis; and the current book value of all such assets of the subsidiary;

(2) The terms of any guarantee(s) to be issued by you or any third party;

(3) A description of the securities the subsidiary will issue;

(4) An estimate of the net proceeds from the issuance of securities (or the pro rata portion of the net proceeds from securities issued through a jointly owned subsidiary); the anticipated amount of gross proceeds of the securities issuance; and the current market value of assets collateralizing the securities issuance (any assets of the subsidiary, including any guarantees of its securities issuance you have made);

(5) The anticipated interest or dividend rates and yields, or the range thereof, and the frequency of payments on the subsidiary's securities;

(6) The minimum denomination of the subsidiary's securities;

(7) Where the subsidiary intends to market the securities; and

(8) A statement that within 10 days after the issuance of any securities through a subsidiary, you will notify the OTS in writing that you have issued the securities and provide a copy of any prospectus, offering circular, or similar document concerning such issuance.

(c) Sales of the subsidiary's securities to retail customers must comply with § 545.74(c)(4) of this chapter.

§ 559.13 How may a savings association exercise its salvage power in connection with its service corporation?

(a) In accordance with this section, a savings association (''you'') may exercise your salvage power to make a contribution or a loan (including a guarantee of a loan made by any other person) to your service corporation (''salvage investment'') that exceeds the maximum amount otherwise permitted under law or regulation. You must notify OTS at least 30 days before making a salvage investment in a service corporation. This notice must demonstrate that:

(1) The salvage investment protects your interest in the service corporation;

(2) The salvage investment is consistent with safety and soundness; and

(3) You considered alternatives to the salvage investment and determined that such alternatives would not adequately satisfy paragraphs (a)(1) and (a)(2).

(b) If OTS notifies you within 30 days that the Notice presents supervisory concerns, or raises significant issues of law or policy, you must apply for and receive OTS's prior written approval in accordance with § 516.1(c) of this chapter before making a salvage investment in a service corporation.

PART 560—LENDING AND INVESTMENT

5. Part 560 as proposed to be added at 61 FR 1177 is amended as follows:

a. The authority citation for part 560 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1828, 1701j–3, 3803, 3806; 42 U.S.C. 4106.

b. Section 560.30 is revised to read as follows:

§ 560.30 General lending and investment powers of federal savings associations.

Pursuant to section 5(c) of the Home Owners Loan Act (HOLA), 12 U.S.C. 1464(c), a federal savings association may make, invest in, purchase, sell, participate in, or otherwise deal in (including brokerage or warehousing) all loans and investments allowed under section 5(c) of the HOLA including, without limitation, the following loans, extensions of credit, and investments, subject to the limitations indicated and any such terms, conditions, or limitations as may be prescribed from time to time by the Office by policy directive, order, or regulation:

LENDING AND INVESTMENT POWERS CHART

Category	HOLA authorization	Statutory percentage of assets limitations (endnotes contain applicable regulatory limitations)
Commercial loans	5(c)(2)(A)	10% of total assets.
Commercial paper and corporate debt securities	5(c)(2)(D)	Up to 30% of total assets.[1 2]
Community development	5(c)(3)(B)	5% of total assets.
Community development direct investments	5(c)(3)(B)	2% of total assets.[3]
Consumer loans	5(c)(2)(D)	Up to 35% of total assets.[1 4]
Credit cards	5(b)(4)	None.[5]
Education loans	5(c)(3)(A)	5% of total assets.
Finance leasing	5(c)(1)(B) 5(c)(2)(A) 5(c)(2)(D)	Based on collateral type for property financed.[6]
Foreign assistance investments	5(c)(4)(C)	1% of total assets.[7]
General leasing	5(c)(2)(C)	10% of assets.[6]
Home improvement loans	5(c)(1)(J)	None.[5]
Home (residential) loans[8]	5(c)(1)(B)	None.[5 9]
Letters of credit	5(c)(2)(A)	Included in aggregate 10% of assets commercial lending limitation.[10]
Loans secured by accounts	5(c)(1)(A)	None.[5 11]
Loans to financial institutions, brokers, and dealers	5(c)(1)(L)	None.[5 12]
Manufactured home loans	5(c)(1)(J)	None.[5 13]
Nonresidential real property loans	5(c)(2)(B)	400% of total capital.[14]
Open-end management investment companies[a]	5(c)(1)(Q)	None.[5]
Service corporations	5(c)(4)(B)	3% of total assets, as long as any amount in excess of 2% of total assets furthers community, inner city, or community development purposes.[b]
Small business investment companies[c]	5(c)(4)(D)	1% of total assets.

LENDING AND INVESTMENT POWERS CHART—Continued

Category	HOLA authorization	Statutory percentage of assets limitations (endnotes contain applicable regulatory limitations)
State and local government obligations	5(c)(1)(H)	None.[5 15]
State housing corporations	5(c)(1)(P)	None.[5 16]
Transaction account loans, including overdrafts	5(c)(1)(A)	None.[5 17]

Notes:

[1] For purposes of determining a Federal savings association's percentage assets limitation, investment in commercial paper and corporate debt securities must be aggregated with the Federal savings association's investment in consumer loans.

[2] A Federal savings association may invest in commercial paper and corporate debt securities, which includes corporate debt securities convertible into stock, subject to the provisions of § 560.40.

[3] This 2% of assets limitation is a sublimit within the overall 5% of assets limitation on community development loans and investments.

[4] Amounts in excess of 30% of assets, in aggregate, may be invested only in loans made by the association directly to the original obligor and for which no finder's or referral fees have been paid. A Federal savings association may include loans to dealers in consumer goods to finance inventory and floor planning in the total investment made under this section.

[5] While there is no statutory limit on certain categories of loans and investments, including credit card loans, home improvement loans, and deposit account loans, the OTS may establish an individual limit on such loans or investments if the association's concentration in such loans or investments presents a safety and soundness concern.

[6] A Federal savings association may engage in leasing activities subject to the provisions of § 560.41.

[7] This 1% of assets limitation applies to the aggregate outstanding investments made under the Foreign Assistance Act and in the capital of the Inter-American Savings and Loan Bank. Such investments may be made subject to the provisions of § 560.43.

[8] A home (or residential) loan includes loans secured by on one-to-four family dwellings, multi-family residential property and loans secured by a unit or units of a condominium or housing cooperative.

[9] A Federal savings association may make home loans subject to the provisions of § 560.34.

[10] A Federal savings association may issue letters of credit subject to the provisions of § 560.120.

[11] Loans secured by savings accounts and other time deposits may be made without limitation, provided the Federal savings association obtains a lien on, or a pledge of, such accounts. Such loans may not exceed the withdrawable amount of the account.

[12] A Federal savings association may only invest in loans secured by obligations of, or by obligations fully guaranteed as to principal and interest by, the United States or any of its agencies or instrumentalities where the borrower is a financial institution insured by the Federal Deposit Insurance Corporation or is a broker or dealer registered with the Securities and Exchange Commission and the market value of the securities for each loan at least equals the amount of the loan at the time it is made.

[13] If the wheels and axles of the manufactured home have been removed and it is permanently affixed to a foundation, a loan secured by a combination of a manufactured home and developed residential lot on which it sits may be treated as a home loan.

[14] Without regard to any limitations of this part, a Federal savings association may make or invest in the fully insured or guaranteed portion of nonresidential real estate loans insured or guaranteed by the Economic Development Administration, the Farmers Home Administration, or the Small Business Administration. Unguaranteed portions of guaranteed loans must be aggregated with uninsured loans when determining an association's compliance with the 400% of capital limitation for other real estate loans.

[a] This authority is limited to investments in open-end management investment companies that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940. The portfolio of the investment company must be restricted by the company's investment policy (changeable only if authorized by shareholder vote) solely to investments that a Federal savings association may, without limitation as to percentage of assets, invest in, sell, redeem, hold, or otherwise deal in. Separate and apart from this authority, a Federal savings association may make pass-through investments to the extent authorized by § 560.32.

[b] A Federal savings association may invest in service corporations subject to the provisions of part 559 of this chapter.

[c] A Federal savings association may only invest in small business investment companies formed pursuant to section 301(d) of the Small Business Investment Act of 1958.

[15] This category includes obligations issued by any state, territory, or possession of the United States or political subdivision thereof (including any agency, corporation, or instrumentality of a state or political subdivision), subject to § 560.42.

[16] A Federal savings association may invest in state housing corporations subject to the provisions of § 560.121.

[17] Payments on accounts in excess of the account balance (overdrafts) on commercial deposit or transaction accounts shall be considered commercial loans for purposes of determining the association's percentage of assets limitation.

C. Sections 560.32 and 560.33 are added to read as follows:

§ 560.32 Pass-Through Investments

(a) A federal savings association (''you'') may make pass-through investments. A pass-through investment is one where you invest in an entity (''company'') that engages only in activities that you may conduct directly. You must comply with all the statutes and regulations that would apply if you were engaging in the activity directly. For example, your proportionate share of the company's assets will be aggregated with the assets you hold directly in calculating investment limits (*e.g.*, 10% of assets for commercial loans).

(b) You may make a pass-through investment without prior notice to OTS if all of the following conditions are met:

(1) You do not invest more than 15% of your capital in one company;

(2) You have not invested more than 50% of your total capital in pass-through investments;

(3) Your investment would not give you direct or indirect control of the company;

(4) Your liability is limited to the amount of your investment;

(5) The company falls into one of the following categories:

(i) A limited partnership;

(ii) An open-end mutual fund;

(iii) A closed-end investment trust; or

(iv) An entity in which you are investing primarily to use the company's services (*e.g.*, data processing).

(c) If you want to make other pass-through investments, you must provide OTS with 30 days' advance notice. If within that 30-day period OTS notifies you that an investment presents supervisory, legal, or safety and soundness concerns, you must file an application with OTS in accordance with § 516.1 of this chapter and may not make the investment without first receiving OTS's prior written approval. Notices under this section are deemed to be applications for purposes of statutory and regulatory references to ''applications.'' Any conditions that OTS imposes for supervisory, legal, or safety and soundness reasons on any pass-through investment shall be enforceable as a condition imposed in writing by the OTS in connection with the granting of a request by a savings association within the meaning of 12 U.S.C. 1818(b) or 1818(i).

§ 560.33 De minimis investments.

A federal savings association may invest in the aggregate up to the greater of one-fourth of 1% of its capital or $100,000, in community development investments of the type permitted for a national bank under 12 CFR Part 24.

PART 563—OPERATIONS

6. The authority citation for part 563 continues to read as follows:

Authority: 12 U.S.C. 375b, 1462, 1462a, 1463, 1464, 1467a, 1468, 1817, 1828, 3806; 42 U.S.C. 4106.

§§ 563.37, 563.38, 563.132 [Removed]

7. Sections 563.37, 563.38, and 563.132 are removed.

8. Section 563.41 is amended by revising paragraph (b)(4) to read as follows:

§ 563.41 Loans and other transactions with affiliates and subsidiaries.

* * * * *

(b) * * *

(4) The term *subsidiary* with respect to a specified savings association means a company that is controlled by such specified savings association;

* * * * *

9. Section 563.93 is amended by revising paragraph (a) to read as follows:

§ 563.93 Lending limitations.

(a) *Scope.* This section applies to all loans and extensions of credit to third parties made by a savings association and its subsidiaries or service corporations. This section does not apply to loans made by a savings association to operating subsidiaries or affiliates of the savings association. The term *operating subsidiary* has the same meaning indicated in § 559.2 of this chapter. The terms *subsidiary* and *affiliate* have the same meanings as those terms are defined in § 563.41.

* * * * *

PART 567—CAPITAL

10. The authority citation for part 567 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

11. Section 567.1 is amended by removing in paragraph (l)(1) the phrase ''(either directly or through ownership of a subsidiary)'', and by revising paragraph (dd) to read as follows:

§ 567.1 Definitions.

* * * * *

(dd) *Subsidiary.* The term *subsidiary* means any corporation, partnership, business trust, joint venture, association or similar organization in which a savings association directly or indirectly holds more than a 50% ownership interest.[1] This definition does not include ownership interests that were taken in satisfaction of debts previously contracted, provided that the reporting association has not held the interest for more than five years or a longer period approved by the OTS.

* * * * *

PART 571—STATEMENTS OF POLICY

12. The authority citation for part 571 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1462a, 1463, 1464.

§ 571.21 [Removed]

13. Section 571.21 is removed.

Dated: May 28, 1996.

By the Office of Thrift Supervision.

Jonathan L. Fiechter,

Acting Director.

[FR Doc. 96–13828 Filed 6–12–96; 8:45 am]

BILLING CODE 6720–01–P

[1] The Office reserves the right to review a savings association's investment in a subsidiary on a case-by-case basis. If the Office determines that such investment is more appropriately treated as an equity security or an ownership interest in a subsidiary it will make such determination regardless of the percentage of ownership held by the savings association.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–21–AD]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Model PA31T2 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD), which would have required rerouting the landing gear emergency extension air line on The New Piper Aircraft, Inc. (Piper) Model PA31T2 airplanes that have Parker Hannifin Wheel and Brake Conversion Kit 199–111 incorporated in accordance with Supplemental Type Certificate (STC) SA599GL. Three incidents of the brake cylinder contacting the landing gear emergency extension air line on both wheel wells of the affected airplanes prompted the proposal. Since issuance of the proposal, the Federal Aviation Administration (FAA) has determined that additional serial numbers of Piper Model PA31T2 airplanes should be included in the Applicability section of the proposed AD, and that revised service information should be incorporated. The actions specified by the proposed AD are intended to prevent the brake cylinder from chafing against the landing gear emergency extension air line when the gear is in the up and locked position, which could result in damage to the air line and subsequent loss of emergency gear extension capability. Since the comment period for the original proposal has closed and the change described above goes beyond the scope of what was originally proposed, the FAA is allowing additional time for the public to comment.

DATES: Comments must be received on or before August 16, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–21–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Parker Hannifin Corporation, Aircraft Wheel & Brake, 1160 Center Road, P.O. Box 158, Avon, Ohio 44011; telephone (216) 937–6211; facsimile (216) 937–5409. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Nick Miller, Aerospace Engineer, FAA, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (847) 294–7837; facsimile (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

supplemental notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this supplemental notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–21–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–21–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Piper Model PA31T2 airplanes that have Parker Hannifin Wheel and Brake Conversion Kit 199–111 incorporated in accordance with STC SA599GL was published in the Federal Register on April 17, 1995 (60 FR 19174). The action proposed to require rerouting the landing gear emergency extension air line. Accomplishment of the proposed action would be in accordance with Parker Hannifin Service Bulletin SB7034, dated March 23, 1994 (since revised to Revision B, dated December 19, 1995).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

Since issuance of the notice of proposed rulemaking (NPRM), the FAA has determined that the Applicability section of the proposed AD should be revised to include additional serial numbers of Piper Model PA31T2 airplanes. In addition, Parker Hannifin Service Bulletin SB7034 has been revised (Revision B, dated December 19, 1995) to reflect the Piper Model PA31T2 airplane serial numbers change.

Evaluation of All Applicable Information

After examining the circumstances and reviewing all available information related to the subject described above, including the comments received, the FAA has determined that the NPRM should be revised to include the above-referenced serial number change and revised service bulletin, and that AD action should still be taken to prevent brake cylinders from chafing against the landing gear emergency extension air line when the gear is in the up and locked position. This condition could result in damage to the air line and subsequent loss of emergency gear extension capability.

Since this revision of the NPRM to add serial numbers for the Piper Model PA31T2 airplanes proposes actions that go beyond the scope of what was already proposed, the FAA is reopening the comment period to allow the public additional time to comment on this proposed action.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Piper Model PA31T2 airplanes of the same type design that have a Parker Hannifin Wheel and Brake Conversion Kit 199–111 incorporated in accordance with STC SA599GL, the proposed AD would require rerouting the landing gear emergency extension air line. Accomplishment of the proposed action would be in accordance with Parker Hannifin Service Bulletin SB7034, Revision B, dated December 19, 1995.

Cost Impact

The FAA has determined that there are 62 Piper Model PA31T2 airplanes in the U.S. registry that could incorporate a Parker Hannifin Wheel and Brake Conversion Kit 199–111 (in accordance with STC SA599GL), that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $20 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators could be as much as $16,120 if all affected airplanes had the referenced conversion kit installed.

Parker Hannifin has informed the FAA that it has distributed 31 kits (shipped after March 28, 1994) to Piper Model PA31T2 airplane owners/operators. Kits shipped after March 28, 1994, included the replacement parts referenced in Parker Hannifin SB7034, Revision B. Based on each of the 31 kits being incorporated on an affected airplane, the cost impact of the proposed AD on U.S. owners and operators would be reduced 50 percent from $16,120 to $8,060. The reduction results from the difference between the 62 airplanes that are type certificated to have a Parker Hannifin Wheel and Brake Conversion Kit 199–111 incorporated (in accordance with STC SA599GL) and the 31 kits that have already been distributed.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

The New Piper Aircraft, Inc.: Docket No. 95–CE–21–AD.

Applicability: Model PA31T2 airplanes (serial numbers 31T–8166001 through 31T–8166062), certificated in any category, that have a Parker Hannifin Wheel and Brake Conversion Kit 199–111 incorporated in accordance with Supplemental Type Certificate (STC) SA599GL.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the brake cylinder from chafing against the landing gear emergency extension air line when the gear is in the up and locked position, which could result in damage to the air line and subsequent loss of emergency gear extension capability, accomplish the following:

(a) Reroute the landing gear emergency extension air line in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Parker Hannifin Service Bulletin SB7034, Revision B, dated December 19, 1995.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Chicago Aircraft Certification Office (ACO), FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Chicago ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Chicago ACO.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Parker Hannifin Corporation, Aircraft Wheel & Brake, 1160 Center Road, P.O. Box 158, Avon, Ohio 44011; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on June 4, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14954 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 96–CE–11–AD]

RIN 2120–AA64

Airworthiness Directives; Beech Aircraft Corporation 90, 99, 100, 200, and 1900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede AD 92–27–10, which currently requires inspecting the pilot and copilot chairs to ensure that the locking pins will fully engage in the seat tracks on certain Beech Aircraft Corporation (Beech) 90, 99, 100, 200, and 1900 series airplanes, and modifying any chair where any locking pin fails to fully engage or is misaligned. Reports of pilot and copilot chair locking pin malfunctions prompted AD 92–27–10. Since issuance of that AD, the Federal Aviation Administration (FAA) has determined that additional airplanes should be affected by the pilot and copilot chair locking pins inspection and modification (if required), and that the inspection should be accomplished in accordance with revised procedures. The proposed action would retain the inspection and modification requirements of AD 92–27–10; incorporate additional airplanes into the applicability over that included in AD 92–27–10; and require the inspection in accordance with revised service information. The actions specified by the proposed AD are intended to prevent inadvertent movement of the pilot or copilot chair, which could result in loss of control of the airplane if it occurs during a critical flight maneuver.

DATES: Comments must be received on or before August 16, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–CE–11–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4124; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–CE–11–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–CE–11–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 92–27–10, Amendment 39–8444 (58 FR 5923, January 25, 1993), currently requires the following on certain Beech Aircraft Corporation (Beech) 90, 99, 100, 200, and 1900 series

airplanes: inspecting the pilot and copilot chairs to ensure that the locking pins will fully engage in the seat tracks, and modifying any chair where any locking pin fails to fully engage or is misaligned. Accomplishment of the inspection required by AD 92–27–10 is in accordance with Beech Service Bulletin (SB) No. 2444, Revision 1, dated September 1992.

Reports of pilot and copilot chair locking pin malfunctions, including one instance where the pilot chair slid back from the full forward position, prompted the FAA to issue AD 92–27–10. Since issuance of that AD, the FAA has determined that additional airplanes should be affected by the pilot and copilot chair locking pins inspection and modification, and that the inspection should be accomplished in accordance with revised procedures.

Applicable Service Information

The Beech Aircraft Corporation has revised SB No. 2444 to the Revision II level (dated May 1995). The SB revision updates airplane serial number effectivity, and incorporates an additional procedure to Step 5 of the ACCOMPLISHMENT INSTRUCTIONS section.

Evaluation of All Applicable Information

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced SB revision, the FAA has determined that AD action should be taken to prevent inadvertent movement of the pilot or copilot chair, which could result in loss of control of the airplane if it happens during a critical flight maneuver.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Beech 90, 99, 100, 200, and 1900 series airplanes of the same type design, the proposed AD would supersede AD 92–27–10 with a new AD that would (1) retain the requirement of inspecting the pilot and copilot chairs to ensure that the locking pins will fully engage in the seat tracks, and modifying any chair where any locking pin fails to fully engage or is misaligned; (2) incorporate additional airplanes into the applicability over that included in AD 92–27–10; and (3) require the inspection in accordance with Beech SB No. 2444, Revision II, dated May 1995.

Cost Impact

The FAA estimates that 4,971 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $60 an hour. No parts are required to accomplish the proposed action. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $298,260. This figure only takes into account the cost of the inspection and does not take into account the cost of modifying any pilot or copilot seat where the locking mechanism fails to fully engage or is misaligned. If a pilot or copilot seat fails to fully engage or is misaligned, the modification would take approximately 2 workhours per airplane at an average labor rate of $60 per hour ($120 per airplane).

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 92–27–10, Amendment 39–8444 (58 FR 5923, January 25, 1993), and by adding a new AD to read as follows:

Beech Aircraft Corporation: Docket No. 96–CE–11–AD. Supersedes AD 92–27–10, Amendment 39–8444.

Applicability: The following model and serial number airplanes, certificated in any category:

Models	Serial No.
65–90, 65–A90, B90, C90, and C90A	LJ–1 through LJ–1307.
65–A90–1 (U–21A)	LM–1 through LM–63, LM–65, LM–67 through LM–69, LM–71 through LM–99, and LM– 112 through LM–114.
65–A90–1 (JU–21A)	LM–64, LM–66, and LM–70.
65–A90–1 (RU–21D)	LM–100, LM–102 through LM–106, and LM–116 through LM–124.
65–A90–1 (RU–21H)	LM–101 LM–107, LM–115, LM–125, LM–127, LM–128, LM–129, LM–132, LM–133, LM– 136, LM–137, and LM–138.
65–A90–1 (RU–21A)	LM–108 through LM–111.
65–A90–1 (U–21G)	LM–126, LM–130, LM–131, LM– 134, LM–135, and LM–139 through LM–141.
65–A90–2 (RU–21B)	LS–1, LS–2, and LS–3.
65–A90–3 (RU–21C)	LT–1 and LT–2.
65–A90–4 (RU–21E)	LU–1, LU–3, LU–4, LU–7, LU–8, and LU–14.
65–A90–4 (RU–21H)	LU–2, LU–5, LU–6, LU–9, LU–10 through LU–13, and LU–15.
E90	LW–1 through LW–347.
H90 (T–44A)	LL–1 through LL–61.
F90	LA–2 through LA–236.

Models	Serial No.
99, 99A, A99A, B99, and C99	U–1 through U–239.
100 and A100	B–1 through B–94 and B–100 through B–247.
A100 (U–21F)	B–95 through B–99.
A100–1 (U–21J)	BB–3, BB–4, and BB–5.
B100	BE–1 through BE–137.
200 and B200	BB–2 and BB–6 through BB–1440.
200C and B200C	BL–1 through BL–72 and BL–124 through BL–137.
200CT and B200CT	BN–1 through BN–4.
200T and B200T	BT–1 through BT–34.
A200 (C–12A, C–12C)	BD–1 through BD–30, and BC–1 through BC–75.
A200 (UC–12B)	BJ–1 through BJ–66.
A200CT (C–12D)	BP–1, BP–22, and BP–24 through BP–51.
A200CT(FWD–12D)	BP–7 through BP–11.
A200CT (RC–12D)	GR–1 through GR–13.
A200CT (C–12F)	BP–52 through BP–63.
A200CT (RC–12G)	FC–1, FC–2, and FC–3.
A200CT (RC–12H)	GR–14 through GR–19.
A200CT (RC–12K)	FE–1 through FE–23.
B200C (C–12F)	BL–73 through BL–112, and BL–118 through BL–123.
B200C (UC–12F)	BU–1 through BU–10.
B200C (RC–12F)	BU–11 and BU–12.
B200C (UC–12M)	BV–1 through BV–10.
B200C (RC–12M)	BV–11 and BV–12.
B200CT (FWD–12D)	FG–1 and FG–2.
B200CT (C–12F)	BP–64 through BP–71.
1900	UA–1, UA–2, and UA–3.
1900C	UB–1 through UB–74, and UC–1 through UC–174.
1900C (C–12)	UD–1 through UD–6.
1900D	UE–1 through UE–17.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it. Compliance: Required within the next 150 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent inadvertent movement of the pilot or copilot chair, which could result in loss of control of the airplane if it occurs during a critical flight maneuver, accomplish the following:

(a) Inspect the pilot and copilot chairs to ensure that the locking pins will fully engage in the seat tracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech Service Bulletin (SB) No. 2444, Revision II, dated May 1995. Prior to further flight, modify any chair where any locking pin fails to fully engage or is misaligned in accordance with the maintenance manual as specified in Beech SB No. 2444, Revision II, dated May 1995.

(b) The inspection and modification required by paragraph (a) of this AD are still mandatory even if the actions were previously accomplished in accordance with Beech SB No. 2444, dated April 1992, or Beech SB No. 2444, Revision I, dated September 1992.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO. Alternative methods of compliance approved in accordance with AD 92–27–10 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 92–27–10, Amendment 39–8444.

Issued in Kansas City, Missouri, on June 4, 1996.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14989 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–227–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A300–600, A310, and A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Airbus Model A300, A300–600, A310, and A320 series airplanes, that currently requires an inspection of the landing gear brakes for wear, and replacement if the specified wear limits are not met. That AD also requires incorporation of the specified wear limits into the FAA-approved maintenance inspection program. This action would require that certain wear limits that are dependent on brake stack weight be used in conjunction with specified brake stack weights, and that maximum allowable

brake wear limits for additional brake units be incorporated into the FAA-approved maintenance program. This proposal is prompted by a report that some brakes that are subject to the requirements of the existing AD have not been removed from service and by the determination of the maximum allowable brake wear limits for additional brake unit part numbers. The actions specified by the proposed AD are intended to prevent the loss of brake effectiveness during a high energy rejected takeoff.

DATES: Comments must be received by July 22, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–227–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Messier Services, 45635 Willow Pond Plaza, Sterling, Virginia 20164; Allied Signal Aerospace, Technical Publications, Dept. 65–70, P.O. Box 52170, Phoenix, Arizona 85072–2170; or BFGoodrich Company, Aircraft Evacuation Systems, Department 7916, Phoenix, Arizona 85040. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2011; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–227–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–227–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On December 14, 1994, the FAA issued AD 94–26–05, amendment 39–9101 (59 FR 65927, December 22, 1994), applicable to certain Airbus Model A300, A300–600, A310, and A320 series airplanes, to require an inspection of certain landing gear brakes for wear, and replacement if the specified wear limits are not met. That AD also requires incorporation of the specified wear limits into the FAA-approved maintenance inspection program. That action was prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway due to worn brakes, and subsequent review of allowable brake wear limits for all transport category airplanes. The requirements of that AD are intended to prevent the loss of brake effectiveness during a high energy RTO.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the airplane manufacturer and one brake unit manufacturer have advised the FAA that certain brake part numbers and maximum brake wear information provided to the FAA and specified in AD 94–26–05 was incorrect and must be revised. The FAA finds that this information must be revised in order to ensure that any brake worn beyond its maximum wear limit is replaced with a brake within that limit.

Additionally, the FAA has been advised that some brakes that are subject to the requirements of AD 94–26–05 have not been removed from service. These particular brakes are unable to withstand maximum RTO energy with the wear pin limit specified in the existing AD due to lower brake stack weights. Consequently, the FAA has determined that a requirement that certain wear limits that are dependent on brake stack weight must be used in conjunction with appropriate brake stack weights specified in the brake manufacturer's Component Maintenance Manual (CMM), certain service bulletins, or the Airplane Maintenance Manual.

Further, additional brake unit part numbers that were not addressed in AD 94–26–05 have since been evaluated, and the maximum allowable brake wear limits for these brake units have been determined in accordance with a methodology approved by the FAA. The newly identified maximum brake wear limits must be applied to these brake configurations in order to ensure their braking effectiveness. The FAA has determined that airplanes equipped with these brake units are currently subject to the same unsafe condition addressed in the existing AD.

The FAA also finds that references to certain brake part numbers that were specified in the existing AD must be clarified to indicate that the listing refers to a ''series''of brake part numbers.

Additionally, the FAA has determined that certain service information specified in the existing AD must be revised to specify issuance dates and revision levels.

Type Certification of the Affected Airplanes

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes that are of the same type design, that are equipped with the subject brake configurations, and that are registered in the United States, the proposed AD would supersede AD 94–26–05. This proposed AD would continue to require inspection of certain landing gear brakes for wear, replacement of the brakes if certain wear limits are not met, and incorporation of the specified wear limits into the FAA-approved maintenance inspection program. Additionally, the proposed AD would:

• Revise certain brake part numbers and maximum brake wear information specified in the existing AD;

• Require that certain wear limits that are dependent on brake stack weight be used in conjunction with appropriate brake stack weights specified in various service documents; and

• Require that maximum allowable brake wear limits for additional brake units be incorporated into the FAA-approved maintenance program.

Cost Impact

There are approximately 165 Model A300, A300–600, A310, and A320 series airplanes of U.S. registry that would be affected by this proposed AD.

Incorporation of the revision of the FAA-approved maintenance inspection program, which is currently required by AD 94–26–05, takes approximately 20 work hours per operator (for 4 U.S. operators) to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact on U.S. operators to accomplish this currently required action is estimated to be $4,800, or $1,200 per operator.

The inspection currently required by AD 94–26–05 takes approximately 15 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts to accomplish the change in wear limits for these airplanes (that is, the cost resulting from the requirement to change the brakes before they are worn to their previously approved limits for a one-time change) will be approximately $2,236 per airplane. The FAA estimates that 46 of the 165 affected airplanes of U.S. registry will be required to accomplish the inspection. Based on these figures, the cost impact on U.S. operators to accomplish the currently required inspection is estimated to be $144,256, or $3,136 per airplane.

The new actions that are proposed in this AD action would affect one U.S. operator of 8 airplanes. The FAA estimates that the new actions would take approximately 15 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,236 per airplane. Based on these figures, the cost impact on the affected U.S. operator of the proposed requirements of this AD is estimated to be $3,136 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9101 (59 FR 65927, December 22, 1994), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 95–NM–227–AD. Supersedes AD 94–26–05, Amendment 39–9101.

Applicability: Model A300, A300–600, A310, and A320 series airplanes equipped with Messier-Bugatti, BFGoodrich, Allied Signal (ALS) Aerospace Company (Bendix), or Aircraft Braking Systems (ABS) brakes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the loss of brake effectiveness during a high energy rejected takeoff (RTO), accomplish the following:

RESTATEMENT OF REQUIREMENTS OF AD 94–26–05

(a) Within 180 days after January 23, 1995 (the effective date of AD 94–26–05, amendment 39–9101), accomplish paragraphs (a)(1) and (a)(2) of this AD.

(1) Inspect main landing gear brakes having the brake part numbers listed in Table 1, below, for wear. Any brake worn more than the maximum wear limit specified in Table 1, below, must be replaced, prior to further flight, with a brake within that limit.

TABLE 1

[Airbus Industrie Model A300, A300–600, A310, and A320 Series Airplanes Equipped with Messier-Bugatti, BFGoodrich, Allied Signal (ALS) Aerospace Company (Bendix), or Aircraft Braking Systems (ABS) Brakes]

Airplane model/series	Brake manufacturer	Brake part No.	Maximum brake wear limit (inch/mm)
A300 B2–100	Messier-Bugatti	286349–115	0.98″(25.0 mm).
A300 B2–100	Messier-Bugatti	286349–116	0.98″ (25.0 mm).
A300 B2–100	BFGoodrich	2–1449	1.4″ (35.6 mm).
A300 B2–100	BFGoodrich	2–1449	1.1″ (27.9 mm) S.C.*
A300 B4–100	Messier-Bugatti	A21329–41–7	1.1″ (28.0 mm).

TABLE 1—Continued

[Airbus Industrie Model A300, A300–600, A310, and A320 Series Airplanes Equipped with Messier-Bugatti, BFGoodrich, Allied Signal (ALS) Aerospace Company (Bendix), or Aircraft Braking Systems (ABS) Brakes]

Airplane model/series	Brake manufacturer	Brake part No.	Maximum brake wear limit (inch/mm)
A300 B4–100	Messier-Bugatti	A21329–41–17	1.1″ (28.0 mm).
A300 B4–100	ALS (Bendix)	2606802–3/–4/–5	0.9″ (22.9 mm).
A300 B4–100	ALS (Bendix)	2606802–3/–4/–5	1.48″ (37.6 mm) S.C.*
A300 B4–100	BFGoodrich	2–1449	1.4″ (35.6 mm).
A300 B4–100	BFGoodrich	2–1449	1.1″ (27.9 mm) S.C.*
A300 B4–200 and A300–600	Messier-Bugatti	C20060–100	1.1″ (28.0 mm).
A300–600	ALS (Bendix)	2607932–1	0.9″ (22.9 mm).
A300–600	ALS (Bendix)	2607932–1	1.48″ (37.6 mm) S.C.*
A300 B4–600R	Messier-Bugatti	C20210000	1.97″ (50.0 mm).
A300 B4–600R	Messier-Bugatti	C20210200	1.97″ (50.0 mm).
A310–200	Messier-Bugatti	C20089000	1.1″ (28.0 mm).
A310–200	ALS (Bendix)	2606822–1	1.26″ (32.0 mm).
A310–200	ALS (Bendix)	2606822–1	1.5″ (38.2 mm) S.C.*
A310–300	Messier-Bugatti	C20194000	1.97″ (50.0 mm).
A310–300	Messier-Bugatti	C20194200	1.97″ (50.0 mm).
A310–300	ABS	5010995	1.97″ (50.0 mm).
A320	Messier-Bugatti	C20225000	1.97″ (50.0 mm).
A320	Messier-Bugatti	C20225200	1.97″ (50.0 mm).
A320	BFGoodrich	2–1526–2	1.97″ (50.0 mm).
A320	BFGoodrich	2–1526–3/–4	2.68″ (68.0 mm).

*S.C. represents ''Service Configured'' brakes, which are marked according to the instructions provided in the brake manufacturer's Component Maintenance Manual (CMM).

Note 2: Measuring instructions that must be revised to accommodate the new brake wear limits specified in Table 1, above, can be found in Chapter 32–42–27 of the Airplane Maintenance Manual (AMM), in Chapter 32–32–( ) or 32–44–( ) of the brake manufacturer's CMM, or in certain service bulletins (SB), as listed in Table 2, below:

TABLE 2

Brake manufacturer	Part No.	Document/chapter	Date/revision (or later revisions)
FOR MODEL A300 B2–100 SERIES AIRPLANES:			
Messier-Bugatti	286349–115	CMM 32–42–27	April 1991.
Messier-Bugatti	286349–116	CMM 32–42–27	April 1991.
BFGoodrich	2–1449 and S.C.*	CMM 32–44–37 SB 567 (2–1449–32–4)	January 1993. January 30, 1993.
FOR MODEL A300 B4–100 SERIES AIRPLANES:			
ALS (Bendix)	2606802–3 2606802–4 2606802–5 and S.C.*	CMM 32–42–02 SB 2606802–32–003	September 1993. March 31, 1993.
BFGoodrich	2–1449 and S.C.*	CMM 32–44–37 SB 567 (2–1449–32–4)	January 1993. January 30, 1993.
FOR MODEL A300 B4–200 AND A300–600 SERIES AIRPLANES:			
ALS (Bendix)	2607932–1 and S.C.*	CMM 32–42–27 SB 2607932–32–002	September 1993. March 31,1993 and Revision 1/ October 1, 1993.
FOR MODEL A300 B4–600R SERIES AIRPLANES:			
Messier-Bugatti	C20210000 and C20210200	Airbus SB 470–32–675	April 6, 1990.
FOR MODEL A310–200 SERIES AIRPLANES:			
ALS (Bendix)	2606822–1 & S.C.*	CMM 32–42–03 SB 2606822–32–002	September 1993. March 31, 1993.
FOR MODEL A310–300 SERIES AIRPLANES:			
Messier-Bugatti	C20225000 and C20225200	Airbus SB 470–32–675	April 6, 1990.

* S.C. represents ''Service Configured'' brakes, which are marked according to the instructions provided in the brake manufacturer's CMM.

(2) Incorporate into the FAA-approved maintenance inspection program the maximum brake wear limits specified in paragraph (a)(1) of this AD.

Note 3: Once an operator has complied with the requirements of paragraphs (a)(1) and (a)(2) of this AD, those paragraphs do not require that operators subsequently record accomplishment of those requirements each time a brake is inspected or overhauled in accordance with that operator's FAA-approved maintenance inspection program.

NEW REQUIREMENTS OF THIS AD

(b) Within 90 days after the effective date of this AD, revise the FAA-approved maintenance program to include the requirements of paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD. Accomplishment of these requirements terminates the requirements of paragraph (a) of this AD.

(1) Incorporate the maximum wear pin limits specified in Table 3 of this AD into the FAA-approved maintenance program.

(2) Comply with those measurements thereafter.

(3) Measure the brake wear in accordance with Chapter 32–42–27 of the AMM, with Chapter 32–32–( ) of the brake manufacturer's CMM, or with certain service bulletins (SB), as listed in Table 4, below. Brake wear limits specified in Table 3, below, that are identified in the service information specified in Table 4, below, as being dependent on brake stack weights shall be used in conjunction with the brake stack weights specified in that service information.

(4) If any brake has measured wear beyond the maximum wear limits specified in Table 3 of this AD, prior to further flight, replace it with a brake that is within the wear limits specified in Table 3.

TABLE 3

Airbus Industrie Model A300, A300–600, A310, and A320 Series Airplanes Equipped with Messier-Bugatti, BFGoodrich, Allied Signal (ALS) Aerospace Company (Bendix), or Aircraft Braking Systems (ABS) Brakes

Airplane model/series	Brake manufacturer	Brake part No.	Maximum brake wear limit (inch/mm)
A300 B2–100	Messier-Bugatti	286349–115	0.98″ (25.0 mm).
A300 B2–100	Messier-Bugatti	286349–116	0.98″ (25.0 mm).
A300 B2–100	BFGoodrich	2–1449	1.4″ (35.6 mm).
A300 B2–100	BFGoodrich	2–1449	1.1″ (27.9 mm) S.C.*
A300 B4–100	Messier-Bugatti	A21329–41–7	1.1″ (28.0 mm).
A300 B4–100	Messier-Bugatti	A21329–41–17	1.1″ (28.0 mm).
A300 B4–100/–200	ALS (Bendix)	2606802–3/–4/–5	0.9″ (22.9 mm).
A300 B4–100/–200	ALS (Bendix)	2606802–3/–4/–5	1.48″ (37.6 mm) S.C.*
A300–B4–100	BFGoodrich	2–1449	1.4″ (35.6 mm).
A300–B4–100	BFGoodrich	2–1449	1.1″ (27.9 mm) S.C.*
A300–600	Messier-Bugatti	C20060–100 Series	1.1″ (28.0 mm).
A300–600	ALS (Bendix)	2607932–1	0.9″ (22.9 mm).
A300–600	ALS (Bendix)	2607932–1	1.48″ (37.6 mm) S.C.*
A300 B4–600R	Messier-Bugatti	C20210000 Series	1.97″ (50.0 mm).
A300 B4–600R	Messier-Bugatti	C20210200 Series	1.97″ (50.0 mm).
A310–200	Messier-Bugatti	C20089000 Series	1.1″ (28.0 mm).
A310–200	ALS (Bendix)	2606822–1	1.26″ (32.0 mm).
A310–200	ALS (Bendix)	2606822–1	1.5″ (38.2 mm) S.C.*
A310–300	Messier-Bugatti	C20194000 Series	1.97″ (50.0 mm).
A310–300	Messier-Bugatti	C20194200 Series	1.97″ (50.0 mm).
A310–300	ABS	5010995	2.22″ (56.39 mm).
A320	Messier-Bugatti	C20225000 Series	1.97″ (50.0 mm).
A320	Messier-Bugatti	C20225200 Series	1.97″ (50.0 mm).
A320	BFGoodrich	2–1526	1.97″ (50.0 mm).
A320	BFGoodrich	2–1526–2	1.97″ (50.0 mm).
A320	BFGoodrich	2–1526–5	1.97″ (50.0 mm).
A320	BFGoodrich	2–1526–3/–4	2.68″ (68.0 mm).
A320	BFGoodrich	2–1572	2.68″ (68.0 mm).
A320	ABS	5011075	2.14″ (54.36 mm).

* S.C. represents ''Service Configured'' brakes, which are marked according to the instructions provided in the brake manufacturer's CMM.

TABLE 4

Brake manufacturer	Part No.	Document/chapter	Date/revision (or later revisions)
FOR MODEL A300 B2–100 SERIES AIRPLANES:			
Messier-Bugatti	286349–115	CMM 32–42–27	April 30, 1991.
Messier-Bugatti	286349–116	CMM 32–42–27	April 30, 1991.
BFGoodrich	2–1449 and S.C.*	CMM 32–44–37	January 30, 1993.
		SB 567 (2–1449–32–4)	January 30,1993.
FOR MODEL A300 B4–100 SERIES AIRPLANES:			
Messier-Bugatti	A21329–41–17	CMM 32–44–37	January 30, 1993.
ALS (Bendix)	2606802–3	CMM 32–42–02	Revision 7/April 30, 1995.
	2606802–4	SB 2606802–32–003	March 31, 1993, and
	2606802–5 and S.C.*		Revision 1/October 1, 1993.
BFGoodrich	2–1449 and S.C.*	CMM 32–44–37	January 30, 1993.
		SB 567 (2–1449–32–4)	January 30, 1993.
FOR MODEL A300 B4–200 SERIES AIRPLANES:			
Messier-Bugatti	C20060–100 Series	CMM 32–44–24	December 31, 1991.
ALS (Bendix)	2606802–3	CMM 32–42–02	Revision 7/April 30, 1995.
	2606802–4	SB 2606802–32–003	March 31, 1993, and
	2606802–5 and S.C.*		Revision 1/October 1, 1993.

TABLE 4—Continued

Brake manufacturer	Part No.	Document/chapter	Date/revision (or later revisions)
FOR MODEL A300–600 SERIES AIRPLANES:			
Messier-Bugatti	C20060–100 Series	CMM 32–44–24	December 31, 1991.
ALS (Bendix)	2607932–1 and S.C.*	CMM 32–42–05	Revision 4/February 15,1992.
		SB 2607932–32-002	March 31,1993, and
		SB 2607932–32–003	Revision 1/October 1, 1993.
			May 31, 1995.
FOR MODEL A300 B4–600R SERIES AIRPLANES:			
Messier-Bugatti	C20210000	CMM 32–44–51	August 31, 1994.
	and	SB 470–32–675	Revision 1/
	C20210200 Series		September 26, 1994.
FOR MODEL A310–200 SERIES AIRPLANES:			
Messier-Bugatti	C20089000 Series	CMM 32–46–23	January 31, 1992.
ALS (Bendix)	2606822–1 and S.C.	CMM 32–42–03	Revision 5/
			January 31, 1991.
		SB 2606822–32–002	March 31, 1993.
FOR MODEL A310–300 SERIES AIRPLANES:			
Messier-Bugatti	C20194000 and	CMM 32–46–37	August 31, 1994.
	C20194200 Series	SB 470–32–675	Revision 1/
			September 26, 1994.
ABS	5010995	CMM 32–43–97	February 28, 1991.
FOR MODEL A320 SERIES AIRPLANES:			
Messier-Bugatti	C20225000 and	CMM 32–47–20	January 31, 1995.
	C20225200 Series	SB 580–32–3042	Revision 1/June 30, 1995.
BFGoodrich	2–1526/–2/–5	CMM 32–44–38	March 15, 1993.
	2–1526–3/–4	CMM 32–44–38	March 15, 1993.
	2–1572	CMM 32–41–63	April 29, 1994.
ABS	5011075	CMM 32–41–18	February 28, 1991.

* S.C. represents ''Service Configured'' brakes, which are marked according to the instructions provided in the brake manufacturer's CMM.

NOTE 4: Once an operator has complied with the requirement of paragraph (b) of this AD, that paragraph does not require that the operator subsequently record accomplishment of those requirements each time a brake is inspected or overhauled in accordance with that operator's FAA-approved maintenance inspection program.

(c) Prior to installation of any brake having a part number other than those specified in Table 3 of this AD, revise the FAA-approved maintenance program to include the provisions specified in paragraph (b) of this AD for that part number brake, that have been approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished. Issued in Renton, Washington, on June 6, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14988 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 343

[Docket No. 77N–094A]

RIN 0910–AA01

Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Proposed Amendment to the Tentative Final Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the tentative final monograph for over-the-counter (OTC) internal analgesic, antipyretic, and antirheumatic drug products to include the use of aspirin, buffered aspirin, and aspirin in combination with antacid to reduce the risk of vascular mortality in people with a suspected acute myocardial infarction (MI). This proposal is in response to two citizen petitions and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Submit written comments by September 11, 1996. Written comments on the agency's economic impact determination by September 11, 1996. The agency is proposing that any final rule that may issue based on this proposal be effective 12 months after the date of its publication in the Federal Register.

ADDRESSES: 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: 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. Introduction

In the Federal Register of November 16, 1988 (53 FR 46204), the agency published a tentative final monograph (TFM) to establish conditions under which OTC internal analgesic, antipyretic, and antirheumatic drug products are generally recognized as safe and effective and not misbranded (hereinafter referred to as the 1988 TFM). The 1988 TFM included professional labeling for drug products containing aspirin, buffered aspirin, and aspirin in combination with an antacid for certain cardiovascular and cerebrovascular uses to: (1) Reduce the risk of death and/or nonfatal MI in patients with a previous infarction or unstable angina pectoris, and (2) reduce the risk of recurrent transient ischemic attacks (TIA's) or stroke in men who have had transient ischemia of the brain due to fibrin platelet emboli.

The agency has received two citizen petitions (Refs. 1 and 2), submitted in accord with § 10.30 (21 CFR 10.30), requesting that the professional labeling section of the monograph for OTC internal analgesic, antipyretic, and antirheumatic drug products be amended to include an indication for the use of aspirin in treating acute MI. One petition included reports of four studies to support this indication. The petitions are on public display in the Dockets Management Branch (address above).

FDA has reviewed the information in the petitions and finds that it supports the safety and effectiveness of aspirin, buffered aspirin, or aspirin in combination with antacid to reduce the risk of vascular mortality in patients with a suspected acute MI. Therefore, the agency is proposing to amend the professional labeling in § 343.80 of the 1988 TFM for OTC internal analgesic drug products to include information on aspirin, buffered aspirin, or aspirin in combination with antacid for this indication. Final agency action on this proposal will occur in a future issue of the Federal Register.

II. The Citizen Petitions

A. The Agency's Evaluation of the Citizen Petitions

One citizen petition (Ref. 1) included reports of four clinical trials conducted to evaluate the safety and effectiveness of aspirin in treating acute MI (Refs. 3 through 6). The petition cited the results of the Second International Study of Infarct Survival (ISIS–2) (Ref. 3) as primary support for the safety and effectiveness of aspirin in the treatment of acute MI to reduce the risk of fatal and nonfatal cardiovascular and cerebrovascular events.

The ISIS–2 study was undertaken after a pilot study (Ref. 7) of 619 subjects suggested that aspirin was effective in reducing the incidence of nonfatal reinfarction, death, and stroke in subjects with suspected acute MI. The ISIS–2 study was a 2 x 2 factorial study of 17,187 subjects (both men and women) with suspected acute MI, randomized so that 8,592 subjects received a single dose of streptokinase (1.5 million units (MU)) and 8,595 received an intravenous placebo (hepatitis-B-antigen-free albumin). Streptokinase or placebo was intravenously infused over about 1 hour in 50 to 200 milliliters of physiological saline. Of the subjects, 8,587 were also allocated randomly to receive oral aspirin (162.5 milligrams (mg), enteric-coated) daily for 1 month (the first dose crushed, sucked, or chewed), and 8,600 received oral placebo (enteric-coated starch tablets). Thus, within 24 hours of the onset of symptoms, 4,300 subjects received streptokinase plus oral placebo, 4,295 received aspirin plus placebo infusion, 4,292 received both active treatments, and 4,300 received double placebo. Subjects in whom acute MI was suspected but not confirmed were eligible for the study if they were entered within 24 hours of the onset of symptoms and had no clear indication for, or contraindication to, streptokinase or aspirin. Subjects from 417 hospitals in 16 countries were included in the study. Information collected and recorded prior to randomization included patient identifiers, age, systolic blood pressure, hours from onset of pain, aspirin use in the week prior to admission, and details concerning the planned treatment. Ancillary treatment (including treatment with aspirin) was not restricted. Electrocardiogram (ECG) results were not used as a basis for randomization. Once enrolled, subjects remained in the assigned treatment group for an intent-to-treat analysis of results.

An ECG done prerandomization was submitted along with information on compliance with the study treatment, other drug use, and adverse events. Observers blind to the treatment assignment read the ECG's and reviewed the deaths. Causes of death were categorized as ''vascular'' or ''nonvascular.'' The protocol defined vascular deaths as those attributed to cardiac, cerebral, hemorrhagic, other vascular, or unknown causes. Further details of reports of stroke were collected for blinded review by a neurologist.

Three primary analyses were conducted to assess the following effects: (1) Streptokinase on vascular mortality during the first 35 days, (2) streptokinase on vascular mortality during the entire study period (a median followup of 15 months), and (3) oral daily aspirin on vascular mortality during the first 35 days. The effects of allocated treatment on clinical events (reinfarction, cardiac rupture, cardiac arrest, bleeding, and stroke) and on nonvascular mortality were also

evaluated. Although not specified in the protocol, subgroup analysis on vascular mortality in days 0 to 35 was performed for certain parameters, such as age, gender, diabetes, and systolic blood pressure.

Results were presented as absolute changes and as changes in the odds of death. The report states: ''* * * a change from 10 percent dead (odds 10/90) to 8 percent dead (odds 8/92) involves an odds ratio of 8/92 divided by 10/90, or 0.78, and is therefore described as a 22 percent reduction in the odds of death (rather than as a 20 percent reduction in the risk of death).'' (A change from 10 percent dead (risk 10/100) to 8 percent dead (risk 8/100) would represent a 20 percent reduction in risk of death.)

During the first 35 days, there were 804 (9.4 percent) vascular deaths in the 8,587 subjects randomized to receive oral aspirin, and 1,016 (11.8 percent) vascular deaths in the 8,600 subjects randomized to placebo. These results represent an absolute reduction of 2.4 percent in the mean 35-day vascular mortality attributable to aspirin and a highly significant (23 percent) reduction in the odds of vascular death (2p < 0.00001, confidence interval 15 to 30 percent). Although not an endpoint specified in the protocol, an effect of aspirin was still present after the median 15-month followup was completed, with a total reduction of early and late vascular mortality of 1.9 percent, highly significant (2p < 0.001).

The number of nonvascular deaths in subjects allocated to receive aspirin was not significantly different from subjects receiving placebo for the 15-month median followup. One nonvascular death occurred before 5 weeks, and 24 deaths occurred after 5 weeks in the aspirin group, compared to 7 and 32, respectively, in the placebo group. Total mortality (vascular plus nonvascular) was reduced at both 35 days (9.4 percent versus 11.9 percent, odds ratio 0.77) and after 15 months median followup (16.0 percent versus 18.1 percent odds ratio 0.87) for the aspirin group and placebo group). The reduction in all-cause mortality was highly significant (2p < 0.001) at both times.

The beneficial effects of aspirin on vascular mortality in days 0 to 35 was found to be independent of streptokinase infusion. (See Table 1.)

TABLE 1.—BENEFICIAL EFFECTS OF ASPIRIN ON VASCULAR MORTALITY IN DAYS 0 TO 35

Treatment[1] Tablet/Infusion	Vascular Deaths/No. of Subjects	Percent	Percent Absolute Change	Percent Reduction in Odds of Death
A/S+A/P	804/8,587[2]	9.4		
vs				
P/S+P/P	1,016/8,600[3]	11.8	-2.4	23 (2p<0.00001)
A/P	461/4,295	10.7		
vs				
P/P	568/4,300	13.2	-2.5	21 (2p<0.001)
A/S	343/4,292	8.0		
vs				
P/S	448/4,300	10.4	-2.4	25 (2p<0.001)
A/S	343/4,292	8.0		
vs				
P/P	568/4,300	13.2	-5.2	42 (2p<0.00001)
A/S	343/4,292	8.0		
vs				
A/P	461/4,295	10.7	-2.7	28 (2p<0.00001)
P/S	448/4,300	10.4		
vs				
P/P	568/4,300	13.2	-2.8	23 (2p<0.00001)
A/S+P/S	791/8,592[4]	9.2		
vs				
A/P+P/P	1,029/8,595[5]	12.0	-2.8	25 (2p<0.00001)

[1] A=aspirin, S=streptokinase, and P=placebo.
[2] Inludes 4,295 allocated aspirin tablets + placebo infusion and 4,292 allocated aspirin tablets + streptokinase infusion.
[3] Includes 4,300 allocated placebo tablets + placebo infusion and 4,300 allocated placebo tablets + streptokinase infusion.
[4] Includes 4,292 allocated aspirin tablets + placebo infusion and 4,300 allocated streptokinase infusion + placebo tablets.
[5] Includes 4,295 allocated aspirin tablets + placebo infusion and 4,300 allocated placebo tablets + placebo infusion.

Each subject received one tablet and one infusion (e.g., each subject was allocated either a single active ingredient plus placebo, both active ingredients, or two placebos). Aspirin reduced the odds of death within 35 days by 25 percent (standard deviation (SD) 6) in people who were also given streptokinase infusion, and by 21 percent (SD 6) in people given a placebo infusion (2p < 0.001). Thus, aspirin was effective in reducing mortality both in the presence and absence of streptokinase.

Similarly, there were significantly fewer deaths in the streptokinase group compared to the placebo both in the presence and absence of aspirin. The effect of the combined therapy of aspirin plus streptokinase was approximately additive. The 35-day vascular mortality of the group that received aspirin plus streptokinase was 8 percent compared to 13.2 percent for the double-placebo group. These results represent an absolute reduction of 5.2 percent and a 42-percent reduction in odds of death in

the aspirin plus streptokinase group (2p < 0.00001).

When specific clinical events (fatal plus nonfatal) that occurred in the hospital were evaluated separately, statistically significant absolute reductions favoring aspirin were found for reinfarction (1.5 percent absolute reduction, 45 percent odds reduction, 2p < 0.00001), cardiac arrest (1.2 percent absolute reduction, 14.2 percent odds reduction, 2p < 0.01), and total stroke (0.4 percent absolute reduction, 41.5 percent odds reduction, 2p < 0.01). Moreover, the effect of aspirin over and above its effect on mortality was evidenced by small, but significant, reductions in vascular morbidity in those subjects who were discharged.

The combination of streptokinase infusion and daily aspirin was significantly better than either active treatment alone for vascular mortality (See Table 1). The differences in favor of aspirin plus streptokinase compared to double placebo for specific clinical events were 1.1 percent in reinfarction, 2.5 percent in cardiac arrest, and 0.5 percent (2p = 0.02) in total stroke. The effects of aspirin and aspirin in combination with streptokinase on major clinical events that occurred in a hospital is shown in Table 2.

TABLE 2.—EFFECTS OF ASPIRIN AND ASPIRIN PLUS STREPTOKINASE ON MAJOR CLINICAL EVENTS IN HOSPITAL

	Aspirin			Aspirin plus Streptokinase		
	Asprin Tablets	Placebo Tablets	Percent Absolute Change	Aspirin and Streptokinase	Placebo Infusion and Tablet	Percent Absolute Change
Number randomized	8,587	8,600		4,292	4,300	
Number discharged alive	8,492	8,489		4,239	4,238	
Reinfarction (any)	156	284	1.5	77	123	1.1
(any discharged alive)	83	170	1.0	46	61	0.4
Cardiac rupture (any)	69	81	0.1	31	38	0.2
(any discharged alive)	7	5	0.0	2	1	0.0
Cardiac arrest (any)	690	793	1.2	311	417	2.5
(any discharged alive)	259	289	0.4	133	129	-0.1
Stroke (any)	47	81	0.4	25	45	0.5
(fatal)	20	30	0.1	12	18	0.1
(disabled)	17	23	0.1	9	15	0.1
(not disabled)	10	28	0.2	4	12	0.2
(hemorrhagic)	5	2	0.0	5	0	-0.1
(any discharged alive)	27	51	0.3	13	27	0.3
Major bleeds (transfused)	31	33	0.0	24	11	-0.3
Minor bleeds (not transfused)	215	163	-0.6	167	33	-3.2

Subgroup analysis was done for 35-day vascular mortality for 3,945 women assigned to either aspirin (1,994) or oral placebo (1,951), and for 13,125 men assigned to aspirin (6,540) or oral placebo (6,585). Vascular mortality was higher in women than men in both the placebo and the aspirin group, but the absolute reduction of risk of vascular death was 2.6 percent for women and 2.4 percent for men, representing a 19 percent (p = 0.018) odds reduction for women and a 25 percent (p < 0.0001) odds reduction for men. These data suggest that beneficial effects of aspirin may be expected in treating both men and women for an acute MI.

Subgroup analyses suggest that all age groups analyzed benefited from aspirin. There were 1 percent fewer vascular deaths recorded for 3,870 subjects under 60 years of age who received aspirin than for 3,850 subjects who received oral placebo (18 percent relative risk reduction). In subjects 60 to 69 years old, 3.1 percent fewer vascular deaths were recorded for 2,999 subjects who received aspirin than for 3,057 subjects who received placebo (22 percent relative risk reduction). Subjects over 70 years old (1,718 on aspirin versus 1,693 on placebo) appeared to have the greatest (4.7 percent) absolute reduction in vascular death. The relative risk reduction in subjects over 70 years old was 21 percent for those who received aspirin.

However, the agency agrees with the investigators' conclusion that more weight should be placed on the overall results than on any particular subgroup of people. The agency has determined that the evidence is insufficient at present to validate efficacy results in particular subsets of patients with suspected acute MI.

The principal entry criterion for subjects in the ISIS–2 study was that the responsible physician suspected acute MI based on clinical presentation. The protocol did not require that MI be documented in those entering the study. The agency notes that the only preliminary indications of an MI are chest pain and changes in the ECG. The report did not indicate how many of the subjects actually had an acute MI. In a retrospective analysis, about 98 percent of the subjects admitted to the study had some ECG abnormality.

Aspirin produced similar-sized reductions in vascular mortality among subjects treated early and treated late after the onset of symptoms (odds reductions at 0 to 4, 5 to 12, and 13 to 24 hours were 25 percent, 21 percent, and 21 percent, respectively). The effects of streptokinase appeared to be greatest among those treated earliest. When comparing subjects who received both aspirin and streptokinase to subjects who received double placebo, the odds of death were more reduced among those subjects randomized 0 to 4 hours (53 percent odds reduction; 2p < 0.00001) after the onset of pain than those randomized later: 5 to 12 hours (32 percent odds reduction; 2p < 0.0001), and 13 to 24 hours (38 percent odds reduction; 2p < 0.01).

The aspirin regimen was well tolerated. There was no difference in the incidence of major bleeding (bleeds requiring transfusion) between the two groups (0.4 percent for aspirin; 0.4 percent for placebo). There was a small but statistically significant 0.6 percent (SD = 0.2, 2p < 0.01) increase in minor bleeding in people taking aspirin compared to placebo (2.5 versus 1.9

percent). No other significant adverse effects were reported. Although there were five confirmed cerebral hemorrhages in the aspirin group compared with two in the placebo group, this difference was not statistically significant. As discussed above, the incidence of stroke of any cause was lower in subjects taking aspirin when compared to those on oral placebo (47 versus 81), a 0.4 percent absolute reduction and a 41.5 percent reduction in odds of stroke (2p < 0.01) in subjects taking aspirin.

The second study (Ref. 4) was a study of low dose aspirin (75 mg daily) and intravenous heparin in 945 men with unstable coronary artery disease, defined as non-Q-wave MI or increasing angina within the previous 4 weeks associated with ischemia (deficiency of oxygen supply to the heart muscle, due to the constriction or obstruction of a blood vessel) in a resting ECG or during a predischarge exercise test. The subjects were randomized within 72 hours after admission to coronary care units to receive bolus intravenous injections of heparin (10,000 units 4 times a day for 1 day and 7,500 units 4 times a day for 4 additional days) or placebo (saline) for 5 days, and oral aspirin (75 mg daily) or placebo for 1 year. The study was stopped early after publication of the ISIS–2 study. As a result, the minimum period of randomized treatment was reduced to 3 months. A detailed report of this study has not been submitted to the agency for review.

One hundred and forty-nine subjects were excluded from the study (115 with no evidence of myocardial ischemia after an exercise test, and 34 with an anterior Q-wave MI before recruitment). The remaining 796 subjects were randomized to either double placebo (199), heparin and aspirin (210), aspirin and placebo (189), or heparin and placebo (198).

The combined rate of MI or death in subjects on aspirin (aspirin with placebo and aspirin with heparin) was 9.1 percent and 10.6 percent lower at 1 and 3 months, respectively, than the combined rate for subjects receiving placebo (double placebo or placebo with heparin), a risk reduction of 68 percent at 1 month (p = 0.0001) and 62 percent at 3 months (p = 0.0001). Heparin alone did not appear to affect the rate of death or MI. However, the combination of heparin and aspirin was the only regimen that significantly reduced the risk of MI during the first 5 days in the hospital. Thus, the authors suggested that reduction of events in the aspirin treated group may have been influenced by initial simultaneous treatment with heparin.

A few side effects were reported with the daily aspirin dose used in this study, although details were not provided. Hematological side effects were reported to be rare and minor. Gastrointestinal side effects were similar in the aspirin and placebo groups at 1 month, but were more frequent with aspirin (5.2 percent to 6.5 percent) than with placebo (0.7 percent to 1.9 percent) at 3 months.

This study primarily involved the use of aspirin in subjects with unstable angina. The agency has already accepted the benefits of aspirin in unstable angina and has included that indication in § 343.80(c).

The third study (Ref. 5) compared the effect of aspirin (100 mg daily) to placebo for 3 months on infarct size, death, reinfarction, unstable angina, and revascularization in 100 subjects with early symptoms of first anterior wall acute MI. All subjects also received subcutaneous heparin until they were mobilized. In addition, those subjects who were less than 70 years of age and had symptoms for less than 4 hours when recruited (24 subjects on aspirin and 26 subjects on placebo) also received thrombolysis therapy (intravenous streptokinase). The study was randomized for aspirin but not for thrombolysis.

The primary endpoint was infarct size in the first 72 hours. The size of the infarct was determined by the cumulative release of serum lactate dehydrogenase (LDH) in the first 72 hours. Secondary endpoints were death, reinfarction, unstable angina, and revascularization. The results showed a 10 percent difference in infarct size (1,431 ± 782 versus 1,592 ± 1,082 LDH units per liter) for the aspirin versus placebo group. This difference was not statistically significant (p = 0.35). Of the secondary endpoints evaluated, only reinfarction was significantly lower in the aspirin than the placebo group (4 percent versus 18 percent, p < 0.03) at 3 months. Mortality rate was 20 percent in subjects given aspirin compared to 24 percent in those given placebo. This difference was not statistically significant (p = 0.65).

The significant reduction in incidence of reinfarction in this study is surprising because of the small size of the study and may depend on an atypical incidence of reinfarction in the control group (18 percent at 3 months). This was much higher than in the control group of the ISIS–2 study (approximately 3 percent at 35 days). Followup for this third study was longer than for the ISIS–2 study (3 months versus 35 days). Only subjects with early signs of first anterior wall infarction were eligible for entry in the third study, while in the ISIS–2 study subjects with only ''suspected acute MI'' were eligible. The more stringent entry criteria and the longer followup period may account for the higher incidence of reinfarction in the control group and the significant effect of aspirin on reinfarction in the third study. A detailed report of this study was not submitted to the agency. Based on the information provided, this study provides little additional evidence of the effectiveness of aspirin in treating acute MI.

The fourth study (Ref. 6) was an uncontrolled study to evaluate infarct vessel patency in subjects started on both aspirin (325 mg/day) and dipyridamole (75 mg/day) after thrombolytic therapy with streptokinase. In the absence of a control group, the study cannot provide any information on the effectiveness of aspirin in treating acute MI.

The second petition (Ref. 2) also requested the agency to approve professional labeling for aspirin for prevention of fatal and nonfatal cardiovascular events in patients with suspected acute MI. The petition requested approval of an initial dose of ''at least 162 mg aspirin'' during the 24 hours following acute MI, with continued treatment for at least the subsequent 30-day followup period at the minimum dose of 162 mg/day. The petition relied primarily on the results of ISIS–2 (Ref. 3) to support the labeling claim. Data from that study are summarized above.

In addition to ISIS–2, the petition included results of four published efficacy studies of aspirin in acute MI (Refs. 5, 7, 8, and 9). The study by Verheugt et al. (Ref. 5) was also submitted in the first petition and is discussed above.

In the ISIS–2 pilot study (Ref. 7), there was a nonsignificant reduction in nonfatal reinfarction in 313 subjects who received 325 mg aspirin on alternate days compared with 306 subjects who received placebo. In-hospital death (all causes) was reported to be significantly lower in the aspirin-treated group. Postdischarge death was reported at a similar rate in both the aspirin and placebo subjects.

Elwood and Williams (Ref. 8) found no evidence of reduced mortality in males or females evaluated up to 28 days after a single 300 mg dose of aspirin. Aspirin or placebo was administered to 2,530 subjects, upon first suspicion of acute MI. Analysis was

confined to 1,705 subjects in whom acute MI was subsequently confirmed.

Husted et al. (Ref. 9) compared aspirin 100 mg/day, aspirin 1,000 mg/day, and placebo in 293 subjects with suspected acute MI. An intent-to-treat analysis showed no significant difference between groups. A significant benefit of 100 mg/day (but not 1,000 mg/day) on the combined incidence of cardiac death and nonfatal MI was found when subjects who withdrew from the study were excluded from the analysis. No conclusions were drawn as to the reasons for the difference in effect between a 100 mg and 1,000 mg daily dose.

The agency received additional comments that raised other issues related to professional labeling of aspirin for cardiovascular use. Those issues will be addressed in a future issue of the Federal Register.

B. Summary of the Agency's Evaluation

The agency has determined that the ISIS–2 study (Ref. 3) supports the use of aspirin at a dose of 162.5 mg/day, started as soon as possible after an infarction and continued for at least 30 days to reduce the risk of fatal and nonfatal cardiovascular and cerebrovascular events in subjects with a suspected acute MI. The study also shows that the effect of aspirin is not diminished with concomitant early treatment with a thrombolytic (i.e., an immediate 1-hour, single-dose, infusion of 1.5 million units of streptokinase). Aspirin treatment should be started as soon as the physician suspects an MI, rather than delaying treatment until definitive testing can be done. A significant benefit of aspirin in reducing the risk of vascular death was seen in ISIS–2 for aspirin alone compared to placebo as well as for aspirin plus streptokinase compared to streptokinase alone, representing, in effect, two separate studies showing a benefit of aspirin. This internal replication supports the indication for treatment of acute MI. The large number of investigators involved in the study and the consistency of results among countries lend further credibility to the results of this single study.

The benefit of aspirin is evident for both all-cause mortality and vascular mortality for aspirin alone and for aspirin in addition to early thrombolytic treatment. Although the most important effect of aspirin in acute MI is the reduction in mortality, small, but statistically significant, decreases in nonfatal reinfarction and stroke were also found. Overall, the other studies included in the petitions are consistent with a favorable effect of aspirin in the acute and subacute MI setting, but do not provide substantial support for ISIS–2. While the dosage in the ISIS–2 study was 162.5 mg enteric-coated aspirin daily, the agency believes one-half of a conventional 325-mg tablet or two 80- or 81-mg tablets are also reasonable doses (i.e., a range of 160 to 162.5 mg).

In the 1988 TFM (53 FR 46204 at 46229 and 46231), the agency proposed (in § 343.20(b)(3)) that aspirin, buffered aspirin, and aspirin in combination with antacids are effective to treat patients with TIA, a previous MI, or unstable angina pectoris. That proposal was based on recommendations of the Peripheral and Central Nervous System Drugs Advisory Committee, the agency's review of data submitted to show that buffered aspirin would be expected to have similar effects, and on the data from an unstable angina trial that used a highly buffered aspirin solution. Based on those data, the agency is proposing that aspirin, buffered aspirin, or aspirin in combination with an antacid may be used to treat patients with a suspected acute MI. After the 30-day recommended treatment with aspirin for acute MI, physicians should consider further therapy based on the labeling for dosage and administration of aspirin for prevention of recurrent MI (reinfarction).

Based on the above discussion, the agency is now proposing several changes in the professional labeling proposed in § 343.80(c) for OTC drug products containing aspirin proposed in § 343.10(b) or permitted combinations proposed in § 343.20(b)(3) as follows: (1) Add information for treatment of a suspected acute MI, and (2) revise some of the previously proposed text based on additional information from the ISIS–2 study (Ref. 8).

III. Summary of Agency Changes

In summary, the agency is proposing to add the following to the professional labeling in § 343.80(c): An indication for aspirin to reduce the risk of vascular mortality in patients with a suspected acute MI; the findings of the ISIS–2 study under ''Clinical Trials;'' a dosage of 160 to 162.5 mg for a suspected acute MI taken as soon as the infarct is suspected and then daily for at least 30 days; and a statement that this use of aspirin applies to both solid, oral dosage forms and buffered aspirin in solution.

To add the findings of the ISIS–2 study and to improve readability, the agency is also proposing the following: Change the heading from ''Indication'' to ''Indications;'' add the subheadings, ''Recurrent MI (Reinfarction) or Unstable Angina Pectoris'' and ''Suspected Acute MI,'' under the headings ''Indications,'' ''Clinical Trials,'' and ''Dosage and Administration;'' revise the text under ''Gastrointestinal Reactions'' and change from 300 mg aspirin to 160 mg aspirin daily the dosage level at which subjects should have biochemical measurements assessed; add a subheading, ''Bleeding,'' under the heading ''Adverse Reactions'' (after ''Gastrointestinal Reactions''); renumber existing reference (8) as reference (9); and add a new reference (8).

IV. 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) Comment No. CP9, Docket No. 77N–0094, Dockets Management Branch.

(2) Comment No. CP10, Docket No 77N–0094, Dockets Management Branch.

(3) ISIS–2 (Second International Study of Infarct Survival) Collaborative Group, ''Randomized Trial of Intravenous Streptokinase, Oral Aspirin, Both, or Neither Among 17,187 Cases of Suspected Acute Myocardial Infarction: ISIS–-2,'' *Lancet*, 2:349–360, 1988.

(4) RISC Group, ''Risk of Myocardial Infarction and Death During Treatment with Low Dose Aspirin and Intravenous Heparin in Men with Unstable Coronary Artery Disease,'' *Lancet*, 336:827–830, 1990.

(5) Verheugt, F. W. et al., ''Effects of Early Intervention with Low-dose Aspirin (100 mg) on Infarct Size, Reinfarction and Mortality in Anterior Wall Acute Myocardial Infarction,'' *American Journal of Cardiology*, 66:267–270, 1990.

(6) Hays, L. J. et al., ''Short-term Infarct Vessel Patency with Aspirin and Dipyridamole Started 24 to 36 Hours After Intravenous Streptokinase,'' *American Heart Journal*, 115:717–721, 1988.

(7) ISIS Pilot Study Investigators, ''Randomized Factorial Trial of High-Dose Intravenous Streptokinase, of Oral Aspirin and of Intravenous Heparin in Acute Myocardial Infarction,'' *European Heart Journal*, 8:634–642, 1987.

(8) Elwood, P. C., and W. O. Williams, ''A Randomized Controlled Trial of Aspirin in the Prevention of Early Mortality in Myocardial Infarction,'' *Journal of the Royal College of General Practitioners*, 29:413–416, 1979.

(9) Husted, S. E. et al., ''Acetylsalicylic Acid 100 mg and 1,000 mg Daily in Acute Myocardial Infarction Suspects: A Placebo-Controlled Trial,'' *Journal of Internal Medicine*, 226:303–310, 1989.

V. Enforcement Policy

The agency is allowing the proposed professional labeling to be used prior to the completion of a final rule for OTC internal analgesic, antipyretic, and antirheumatic drug products. This decision is based on the substantial data

supporting the safety and effectiveness of aspirin for suspected acute MI and on the importance of early dissemination of this information to health professionals. Manufacturers who disseminate this information must use the exact professional labeling set forth in this proposal. Such labeling may be disseminated pending issuance of a final rule, subject to the risk that the agency may, in the final rule, adopt a different position that could require relabeling, recall, or other regulatory action. Those manufacturers who do not wish to revise the professional labeling in accordance with this proposal may continue to disseminate the labeling proposed in the 1988 TFM (53 FR 46204 at 46258 through 46260) until a final rule becomes effective. Dissemination of professional labeling that is not in accord with the labeling in the 1988 TFM or with this proposed amendment to the 1988 TFM may result in regulatory action against the product, the marketer, or both.

VI. Analysis of Impacts

FDA has examined the impacts of the proposed 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 proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed 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. If this proposed rule becomes a final rule, direct one-time costs associated with changing professional labeling will be imposed. That cost is estimated to be less than $1 million. Also, there appears to be a limited number of aspirin products involved because many manufacturers of these products do not distribute professional labeling for their products. Manufacturers who do distribute such professional labeling will have an additional claim to make for their product(s) and will have 1 year after publication of the final rule to implement this relabeling. Accordingly, the agency certifies that the proposed 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.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on the professional labeling of OTC internal analgesic, antipyretic, and antirheumatic drug products that contain aspirin, buffered aspirin, or aspirin in combination with antacid. Types of impact may include, but are not limited to, costs associated with relabeling. Comments regarding the impact of this rulemaking on these OTC drug products should be accompanied by appropriate documentation. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

VII. Paperwork Reduction Act of 1995

FDA tentatively concludes that the labeling requirements proposed in this document are not subject to review by the Office of Management and Budget because they do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Rather, the proposed labeling statements are a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

VIII. 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.

IX. Request for Comments

Interested persons may, on or before September 11, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Written comments on the agency's economic impact determination may be submitted on or before September 11, 1996. Three copies of all 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 and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 343

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, it is proposed that 21 CFR part 343 (proposed in the Federal Register of November 16, 1988, 53 FR 46204) be amended as follows:

PART 343—INTERNAL ANALGESIC, ANTIPYRETIC, AND ANTIRHEUMATIC DRUG PRODUCTS FOR OVER–THE–COUNTER HUMAN USE

1. The authority citation for 21 CFR part 343 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).

2. Section 343.80 is amended by revising paragraph (c) to read as follows:

§ 343.80 Professional labeling.

* * * * *

(c) *For products containing aspirin identified in § 343.10(b) or permitted combinations identified in § 343.20(b)(3).* The labeling states, under the heading ''ASPIRIN FOR MYOCARDIAL INFARCTION,'' the following:

Indications:

Recurrent Myocardial Infarction (MI) (Reinfarction) or Unstable Angina Pectoris

Aspirin is indicated to reduce the risk of death and/or nonfatal MI in patients with a previous MI or unstable angina pectoris.

Suspected Acute MI

Aspirin is indicated to reduce the risk of vascular mortality in patients with a suspected acute MI.

Clinical Trials:

Recurrent MI (Reinfarction) and Unstable Angina Pectoris

The indication is supported by the results of six large, randomized multicenter, placebo-controlled studies involving 10,816, predominantly male, post-MI subjects and one randomized placebo-controlled study of 1,266 men with unstable angina (1–7). Therapy with aspirin was begun at intervals after the onset of acute MI varying from less than 3 days to more than 5 years and continued for periods of from less than 1 year to 4 years. In the unstable angina study, treatment was started within 1 month after the onset of unstable angina and continued for 12 weeks, and patients with complicating conditions such as congestive heart failure were not included in the study.

Aspirin therapy in MI subjects was associated with about a 20-percent reduction in the risk of subsequent death and/or nonfatal reinfarction, a median absolute decrease of 3 percent from the 12- to 22-percent event rates in the placebo groups. In aspirin-treated unstable angina patients the reduction in risk was about 50 percent, a

reduction in the event rate of 5-percent from the 10-percent rate in the placebo group over the 12-weeks of the study.

Daily dosage of aspirin in the post-MI studies was 300 milligrams in one study and 900 to 1,500 milligrams in five studies. A dose of 325 milligrams was used in the study of unstable angina.

Suspected Acute MI

The use of aspirin in patients with a suspected acute MI is supported by the results of a large, multicenter 2 x 2 factorial study of 17,187 subjects with suspected acute MI (8). Subjects were randomized within 24 hours of the onset of symptoms so that 8,587 subjects received oral aspirin (162.5 milligrams, enteric-coated) daily for 1 month (the first dose crushed, sucked, or chewed) and 8,600 received oral placebo. Of the subjects, 8,592 were also randomized to receive a single dose of streptokinase (1.5 million units) infused intravenously for about 1 hour, and 8,595 received a placebo infusion. Thus, 4,295 subjects received aspirin plus placebo, 4,300 received streptokinase plus placebo, 4,292 received aspirin plus streptokinase, and 4,300 received double placebo.

Vascular mortality (attributed to cardiac, cerebral, hemorrhagic, other vascular, or unknown causes) occurred in 9.4 percent of the subjects in the aspirin group and in 11.8 percent of the subjects in the oral placebo group in the 35-day followup. This represents an absolute reduction of 2.4 percent in the mean 35-day vascular mortality attributable to aspirin and a 23-percent reduction in the odds of vascular death ($2p < 0.00001$).

Significant absolute reductions in mortality and corresponding reductions in specific clinical events favoring aspirin were found for reinfarction (1.5 percent absolute reduction, 45 percent odds reduction, $2p < 0.00001$), cardiac arrest (1.2 percent absolute reduction, 14.2 percent odds reduction, $2p < 0.01$), and total stroke (0.4 percent absolute reduction, 41.5 percent odds reduction, $2p < 0.01$). The effect of aspirin over and above its effect on mortality was evidenced by small, but significant, reductions in vascular morbidity in those subjects who were discharged.

The beneficial effects of aspirin on mortality were present with or without streptokinase infusion. Aspirin reduced vascular mortality from 10.4 to 8.0 percent for days 0 to 35 in subjects given streptokinase and reduced vascular mortality from 13.2 to 10.7 percent in subjects given no streptokinase.

The effects of aspirin and thrombolytic therapy with streptokinase in this study were approximately additive. Subjects who received the combination of streptokinase infusion and daily aspirin had significantly lower vascular mortality at 35 days than those who received either active treatment alone (combination 8.0 percent, aspirin 10.7 percent, streptokinase 10.4 percent, and no treatment 13.2 percent). While this study demonstrated that aspirin has an additive benefit in patients given streptokinase, there is no reason to restrict its use to that specific thrombolytic.

Adverse Reactions:

Gastrointestinal Reactions

Doses of 1,000 milligrams per day of aspirin caused gastrointestinal symptoms and bleeding that in some cases were clinically significant. In the Aspirin Myocardial Infarction Study (AMIS) (4) with 4,500 post-infarction subjects, the percentage incidences of gastrointestinal symptoms for the aspirin (1,000 milligrams of a standard, solid-tablet formulation) and placebo-treated subjects, respectively, were: Stomach pain (14.5 percent, 4.4 percent); heartburn (11.9 percent, 4.8 percent); nausea and/or vomiting (7.6 percent, 2.1 percent); hospitalization for gastrointestinal disorder (4.8 percent, 3.5 percent). Symptoms and signs of gastrointestinal irritation were not significantly increased in subjects treated for unstable angina with 325 milligrams buffered aspirin in solution.

Bleeding

In the AMIS and other trials, aspirin-treated subjects had increased rates of gross gastrointestinal bleeding. In the ISIS–2 study (8), there was no significant difference in the incidence of major bleeding (bleeds requiring transfusion) between 8,587 subjects taking 162.5 milligrams aspirin daily and 8,600 subjects taking placebo (31 versus 33 subjects). There were five confirmed cerebral hemorrhages in the aspirin group compared with two in the placebo group, but the incidence of stroke of all causes was significantly reduced from 81 to 47 for the placebo versus aspirin group (0.4 percent absolute change). There was a small and statistically significant excess (0.6 percent) of minor bleeding in people taking aspirin (2.5 percent for aspirin, 1.9 percent for placebo). No other significant adverse effects were reported.

(Other applicable warnings related to the use of aspirin as described in § 343.50(c) may also be included here.)

Cardiovascular and Biochemical

In the AMIS trial (4), the dosage of 1,000 milligrams per day of aspirin was associated with small increases in systolic blood pressure (BP) (average 1.5 to 2.1 millimeters Hg) and diastolic BP (0.5 to 0.6 millimeters Hg), depending upon whether maximal or last available readings were used. Blood urea nitrogen and uric acid levels were also increased, but by less than 1.0 milligram percent.

Subjects with marked hypertension or renal insufficiency had been excluded from the trial so that the clinical importance of these observations for such subjects or for any subjects treated over more prolonged periods is not known. It is recommended that patients placed on long-term aspirin treatment, even at doses of 160 milligrams per day, be seen at regular intervals to assess changes in these measurements.

Sodium in Buffered Aspirin for Solution Formulations:

One tablet daily of buffered aspirin in solution adds 553 milligrams of sodium to that in the diet and may not be tolerated by patients with active sodium-retaining states such as congestive heart or renal failure. This amount of sodium adds about 30 percent to the 70- to 90-milliequivalent intake suggested as appropriate for dietary treatment of essential hypertension in the ''1984 Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure'' (9).

Dosage and Administration:

Recurrent MI (Reinfarction) and Unstable Angina Pectoris

Although most of the studies used dosages exceeding 300 milligrams, two trials used only 300 milligrams, and pharmacologic data indicate that this dose inhibits platelet function fully. Therefore, 300 milligrams or a conventional 325 milligram aspirin dose is a reasonable, routine dose that would minimize gastrointestinal adverse reactions. This use of aspirin applies to both solid, oral dosage forms (buffered and plain aspirin) and buffered aspirin in solution.

Suspected Acute MI

The recommended dose of aspirin to treat suspected acute MI is 160 to 162.5 milligrams taken as soon as the infarct is suspected and then daily for at least 30 days. (One-half of a conventional 325-milligram aspirin tablet or two 80- or 81-milligram aspirin tablets may be taken.) This use of aspirin applies to both solid, oral dosage forms (buffered, plain, and enteric-coated aspirin) and buffered aspirin in solution. If using a solid dosage form, the first dose should be crushed, sucked, or chewed. After the 30-day treatment, physicians should consider further therapy based on the labeling for dosage and administration of aspirin for prevention of recurrent MI (reinfarction).

(1) Elwood, P. C. et al., ''A Randomized Controlled Trial of Acetylsalicylic Acid in the Secondary Prevention of Mortality from Myocardial Infarction,'' *British Medical Journal*, 1:436–440, 1974.

(2) The Coronary Drug Project Research Group, ''Aspirin in Coronary Heart Disease,'' *Journal of Chronic Diseases*, 29:625–642, 1976.

(3) Breddin, K. et al., ''Secondary Prevention of Myocardial Infarction: A Comparison of Acetylsalicylic Acid, Phenprocoumon or Placebo,'' *Homeostasis*, 470:263–268, 1979.

(4) Aspirin Myocardial Infarction Study Research Group, ''A Randomized, Controlled Trial of Aspirin in Persons Recovered from Myocardial Infarction,'' *Journal of the American Medical Association*, 243:661–669, 1980.

(5) Elwood, P. C., and P. M. Sweetnam, ''Aspirin and Secondary Mortality After Myocardial Infarction,'' *Lancet*, II:1313–1315, December 22–29, 1979.

(6) The Persantine-Aspirin Reinfarction Study Research Group, ''Persantine and Aspirin in Coronary Heart Disease,'' *Circulation*, 62:449–461, 1980.

(7) Lewis, H. D. et al., ''Protective Effects of Aspirin Against Acute Myocardial Infarction and Death in Men with Unstable Angina, Results of a Veterans Administration Cooperative Study,'' *New England Journal of Medicine*, 309:396–403, 1983.

(8) ISIS–2 (Second International Study of Infarct Survival) Collaborative Group, ''Randomized Trial of Intravenous Streptokinase, Oral Aspirin, Both, or Neither Among 17,187 Cases of Suspected Acute Myocardial Infarction: ISIS–2,'' *Lancet*, 2:349–360, August 13, 1988.

(9) ''1984 Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure,'' United States Department of Health and Human Services and United States Public Health Service, National Institutes of Health, Publication No. NIH 84–1088, 1984.

Dated: June 5, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–14894 Filed 6–12–96; 8:45 am]

BILLING CODE 4160–01–F

ARMS CONTROL AND DISARMAMENT AGENCY

22 CFR Part 603

Privacy Act Policy and Procedures

AGENCY: Arms Control and Disarmament Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Arms Control and Disarmament Agency (ACDA) proposes to revise and restate in their entirety its rules that govern the means by which individuals can examine and request correction of ACDA records containing personal information. By clarifying these rules, this proposal will help the public interact better with ACDA and is part of ACDA's effort to update and streamline its regulations. ACDA invites comments from interested groups and members of the public on the proposed regulations.

DATES: To be considered, comments must be delivered by mail or in person to the address, or faxed to the telephone number, listed below by 5 p.m. on Friday, July 19, 1996.

ADDRESSES: Comments should be directed to the Office of the General Counsel, United States Arms Control and Disarmament Agency, Room 5635, 320 21st Street, NW., Washington, DC 20451; FAX (202) 647–0024. Comments will be available for inspection between 8:15 a.m. and 5 p.m. at the same address.

FOR FURTHER INFORMATION CONTACT: Frederick Smith, Jr., United States Arms Control and Disarmament Agency, Room 5635, 320 21st Street, NW., Washington, DC 20451, telephone (202) 647–3596.

SUPPLEMENTARY INFORMATION: ACDA proposes to update, clarify, reorganize, and streamline its rules implementing the Privacy Act, as amended. In addition to containing internal policies and procedures, these regulations set forth procedures whereby an individual can determine if a system of records maintained by ACDA contains records pertaining to the individual and can request disclosure and amendment of such records. These regulations also set forth the bases for denying amendment requests and the procedures for appealing such denials. ACDA does not intend the proposed rules to materially affect current ACDA standards, policies, or practices.

Regulatory Flexibility Act Certification

It is hereby certified that the proposed rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866 Determination

ACDA has determined that the proposed rule is not a significant regulatory action within the meaning of section 3(f) of that Executive Order.

Paperwork Reduction Act Statement

The proposed rule is not subject to the provisions of the Paperwork Reduction Act because it does not contain any information collection requirements within the meaning of that Act.

Unfunded Mandates Act Determination

ACDA has determined that the proposed rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532.

List of Subjects in 22 CFR Part 603

Privacy Act.

The Proposed Regulations

ACDA proposes to revise 22 CFR part 603 to read as follows:

PART 603—PRIVACY ACT POLICY AND PROCEDURES

Sec.

603.1 Purpose and scope.
603.2 Definitions.
603.3 Policy.
603.4 Requests for determination of existence of records.
603.5 Requests for disclosure to an individual of records pertaining to the individual.
603.6 Requests for amendment of records.
603.7 Appeals from denials of requests.
603.8 Exemptions.
603.9 New and amended systems of records.
603.10 Fees.

Authority: 5 U.S.C. 552a; 22 U.S.C. 2581; and 31 U.S.C. 9701.

§ 603.1 Purpose and scope.

This part 603 contains the regulations of the U.S. Arms Control and Disarmament Agency implementing the provisions of the Privacy Act of 1974, 5 U.S.C. 552a. In addition to containing internal policies and procedures, these regulations set forth procedures whereby an individual can determine if a system of records maintained by the Agency contains records pertaining to the individual and can request disclosure and amendment of such records. These regulations also set forth the bases for denying amendment requests and the procedures for appealing such denials.

§ 603.2 Definitions.

As used in this part:

(a) *Act* means the Privacy Act of 1974, 5 U.S.C. 552a.

(b) *ACDA* and *Agency* mean the U.S. Arms Control and Disarmament Agency.

(c) *Privacy Act Officer* means the Agency official who receives and acts upon inquiries, requests for access and requests for amendment.

(d) *Deputy Director* means the Deputy Director of the Agency.

(e) *Individual* means a citizen of the United States or an alien lawfully admitted for permanent residence;

(f) *Maintain* includes maintain, collect, use, or disseminate;

(g) *Record* means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the name of, or the identifying number, symbol, or other identification particularly assigned to, the individual, such as a finger or voice print or a photograph;

(h) *System of records* means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identification particularly assigned to the individual;

(i) *Statistical record* means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13 U.S.C.; and

(j) *Routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 603.3 Policy.

(a) It is the policy of the Agency that only such information about an individual as is relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by executive order of the President shall be maintained in an Agency record. No information about the political or religious beliefs and activities of an individual will be maintained within such records unless specifically authorized by statute or by the subject individual, or unless pertinent to and within the scope of a law enforcement activity.

(b) The Agency will not disclose any record that is contained in a system of records to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record is:

(1) To those officers and employees of the Agency who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act, as amended (5 U.S.C. 552);

(3) For a routine use, notice of which has been published in accordance with the Act;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 U.S.C.;

(5) To a recipient who has provided the Agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record that has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his/her designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Agency that maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) Except for disclosures of information to Agency employees having need for the information in the official performance of their duties or required under the provisions of the Freedom of Information Act, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Each such disclosure, unless made to agencies engaged in law enforcement activities in accordance with paragraph (b)(7) of this section, will be made available to the individual upon request.

(d) To the greatest extent practicable, information that may result in an adverse determination about an individual shall be collected from that individual, and the individual will be informed of the purposes for which the information will be used and any rights, benefits, and obligations with respect to supplying the data.

(e) The Agency shall ensure that all records that are used by the Agency to make a determination about any individual are maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual. Whenever information about an individual contained in an Agency record is used or disclosed, the custodian of the system of records in which the record is located will make every effort to ensure that it is accurate, relevant, timely and complete.

(f) The Agency shall establish appropriate administrative, technical, and physical safeguards to ensure that records are disclosed only to those who are authorized to have access to them and to protect against any anticipated threats or hazards to their security or integrity that would result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(g) Agency records pertaining to an individual shall be made available to that individual to the greatest extent possible.

(h) No lists of names and addresses will be rented or sold unless such action is specifically authorized by law, provided that names and addresses otherwise permitted to be made public will not necessarily be withheld when requested.

(i) All requests for information under the Privacy Act received by the Agency will be acted upon as promptly as possible.

§ 603.4 Requests for determination of existence of records.

Any individual desiring to know whether any system of records maintained by the Agency contains a record pertaining to the individual shall send a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451. All requests for determination of the existence of records should include sufficient information to identify the system of records, such as its name or Federal Register identifier number if known, in addition to such identifying information as the individual's name and date of birth.

§ 603.5 Requests for disclosure to an individual of records pertaining to the individual.

(a) An individual desiring access to or copies of records maintained by the Agency shall send a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451. All requests for disclosure to an individual of records pertaining to that individual should include sufficient information to identify the record or system of records such as its name or Federal Register identifier number if known, in addition to such identifying information as the individual's name and date of birth.

(b)(1) Except as provided in paragraph (b)(2) of this section:

(i) If the individual making a written request is not personally known to the Privacy Act Officer or to other Agency personnel processing the request, the written request must include satisfactory evidence that the requester is in fact the individual to whom the requested records pertain. For this purpose, the Agency normally will be satisfied by the receipt of the requester's statement of identity made under penalty of perjury.

(ii) If the individual making a request in person is not personally known to the

Privacy Act Officer or to other Agency personnel processing the request, the requester must present two identification documents (at least one of which must bear the requester's picture) containing the individual's signature and other suitable evidence of identity. Examples of acceptable evidence are a driver's license, passport, employee identification card, or military identification card.

(2) Evidence that the requester is in fact the individual to whom the requested records pertain is not required for information that would be required to be made available to a third party under the Freedom of Information Act (5 U.S.C. 552).

(c)(1) Access to or copies of records requested pursuant to this section shall be furnished except as provided in paragraph (c)(3) of this section:

(i) To an individual making a request in person, upon verification of personal identity as required in paragraph (b) of this section, to that individual, and if the individual is accompanied by any other person, upon the individual's request, to that person, except that the Agency may require the individual to furnish a written statement authorizing disclosure of the individual's record in the presence of the accompanying person.

(ii) To an authorized representative or designee of an individual, if the individual has provided verification of personal identity as required in paragraph (b) of this section, and submits a signed, notarized statement authorizing and consenting to access or disclosure to the representative or designee.

(iii) To a physician authorized by a signed, notarized statement made by the individual making the request, in the event that the records requested are medical records of such a nature that the Privacy Act Officer has determined that the release of such medical information directly to the requester could have an adverse effect on the requester. The individual making the request must also provide verification of personal identity as required in paragraph (b) of this section.

(2) Access to records or copies of records requested shall be furnished as promptly as possible.

(3) Access to or copies of records requested pursuant to this section shall not be granted if:

(i) The individual making the request does not comply with the requirements for verification of personal identity as required in paragraph (b) of this section; or

(ii) The records are exempt from disclosure pursuant to § 603.8.

§ 603.6 Requests for amendment of records.

(a) An individual may request amendment of a record pertaining to that individual by sending a written request to the Privacy Act Officer, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451. The request should identify the record sought to be amended, specify the precise nature of the requested amendment, and state why the requester believes that the record is not accurate, relevant, timely or complete.

(b) Not later than ten (10) days after receipt of such request (excluding Saturdays, Sundays and legal holidays), the Privacy Act Officer will promptly:

(1) Make any correction of any portion of the record pertaining to the individual which the Agency considers appropriate; and

(2) Inform the requester in writing of the action taken by the Agency, of the reasons for refusing to comply with any portion of the request, and of the procedures established by the Agency to consider requests for review of such refusals.

(c) The Privacy Act Officer will refuse to amend a record if the information therein is deemed by the Agency:

(1) To be relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by executive order of the President; and

(2) To be maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual; and

(3) Not to describe how the individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained.

(d) When the Privacy Act Officer agrees to amend a record, written notice that the record has been amended and the substance of the amendment will be sent to the last known address of all previous recipients of that record shown in Agency's Privacy Act Requests File.

§ 603.7 Appeals from denials of requests.

(a) An individual who disagrees with the refusal of the Privacy Act Officer to disclose or amend a record may request a review of such refusal within 30 days of receipt of notice of the refusal. Such request should be addressed to the Deputy Director, U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451, and should include a copy of the written request that was refused, a copy of the denial complained of, and reasons for appeal from the denial.

(b) Review shall be made by the Deputy Director on the submitted record. No personal appearance, oral argument, or hearing shall be permitted.

(c) Review will be completed and a final determination made not later than 30 days (excluding Saturdays, Sundays and legal holidays) from the date on which the request for such review is received. This 30-day limitation may be extended, at the discretion of the Agency for good cause shown. The requester will be notified in writing of the Agency's final determination.

(d) If, after completion of the review, the Deputy Director also refuses to disclose or amend the record as requested, the notice to the individual will advise the individual of the right to file with the Agency a concise statement setting forth the reasons for disagreement with this refusal.

(e) When an individual has filed with the Agency a statement of disagreement following a refusal to amend the record as requested, the Agency will clearly note that portion of the record that is disputed and will send copies of the statement of disagreement to the last known address of all previous recipients of the disputed record shown in the Agency's Privacy Act Requests File.

§ 603.8 Exemptions.

(a) As authorized by the Act, the following categories of records are hereby exempted from the requirements of sections (c)(3), (d), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, and will not be disclosed to the individuals to which they pertain:

(1) System of Records of ACDA–4—Statements by Principals during the Strategic Arms Limitation Talks, Mutual Balanced Force Reduction negotiations, and the Standing Consultative Committee. This system contains information classified pursuant to Executive Order 12958 that is exempt from disclosure by the Act (5 U.S.C. 522a(k)(1)) in that disclosure could damage national security.

(2) System of Records ACDA–3—Security Records. This system contains investigatory material compiled for law enforcement purposes which is exempt from disclosure by the Act (5 U.S.C. 522a(k)(2)): *Provided, however,* that if any individual is denied any right, privilege, or benefit to which the individual would otherwise be entitled by Federal law, or for which the individual would otherwise be eligible, as a result of the maintenance of such material, such material will be provided to such individual, except to the extent that disclosure of such material would

reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) Systems of Records ACDA–3—Security Records. This system contains investigatory materials compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information which is exempt from disclosure by the Act (5 U.S.C. 552a(k)(5)), but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, if furnished to the Government prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(b) Nothing in these regulations shall be construed to allow an individual access to:

(1) Any information compiled in reasonable anticipation of a civil action or proceeding; or

(2) Testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal Service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

§ 603.9 New and amended systems of records.

(a) The Agency shall provide adequate advance notice to Congress and to the Office of Management and Budget of any proposal to establish or alter any system of records. Such notice shall be in a form consistent with guidance on content, format and timing issued by the Office of Management and Budget.

(b) The Agency shall publish by August 31 of each year in the Federal Register a notice of the existence and character of each system of records maintained by the Agency. Such notice shall be consistent with guidance on format contained in the Act and issued by the General Services Administration. At least 30 days before any new or changed routine use of records contained within a system of records can be made, the Agency shall publish notice of such new or changed use in the Federal Register.

§ 603.10 Fees.

Fees to be charged in responding to requests under the Privacy Act shall be, to the extent permitted by paragraph (f)(5) of the Act, the rates established in title 22 CFR 602.20 for responding to requests under the Freedom of Information Act.

Dated: May 30, 1996.

Mary Elizabeth Hoinkes,

General Counsel.

[FR Doc. 96–15027 Filed 6–12–96; 8:45 am]

BILLING CODE 6820–32–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[GL–007–96]

RIN 1545–AU13

Sale of Seized Property

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the sale of seized property. The proposed regulations reflect changes concerning the setting of a minimum price for seized property by the Tax Reform Act of 1986. The proposed regulations affect all sales of seized property.

DATES: Written comments and requests for a public hearing must be received by September 11, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (GL–007–96), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered to: CC:DOM:CORP:R (GL–007–96), room 5228, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Kevin B. Connelly, (202) 622–3640 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Procedure and Administration Regulations (26 CFR part 301) relating to the sale of seized property under section 6335 of the Internal Revenue Code (Code). The Tax Reform Act of 1986 amended section 6335(e), relating to the manner and conditions of sale, to authorize the Secretary to determine whether it would be in the best interest of the United States to buy seized property at the minimum price set by the Secretary. These proposed regulations reflect this change.

Explanation of Provisions

Section 1570 of the Tax Reform Act of 1986 amended section 6335(e) of the Code to require the Secretary to determine before the sale of seized property whether it would be in the best interest of the United States to purchase such property at the minimum price set by the Secretary. The best interest determination is to be based on criteria prescribed by the Secretary. If, at the sale, one or more persons offer at least the minimum price, the property shall be sold to the highest bidder. If no one offers at least the minimum price and the Secretary has determined that it would be in the best interest of the United States to purchase the property for the minimum price, the property will be declared sold to the United States for the minimum price. If no one offers the minimum price and the Secretary has not determined that it would be in the best interest of the United States to purchase the property for the minimum price, the property shall be released to the owner of the property and the expense of the levy and sale shall be added to the amount of tax for the collection of which the United States made the levy. Any property released shall remain subject to any lien imposed by subchapter C of chapter 64 of subtitle F of the Code.

The proposed regulations reflect the changes made by the Tax Reform Act of 1986. The regulations propose to authorize district directors to make the required determination whether it would be in the best interest of the United States to purchase seized property for the minimum price. In addition, the regulations propose to set forth factors the district director may consider when determining the best interest of the United States. The district director may consider all relevant facts and circumstances including for example: (1) marketability of the property; (2) cost of maintaining the property; (3) cost of repairing or restoring the property; (4) cost of transporting the property; (5) cost of safeguarding the property; (6) cost of potential toxic waste cleanup; and (7) other factors pertinent to the type of property.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory

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

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments that are submitted timely (preferably a signed original and eight (8) copies) to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the Federal Register.

Drafting Information: The principal author of these regulations is Kevin B. Connelly, Office of Assistant Chief Counsel (General Litigation) CC:EL:GL, IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

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

Par. 2. Section 301.6335–1 is amended as follows:

1. Paragraph (c)(3) is revised.
2. Paragraphs (c)(4) through (c)(9) are redesignated as paragraphs (c)(5) through (c)(10).
3. New paragraph (c)(4) is added.

The additions and revision read as follows:

§ 301.6335–1 Sale of seized property.

* * * * *

(c) * * *

(3) *Determinations relating to minimum price*—(i) *Minimum price.* Before the sale of property seized by levy, the district director shall determine a minimum price, taking into account the expenses of levy and sale, for which the property shall be sold. The internal revenue officer conducting the sale may either announce the minimum price before the sale begins, or defer announcement of the minimum price until after the receipt of the highest bid, in which case, if the highest bid is greater than the minimum price, no announcement of the minimum price shall be made.

(ii) *Purchase by the United States.* Before the sale of property seized by levy, the district director shall determine whether the purchase of property by the United States at the minimum price would be in the best interest of the United States. In determining whether the purchase of property would be in the best interest of the United States, the district director may consider all relevant facts and circumstances including for example—

(*a*) Marketability of the property;
(*b*) Cost of maintaining the property;
(*c*) Cost of repairing or restoring the property;
(*d*) Cost of transporting the property;
(*e*) Cost of safeguarding the property;
(*f*) Cost of potential toxic waste cleanup; and
(*g*) Other factors pertinent to the type of property.

(iii) *Effective date.* This paragraph (c)(3) applies to determinations relating to minimum price made on or after [date final regulations are published in the Federal Register].

(4) *Disposition of property at sale*—(i) *Sale to highest bidder at or above minimum price.* If one or more persons offer to buy the property for at least the amount of the minimum price, the property shall be sold to the highest bidder.

(ii) *Property deemed sold to United States at minimum price.* If no one offers at least the amount of the minimum price for the property and the Secretary has determined that it would be in the best interest of the United States to purchase the property for the minimum price, the property shall be declared to be sold to the United States for the minimum price.

(iii) *Release to owner.* If the property is not declared to be sold under paragraph (c)(4)(i) or (ii) of this section, the property shall be released to the owner of the property and the expense of the levy and sale shall be added to the amount of tax for the collection of which the United States made the levy. Any property released under this paragraph (c)(4)(iii) shall remain subject to any lien imposed by subchapter C of chapter 64 of subtitle F of the Internal Revenue Code.

(iv) *Effective date.* This paragraph (c)(4) applies to dispositions of property at sale made on or after [date final regulations are published in the Federal Register].

* * * * *

Margaret Milner Richardson,
Commissioner of Internal Revenue.

[FR Doc. 96–14123 Filed 6–12–96; 8:45 am]
BILLING CODE 4830–01–U

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 0 and 70

[Notice No. 824]

RIN 1512–AB54

Recodification of the Statement of Procedural Rules in Part 70 (96R–007P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: As part of a regulatory reform initiative, the Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to revise the statement of procedural rules in subpart E of 27 CFR Part 70, and recodify this statement as a new part 0 of 27 CFR. ATF solicits comments on its proposals and suggestions for further improvements in the statement of procedural rules.

DATES: Written comments must be received by August 12, 1996.

ADDRESSES: Send written comments to: Chief, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221, Attn: Notice No. 824. Copies of written comments received in response to this notice of proposed rulemaking will be available for public inspection during normal business hours at: ATF Reference Library, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, President Clinton announced a regulatory reform initiative. As part of this initiative, each Federal agency was instructed to conduct a page by page review of all agency regulations to identify those which are obsolete or burdensome and those whose goals could be better achieved through the private sector, self-regulation or state and local governments. In cases where the agency's review disclosed regulations which should be revised or eliminated, the agency would propose administrative changes to its regulations. In addition, on April 13, 1995, the Bureau published Notice 809 (60 FR 18783) requesting comments from the public regarding which ATF regulations could be improved or eliminated.

No specific comments were received in response to that notice concerning the content or arrangement of the statement of procedural rules in subpart E of 27 CFR Part 70. The Bureau, in its own review, determined that the statement of procedural rules should be removed from its present location and placed in a location which reflects its unique function as a summary statement of the regulations and the formal and informal procedures applicable to the activities conducted under the laws administered and enforced by ATF. In addition, the statement of procedural rules will soon need substantial revision to reflect ongoing projects consolidating, eliminating and revising other parts of the regulations. Finally, ATF wishes to improve the usefulness of the statement of procedural rules to the public and regulated industries as a guide to agency operations.

Proposed Changes

When the pending regulatory reform projects are complete, ATF plans to revise the statement of procedural rules in order to provide current descriptions and citations. At the same time, ATF proposes to move the statement of procedural rules from its current location as sections 70.411 to 70.462 of subpart E of 27 CFR Part 70 to a new location as 27 CFR Part 0 at the beginning of 27 CFR for ease of use. We also plan to restructure the statement. We believe the statement will be more helpful and easier to use as a reference tool if it is divided into more sections, to allow for better indexing, and arranged by commodity, so that all provisions relating to a particular subject will be together. For example, instead of having information pertaining to wine labels mixed in with discussions of nonindustrial use of distilled spirits and establishment of breweries, we will adopt an arrangement which will place descriptions of all ATF procedural rules which affect wine labeling together in one location.

Public Participation

ATF requests comments from all interested persons on the proposals presented in this notice. We particularly request suggestions for any additional information which should be placed in the statement of procedural rules to make it more useful, and any suggestions for arrangement or indexing of the information already contained in the statement.

After consideration of all comments and suggestions, ATF may issue a Treasury decision. The proposals discussed in this notice may be modified due to comments and suggestions received.

Comments received on or before the closing date will be carefully considered. Comments received after the closing date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. ATF will not recognize any material or comments as confidential. All comments submitted in response to this notice will be available for public inspection. Any material that the commenter considers confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Executive Order 12866

It has been determined that this document is not a significant regulatory action as defined in E.O. 12866; therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The changes proposed are for the purpose of clarifying the existing regulations and making them easier to use. No substantive changes are proposed. Pursuant to section 7805(f) of the Internal Revenue Code, this proposed regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Paperwork Reduction Act

Although the information collections described in sections 70.411 through 70.414, 70.431 and 70.433 of subpart E of Part 70 merely summarize and reference the parts of Title 27 CFR where the information collections are imposed, these sections were reviewed and approved by the Office of Management and Budget under control numbers 1512–0141 and 1512–0472. These control numbers were in effect on October 1, 1995, the effective date of the Paperwork Reduction Act of 1995. Any comments on these collections of information may be sent to the Office of Management and Budget, Attention: Desk officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. No additional requirement to collect information is proposed in this document.

Drafting Information: The principal author of this document is Marjorie D. Ruhf of the Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 70

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Bankruptcy, Claims, Disaster assistance, Excise taxes, Firearms and ammunition, Government employees, Law enforcement, Law enforcement officers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

Authority: This notice of proposed rulemaking is issued under the authority in 18 U.S.C. 847 and 926; 26 U.S.C. 7805; 27 U.S.C. 201–219a.

Signed: May 21, 1996.

John W. Magaw,

Director.

Approved: May 24, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14851 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 5

[Notice No. 826]

RIN 1512–AB46

Labeling of Unaged Grape Brandy (95R–018P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations to permit the optional use of the word ''unaged'', instead of ''immature'', to describe grape brandy which has never been stored in oak containers. ATF believes that the proposed regulations provide industry members with greater flexibility in labeling their unaged grape brandy, while ensuring that the consumer is adequately informed as to the identity of the product.

The proposed amendment is part of the Administration's Reinventing Government effort to reduce regulatory burdens and streamline requirements.

DATES: Written comments must be received on or before September 11, 1996.

ADDRESSES: Send written comments to: Chief, Wine, Beer and Spirits Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091–0221; ATTN: Notice No. 826.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), vests broad authority in the Director of ATF, as a delegate of the Secretary of the Treasury, to prescribe regulations intended to prevent deception of the consumer, and to provide the consumer with adequate information as to the identity and quality of the product.

Regulations which implement the provisions of section 105(e), as they relate to distilled spirits, are set forth in Title 27, Code of Federal Regulations (CFR), Part 5. Subpart C of Part 5 sets forth the standards of identity for distilled spirits for labeling and advertising purposes. Section 5.22(d)(1) provides, in part, that ''fruit brandy'' is brandy distilled solely from the fermented juice or mash of whole, sound, ripe fruit, or from standard grape, citrus, or other fruit wine. Fruit brandy, derived from grapes, must be designated as ''grape brandy'' or ''brandy''. This section further provides that in the case of brandy (other than neutral brandy, pomace brandy, marc brandy, or grappa brandy) distilled from the fermented juice, mash, or wine of grapes, or the residue thereof, which has been stored in oak containers (i.e., ''aged'') for less than 2 years, the statement of class and type must be immediately preceded, in the same size and kind of type, by the word ''immature'' (e.g., ''immature grape brandy'', ''immature brandy'', ''immature residue brandy''). As a result of this section, brandy which has never been aged in oak containers is also labeled as ''immature.''

Petition

ATF has received a petition, dated July 10, 1995, filed on behalf of a domestic brandy producer, requesting an amendment of the regulations concerning the labeling of grape brandy which has never been stored in oak containers. The petitioner wishes to produce and market a clear, unaged grape distillate which the petitioner states will have distinct varietal characteristics without the influence of wood extracts. According to the petitioner, aging such a distillate in oak containers for 2 years would remove most, if not all, of the varietal character. The petitioner states that an amendment of the regulations is needed ''so this style of brandy can be made and labeled in a manner that will not cause consumer deception or rejection based on the negative use of the word 'immature' as now required.'' Therefore, the petitioner has requested an amendment of section 5.22(d)(1) that would add a new sentence that states:

> Grape brandy which has not been aged in wood and does not have added coloring may use the statement 'unaged' in lieu of 'immature'.

Discussion

The requirement to label grape brandy which has not been stored in oak containers for a minimum of 2 years as ''immature'' dates back to May 25, 1956, with the publication in the Federal Register of T.D. 6174 (21 FR 3535). The need for such rulemaking was brought out in the December 1, 1955, hearing which preceded T.D. 6174. In his opening remarks at that hearing the Director of the Alcohol and Tobacco Tax Division, Internal Revenue Service, Department of the Treasury, stated:

> The single proposal contained in the notice has as its objective an improvement in the existing quality standards for grape brandy. Heretofore no minimum age has been specified for this product, the only requirement contained in the regulations with respect to young brandy being that an age statement must appear upon the brand label of any brandy which has not been aged for at least two years.

The proposal precluded the use of the unqualified term ''brandy'' or ''grape brandy'' on the label of any grape brandy stored in wood containers less than 2 years.

According to a trade association representing the California wine and brandy industry, the amendment of the regulations was necessary ''to advise the consumer more adequately as to the difference between a proper standard brandy and a product that is only potentially a brandy because of the inadequacy of its age.''

Several alternative proposals were offered in the Notice of Hearing (November 19, 1955; 20 FR 8574) to describe grape brandy not aged a minimum of 2 years, including ''young brandy'', ''substandard brandy'', and ''immature brandy''. The last designation was adopted in the final rule.

ATF and its predecessor agencies have historically taken the position that the material from which a spirit is distilled is the determining factor insofar as the designation of the product is concerned. Since 1936, with the issuance of the first distilled spirits regulations promulgated under the FAA Act, brandy has generally been defined in the standards of identity as an alcoholic distillate obtained from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to the product. A newly distilled brandy has a characteristic taste and aroma, and aging does not change these basic properties. Although traditionally described as harsh, raw, etc., a newly distilled brandy still has brandy character. Likewise, a newly distilled brandy will have the same congeners (e.g., esters, aldehydes, furfurals, etc.) as an aged brandy, although there will be a difference in the amount present. Aging in wood generally serves to reduce or remove the harsh, burning taste and generally unpleasant character of a brandy distillate obtained directly from the still. This results in a smoother tasting and less harsh product.

Although the material from which the spirits are distilled is the determining factor in designating the product, ATF and its predecessors have required modifiers on the label to further describe the final product. For example, section 5.22(b)(1)(iii) provides that whisky which has been aged in oak containers for a minimum of 2 years must be further designated as ''straight.'' In the matter at hand, a review of the earlier rulemaking record indicates that the designation ''immature brandy'' for newly distilled spirits aged less than 2 years in wood correctly describes the product, since the record shows that it takes at least 2 years of aging to remove the rawness from the brandy.

Proposed Regulatory Amendments

ATF believes that a distinction should be made in the labeling of ''mature'' grape brandy, i.e., brandy which has been aged for at least 2 years, and ''immature'' grape brandy, i.e., brandy which has either never been aged or has been aged for some period of time less than 2 years. These distinctions are necessary, pursuant to the Bureau's responsibilities under the FAA Act, to provide the consumer with adequate information as to the identity and quality of the product. On the other hand, the Bureau believes in reducing the regulatory burden placed upon the industry and providing industry members with greater flexibility in the labeling of their products. This is consistent with the Administration's Reinventing Government effort to reduce regulatory burdens and streamline requirements.

ATF also believes that the word ''unaged'' accurately describes a grape brandy which has never been stored in oak containers and, as such, is equally as informative to consumers than the designation ''immature.'' Therefore, the Bureau is proposing to require grape brandy that has never been aged in wood to be labeled either ''immature'' or ''unaged''. ATF believes that either word on the label will provide consumers with adequate information as to the identity of the product. Nevertheless, ATF is interested in comments on whether the continued use of ''immature'' to describe brandy that has never been aged and brandy that has been aged for some time but less than 2 years could lead to consumer confusion. Furthermore, brandy producers will have greater choices in labeling their products.

The proposal applies to grape brandy (other than neutral brandy, pomace brandy, marc brandy, or grappa brandy) distilled from the fermented juice, mash, or wine of grapes, or the residue thereof. Grape brandy stored in oak containers for any amount of time less than 2 years must still be designated as ''immature''.

Finally, the petitioner asked that ATF prohibit the addition of coloring to an ''unaged brandy''. Under the current regulations, § 5.23, harmless flavoring, blending, or coloring materials (including caramel) may be added to any class and type of distilled spirits, within certain limitations, without altering the class or type of the distilled spirits. While ATF is not proposing to amend § 5.23, the Bureau is soliciting comments on whether there should be any restrictions on the addition of harmless coloring, flavoring, or blending materials in the case of unaged grape brandy.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined in E.O. 12866. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. The proposed rule is liberalizing in nature in that brandy producers will have greater choices in labeling their products. Accordingly, a regulatory flexibility analysis is not required.

Public Participation

ATF requests comments on the proposed regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this notice and the written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

Drafting Information: The author of this document is James P. Ficaretta, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

Authority and Issuance

ATF is proposing to amend Part 5 in Title 27 of the Code of Federal Regulations as follows:

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Par. 1. The authority citation for 27 CFR Part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805; 27 U.S.C. 205.

Par. 2. Section 5.22(d)(1) is amended by revising the third sentence to read as follows:

§ 5.22 The standards of identity.

* * * * *

(d) * * *

(1) * * * Fruit brandy, derived from grapes, shall be designated as ''grape brandy'' or ''brandy'', except that in the case of brandy (other than neutral brandy, pomace brandy, marc brandy or grappa brandy) distilled from the fermented juice, mash, or wine of grapes, or the residue thereof: which has been stored in oak containers for some period of time less than 2 years, the statement of class and type shall be immediately preceded, in the same size and kind of type, by the word ''immature''; or which has never been stored in oak containers, the statement of class and type shall be immediately preceded, in the same size and kind of type, by the word ''immature'' or ''unaged''. * * *

* * * * *

Par. 3. Section 5.40 is amended by revising the first sentence in paragraph (b) and the second proviso in paragraph (e)(2) to read as follows:

§ 5.40 Statements of age and percentage.

* * * * *

(b) *Statements of age for rum, brandy, and Tequila.* Age may, but need not, be stated on labels of rums, brandies, and

Tequila, except that an appropriate statement with respect to age shall appear on the brand label in the case of brandy (other than immature or unaged brandies, as provided in § 5.22(d)(1), and fruit brandies which are not customarily stored in oak containers) not stored in oak containers for a period of at least 2 years. * * *

* * * * *

(e) * * *

(2) * * * *And provided further,* That the labels of whiskies and brandies (except immature or unaged brandies, as provided in § 5.22(d)(1)) not required to bear a statement of age, and rum and Tequila aged for not less than 4 years, may contain general inconspicuous age, maturity or similar representations without the label bearing an age statement.

Par. 4. Section 5.65(c) is amended by revising the last sentence to read as follows:

§ 5.65 Prohibited practices.

* * * * *

(c) *Statement of age.* * * * An advertisement for any whisky or brandy (except immature or unaged brandies, as provided in § 5.22(d)(1)) which is not required to bear a statement of age on the label or an advertisement for any rum or Tequila, which has been aged for not less than 4 years may, however, contain inconspicuous, general representations as to age, maturity or other similar representations even though a specific age statement does not appear on the label of the advertised product and in the advertisement itself.

* * * * *

Signed: April 25, 1996.

Bradley A. Buckles,

Acting Director.

Approved: May 15, 1996.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14859 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 18

[Notice No. 823]

RIN 1512–AB59

Production of Volatile Fruit-Flavor Concentrate (95R–026P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the President's regulatory reform initiative, the Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations in 27 CFR Part 18. The proposed amendment would specifically authorize the transfer of volatile fruit-flavor concentrate (VFFC) unfit for beverage use from one VFFC plant to another for further processing. The proposed amendment would clarify the regulations in order to allow greater flexibility in the production processes of VFFC plants.

DATES: Written comments must be received on or before August 12, 1996.

ADDRESSES: Submit written comments to: Chief, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221. ATTN: Notice No. 823.

FOR FURTHER INFORMATION CONTACT: Mary A. Wood, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW.ca a13jn2.071, Washington, DC 20226; (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, President Clinton announced a regulatory reform initiative. As part of this initiative, each Federal agency was instructed to conduct a page by page review of all agency regulations to identify those which are obsolete or burdensome and those whose goals could be better achieved through the private sector, self-regulation or state and local governments. In cases where the agency's review disclosed regulations which should be revised or eliminated, the agency would, as soon as possible, propose administrative changes to its regulations.

The page by page review of all regulations was completed as directed by the President. In addition, on April 13, 1995, the Bureau published Notice No. 809 (60 FR 18783) in the Federal Register requesting comments from the public regarding which ATF regulations could be improved or eliminated. No comments were received regarding 27 CFR part 18, Production of Volatile Fruit-Flavor Concentrate; however, ATF is proposing a clarifying amendment to this part based on a variance request received from a volatile fruit-flavor concentrate (VFCC) producer.

The Internal Revenue Code of 1986, 26 U.S.C. 5511, authorizes the manufacture of volatile fruit-flavor concentrate by any process which includes evaporations from the mash or juice of any fruit. Section 5511 also places certain restrictions on the manufacture of volatile fruit-flavor concentrate. Pursuant to section 5511(1), the concentrate, and the mash or juice from which it is produced, must contain no more alcohol than is reasonably unavoidable in the manufacture of such concentrate. Section 5511(2) provides that the concentrate must be rendered unfit for use as a beverage before removal from the place of manufacture; however, concentrate which is fit for beverage use and which does not exceed 24 percent alcohol by volume may be transferred to a bonded wine cellar for use in production of natural wine. Finally, section 5511(3) authorizes the Secretary to prescribe such regulations as are necessary for the protection of the revenue regarding applications, records, reports, bonds, and other requirements with respect to the production, removal, sale, transportation, and use of concentrate and the mash or juice from which the concentrate is produced.

Volatile fruit-flavor concentrate which is produced in accordance with the requirements of the regulations is not subject to the distilled spirits or wine excise tax. However, section 5001(a)(6) provides for the imposition of tax on any volatile fruit-flavor concentrate (or any fruit mash or juice from which such concentrate is produced) containing one-half of 1 percent or more of alcohol by volume, which is manufactured free from tax under section 5511, and is then sold, transported, or used by any person in violation of Chapter 51 or the regulations promulgated thereunder.

Proposed Amendment

The current regulations in 27 CFR 18.54(a) allow the transfer of volatile fruit-flavor concentrate (''concentrate'') which is unfit for beverage use for any purpose authorized by law. However, ATF recently received a request from a VFFC producer as to whether a concentrate unfit for beverage use could be transferred from one VFFC plant to another for further processing. Apparently it was more cost-effective for the second VFFC plant to conduct the processing operation at issue. While the transfer of the concentrate was clearly authorized by current regulations, since the concentrate was unfit for beverage use, there was nothing in the current regulations which specifically authorized the second VFFC plant to *receive* concentrate for further processing.

The existing regulations in section 18.51 allow proprietors to receive processing material which is produced elsewhere, subject to certain restrictions

and recordkeeping requirements. However, the term ''processing material'' is defined in section 18.11 to mean ''[t]he fruit mash or juice from which concentrate is produced.'' This definition does not include concentrate intended for further processing. The regulations in section 18.56 authorize a VFFC producer to accept the return of a shipment of concentrate shipped by it, and provide recordkeeping and reporting requirements regarding the returned concentrate. However, these regulations do not specifically authorize the proprietor to accept concentrate from another proprietor for further processing.

In response to the request from the VFFC producer, ATF determined that nothing in the Internal Revenue Code or existing regulations precludes one VFFC proprietor from accepting concentrate from another VFFC proprietor for further processing. However, since the existing regulations do not specifically authorize such an operation, ATF is proposing to amend section 18.56 to specifically allow a proprietor to accept concentrate which is unfit for beverage use for further processing. Such concentrate will be subject to the existing recordkeeping and reporting requirements for concentrate which is returned to the proprietor. ATF believes that the proposed amendment will clarify to VFFC proprietors that the transfer of concentrate from one plant to another for further processing is allowed, as long as the concentrate meets the definition of a concentrate unfit for beverage use at the time it leaves the place of manufacture. This liberalizing amendment will allow VFFC proprietors greater flexibility in production operations without jeopardizing the revenue in any way.

Other Possible Changes

ATF also solicits public comment concerning other possible changes to the regulations in Part 18, such as amendments which would authorize VFFC plants to alternate the use of their premises so as to operate temporarily as a distilled spirits plant, bonded winery, or other regulated facility. Comments on this proposal, as well as any other suggestions, are welcome.

Public Participation

ATF requests written comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material as confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit a request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be scheduled.

Written comments will be available for public inspection during normal business hours at the following address: ATF Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation, if implemented as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposed amendment would liberalize the regulations to add a provision that will allow for the transfer of concentrate from one VFFC plant to another for further processing. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Pursuant to section 7805(f) of the Internal Revenue Code, this proposed regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The collections of information contained in the regulations proposed to be amended by this notice have been previously reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control numbers 1512–0046 and 1512–0098. The proposed amendment is not expected to result in any change in the total number of burden hours.

Drafting Information: The principal author of this document is Mary A. Wood of the Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 18

Administrative practice and procedure, Authority delegations, Excise taxes, Exports, Labeling, Reporting requirements, Security measures, Spices and flavorings, Stills, and Surety bonds.

Authority and Issuance

ATF is proposing to amend Part 18 in Title 27 of the Code of Federal Regulations as follows:

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATE

Par. 1. The authority citation for Part 18 continues to read as follows:

Authority: 26 U.S.C. 5001, 5172, 5178, 5179, 5203, 5511, 5552, 6065, 7805; 44 U.S.C. 3504(h).

Par. 2. Section 18.56 is revised to read as follows:

§ 18.56 Receipt of concentrate.

(a) *General.* The proprietor of a concentrate plant may accept the return of concentrate that it shipped. In addition, concentrate that is unfit for beverage use may be received from another concentrate plant for further processing in accordance with this part.

(b) *Record of concentrate received.* When concentrate is received, the proprietor shall record the receipt, including the name of the consignor and a notation regarding any loss in transit or other discrepancy.

(c) *Report of concentrate received.* The quantity of concentrate received shall be reported on an unused line on the annual report, ATF Form 1695 (5520.2).

(Approved by the Office of Management and Budget under control numbers 1512–0046 and 1512–0098).

Signed: May 20, 1996.

John W. Magaw,

Director.

Approved: May 24, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14860 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

27 CFR Part 20

[Notice No. 827]

RIN 1512–AB57

Distribution and Use of Denatured Alcohol and Rum (95R–028P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Pursuant to the President's regulatory reform initiative, ATF is conducting a complete review of all Federal government regulations relating to the distribution and use of denatured alcohol and rum. ATF believes that the regulations can be modernized and simplified since the last major revision in 1985.

ATF is issuing this advance notice to solicit comments on ways in which the regulations can be simplified so as to greatly reduce or eliminate unnecessary regulatory burdens on industry members, while continuing to provide adequate protection of the revenue.

DATES: Comments must be submitted by August 12, 1996.

ADDRESSES: Submit all comments to: Chief, Wine, Beer, and Spirits Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091–0221. ATTN: Notice No. 827.

FOR FURTHER INFORMATION CONTACT: Mary A. Wood; Wine, Beer, and Spirits Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; 650 Massachusetts Avenue, NW; Washington, DC 20226; (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

ATF wishes to solicit comments from the public on its proposal to conduct a complete review of the regulatory requirements in Part 20 pertaining to the distribution and use of denatured alcohol and rum. ATF aims to eliminate, revise, or simplify the regulations where necessary. ATF believes that the current regulations may contain unnecessary provisions and ATF desires to delete regulatory requirements which have become obsolete.

ATF wants to ensure that the regulations provided for in this part are made as simple as possible, while still providing the necessary protection to the revenue. In updating the regulations, primary emphasis will be given to the simplification of procedures for qualifying as a denatured alcohol and rum distributor and user or for keeping records and filing reports.

ATF solicits comments on the following issues:

(1) Are specific regulations in Part 20 duplicative and unnecessary? Can specific sections of the regulations be combined to eliminate such duplication?

(2) Can the permit application, approved formula or statement of process, or loss claim requirements in these regulations be made more streamlined, while continuing to provide adequate safeguards to the revenue?

(3) Can the labeling requirements for articles or packages of specially denatured spirits be simplified?

(4) Are there any other suggestions for providing flexibility in the provisions in Part 20, including the recovery of denatured spirits and the reuse of the recovered spirits.

(5) Overall, ATF would like to solicit general comments on ways in which it could reduce recordkeeping paperwork and/or simplify procedures, while continuing to maintain adequate safeguards to the revenue.

(6) Finally, under the current regulations, ATF may grant a permittee's request for an alternate method or procedure as a variance from some regulatory requirements. ATF is interested in comments from permittees concerning their experience with such variances and whether these regulations should be revised to incorporate some of the practices authorized by existing variances.

Participation

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Drafting Information: The principal author of this document is Mary A. Wood of the Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 20

Administrative practice and procedure, Advertising, Alcohol and alcohol beverages, Authority delegations, Claims, Excise taxes, Reporting and recordkeeping requirements, Surety bonds.

Authority and Issuance

This advance notice of proposed rulemaking is issued under the authority in 26 U.S.C. 5001, 5206, 5214, 5241–5276, 5311, 5552, 5555, 5607, 6065, 7805.

Signed: May 17, 1996.

Bradley A. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14858 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–P

27 CFR Part 22

[Notice No. 828]

RIN 1512–AB51

Distribution and Use of Tax-Free Alcohol (95R–030P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the President's regulatory reform initiative, the Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing revisions in this notice to eliminate and liberalize certain regulatory requirements relating to tax-free alcohol. ATF believes that these proposed revisions will greatly reduce and simplify the qualification process governing the tax-free alcohol permit application process.

DATES: Written comments must be received on or before August 12, 1996.

ADDRESSES: Submit written comments to: Chief, Wine, Beer, and Spirits

Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091–0221. ATTN: Notice No. 828.

FOR FURTHER INFORMATION CONTACT:

Mary A. Wood, Wine, Beer, and Spirits Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; 650 Massachusetts Avenue, NW; Washington, DC 20226; (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

There are certain registration requirements under the law and its implementing regulations that must be met prior to the issuance of a permit to withdraw and use tax-free alcohol. Depending upon the class of the applicant, these registration requirements may include the submission of a detailed application and supporting data, the payment of special (occupational) tax (SOT) and the acquisition of bond coverage. Once such registration requirements are met, the applicant is issued a tax-free alcohol users permit and may commence conducting any of the uses authorized under the law and regulations for tax-free alcohol permittees. The permittee is allowed to purchase and acquire alcohol from a registered distilled spirits plant (DSP) free of the excise tax payments normally required to be made by the DSP proprietor.

For this reason, tax-free alcohol authorized uses and users are limited or restricted under the law. Tax-free alcohol may not be withdrawn and used for beverage purposes, in food products, or in any preparation used in preparing beverage or food products. Tax-free alcohol may not be sold, used in the manufacture of any product for sale, or sold in any product resulting from the use of tax-free alcohol. Finally, tax-free alcohol or products resulting from the use of tax-free alcohol may not be removed from the permit premises.

Authorized users of tax-free alcohol include any State or political subdivision of a State, or the District of Columbia acquiring the alcohol for nonbeverage purposes. Tax-free alcohol may also be used by any educational organization (exempt from income tax), scientific university or college of learning, laboratory for use exclusively in scientific research, hospital, blood bank, sanitarium, pathological laboratory exclusively engaged in making analyses, or tests, for hospitals or sanitariums, or clinic operated for charity and not for profit. These permittees are unique in that they are not engaged in the business of selling tax-free alcohol or any product manufactured from or containing tax-free alcohol. Any permittee who uses tax-free alcohol in a manner that violates the laws and regulations becomes liable for the tax and other provisions of the Internal Revenue Code of 1986, 26 U.S.C. 5001(a)(4).

ATF believes that the present bond requirements are unnecessary and the qualification requirements can be effectively streamlined. Therefore, ATF is proposing to delete the bond requirements and revise the qualification requirements for obtaining a permit to withdraw and use tax-free alcohol and is soliciting public comments on them.

Bonds and Consents of Surety

Section 5272 of the Internal Revenue Code of 1986 provides that bond coverage may be required as part of the tax-free alcohol permit qualification process. Subpart E of the implementing regulations at 27 CFR Part 22, requires every applicant, with certain exceptions, to obtain a bond prior to the issuance of a permit. In 1985, the tax-free regulations were revised and the exemption from bond coverage was expanded. *See*, T.D. ATF–199, 50 Fed. Reg. 9152 (March 6, 1985). Under those revisions, the percentage of users of tax-free alcohol who were exempt from filing a surety bond increased from 36 percent under the prior regulations to 75 percent under the adopted regulations.

Based on the post-1985 experience in administering Part 22, ATF believes that bond coverage should no longer be required of any applicant for a tax-free alcohol permit.

Additionally, ATF believes that elimination of the bond requirement under Subpart E will result in substantially reduced administrative and financial burdens on the tax-free alcohol permittees.

Qualification

Section 5271 of the Internal Revenue Code of 1986 requires the submission of an application before a permit may be issued to procure and use tax-free alcohol. Current regulations require the submission of a detailed application with supporting data by all applicants. The regional director (compliance) is authorized to waive some of the detailed data for applicants who are a State, political subdivisions thereof or the District of Columbia or whose annual withdrawal and usage of tax-free alcohol will not exceed 1,500 proof gallons.

ATF believes that this waiver should be available to all applicants when the regional director (compliance) concludes that the revenue is adequately protected with respect to the person submitting the application. ATF is, therefore, proposing that regulatory provisions be made that will allow the regional director (compliance) to waive detailed applications with supporting data for all applicants. The regulations will continue to recognize the current waiver category of applicants who are governmental entities and the waiver category based on the 1,500 proof gallon annual withdrawal and usage is encompassed by the proposed amended regulation.

Public Participation

ATF requests written comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material as confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be scheduled.

Written comments will be available for public inspection during normal business hours at the following address: ATF Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. The regulations will give ATF specific regulatory authority to relax and remove certain registration requirements. The regulations will not increase recordkeeping or reporting requirements. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in

Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no new information collection requirements are being proposed.

The existing collections of information contained in this notice of proposed rulemaking have been previously reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h) under control numbers 1512–0334 and 1512–0335.

Drafting Information: The principal drafter of this document is Mary A. Wood of the Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

List of Subjects in 27 CFR Part 22

Administrative practice and procedure, Advertising, Alcohol and alcohol beverages, Authority delegations (Government agencies), Claims, Excise taxes, Reporting and recordkeeping requirements, Surety bonds.

Authority and Issuance

ATF is proposing to amend Part 22 in Title 27 of the Code of Federal Regulations as follows:

PART 22—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

Par. 1. The authority citation for Part 22 continues to read as follows:

Authority: 26 U.S.C. 5001, 5121, 5142, 5143, 5146, 5206, 5214, 5271–5276, 5311, 5552, 5555, 6056, 6061, 6065, 6109, 6151, 6806, 7011, 7805; 31 U.S.C. 9304, 9306.

§ 22.21 [Amended]

Par. 2. Section 22.21(a) is amended by removing the word ''bonds,'' from the first sentence.

§ 22.25 [Removed]

Par. 3. Section 22.25 is removed.

§ 22.26 [Redesignated]

Par. 4. Section 22.26 is redesignated as § 22.25.

§ 22.27 [Redesignated]

Par. 5. Section 22.27 is redesignated as § 22.26.

§ 22.43 [Amended]

Par. 6. In § 22.43, paragraphs (a)(2) and (b) are revised as follows:

§ 22.43 Exceptions to application requirements.

(a) * * *

(2) Applications, Form 5150.22, filed by applicants where the regional director (compliance) has determined that the waiver of such requirements does not pose any jeopardy to the revenue or a hindrance of the effective administration of this part.

(b) The waiver provided for in this section will terminate for a permittee, other than States or political subdivisions thereof or the District of Columbia, when the permittee files an application to amend the permit and the regional director (compliance) determines that the conditions justifying the waiver no longer exist. In this case, the permittee will furnish the information in respect to the previously waived items, as provided in § 22.57(a)(2).

§ 22.59 [Amended]

Par. 7. In § 22.59, the second sentence of the section is removed.

§ 22.60 [Amended]

Par. 8. Section 22.60 is amended as follows:

1. Paragraph (b) is removed.
2. Paragraph (c) is redesignated as paragraph (b).
3. Paragraph (d) is redesignated as paragraph (c).

§ 22.62 [Amended]

Par. 9. Section 22.62 is amended by the removal of the last sentence in the section.

§ 22.63 [Amended]

Par. 10. Section 22.63 is amended as follows:

1. Paragraph (b) is removed.
2. The paragraph letter and title ''(a) Permit.'' designation is removed.

§ 22.68 [Amended]

Par. 11. Section 22.68 is amended as follows:

1. Paragraph (b) is removed.
2. The paragraph letter and title ''(a) Notice.'' designation is removed.

Subpart E [Removed and Reserved]

Par. 12. Subpart E (Bonds and Consent of Surety) is removed and reserved.

§ 22.152 [Amended]

Par. 13. Section 22.152 is amended as follows:

1. Paragraph (b) is removed.
2. Paragraph (c) is redesignated as paragraph (b).

Signed: May 8, 1996.

Bradley A. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson.

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14850 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–13–U

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27 CFR Part 250

[Notice No. 825]

RIN: 1512–AB50

Liquors and Articles From Puerto Rico and the Virgin Islands (1512–AB50)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: ATF is considering the revision and recodification of the regulations regarding liquors and articles (hereinafter ''alcoholic products'') which are brought into the United States from Puerto Rico or the Virgin Islands. The purpose of the proposed revision/recodification is to update and simplify the regulations in 27 CFR Part 250 and to reissue those regulations as part of the same chapter. ATF is issuing this advance notice to solicit comments on its proposal to eliminate application and transaction forms required to be submitted by persons who bring alcoholic products into the United States from Puerto Rico.

Comments are also being solicited on proposals to coordinate with the U.S. Customs Service to reduce duplicate efforts involving shipments of merchandise from Puerto Rico to the United States. ATF would also like to receive comments regarding other suggestions for reducing or eliminating unnecessary regulatory burdens on proprietors in both Puerto Rico and the United States while continuing to provide adequate protection to the revenue.

DATES: Written comments must be received on or before September 11, 1996.

ADDRESSES: Comments must be submitted to the Chief, Wine, Beer, and Spirits Branch, P.O. Box 50221, Washington, DC 20091–0221. ATTN Notice No. 825.

FOR FURTHER INFORMATION CONTACT: Tami Light, Wine, Beer and Spirits Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 7652 of the Internal Revenue Code of 1986, alcoholic products of Puerto Rican manufacture which are brought into the United States for consumption or sale, and alcoholic products coming into the United States from the Virgin Islands, are subject to a tax equal to the tax imposed on similar products of domestic manufacturer.

Under section 5232, distilled spirits brought into the United States in bulk containers from Puerto Rico or the Virgin Islands may be withdrawn from Customs custody and transferred to the bonded premises of a distilled spirits plant without payment of tax.

On September 8, 1992, ATF published in the Federal Register an advanced notice of proposed rulemaking, Notice No. 751, 57 FR 40885, in order to solicit comments on its proposal to review and update the regulations pertaining to shipments of alcoholic products from Puerto Rico or the Virgin Islands to the United States, and plans to recodify and reissue such regulations now in 27 CFR part 250 as part 26 of the same chapter. In response to Notice No. 751, two favorable comments were received from the Jim Beam Co. (Beam) and the National Association of Beverage Importers, Inc. In general, both of these comments supported ATF's proposed simplification of application and recordkeeping requirements. In addition, Beam supported ATF's proposed coordination with the U.S. Customs Service to streamline regulation of Puerto Rican products. Given ATF's continued interest in these proposals, the relative lack of comments received during its initial airing, and the length of time since these issues were first considered, ATF is reairing its proposal in its entirety to give industry and concerned citizens another opportunity to comment.

Proposals

ATF would like to reorganize the regulations to eliminate often lengthy duplication of requirements that apply equally to operations in Puerto Rico and the Virgin Islands. We are considering deleting many regulatory requirements which may be unnecessary.

In updating the regulations, primary emphasis will be given to the simplification of procedures for the taxpayment and shipment of alcoholic products from Puerto Rico to the United States. ATF is also considering proposals to coordinate with the U.S. Customs Service to reduce duplicate efforts at the port of arrival in the United States when such products are shipped from Puerto Rico, however, the responsibilities of Customs with respect to shipments from the Virgin Islands would remain unchanged.

Under current regulations, before distilled spirits, wine or beer may be shipped from Puerto Rico to the United States, an application on ATF Form 5110.51, Application, Permit and Report-Wine and Beer (Puerto Rico), must be submitted and a permit received to verify computation of the internal revenue tax. After tax determination, a second application and permit on ATF Form 487–B (5170.5) Application and Permit to Ship Liquors and Articles of Puerto Rican Manufacturer Taxpaid to the United States, is required in order to ship the taxpaid or tax determined products to the United States.

ATF is considering ways to reduce paperwork and simplify the procedures for shipping distilled spirits, beer or wine from Puerto Rico to the United States. We would like comments on the following proposals:

(1) Should the regulations be amended to permit the proprietor of qualified premises in Puerto Rico to maintain a record of tax determination in lieu of the application and permit to compute the tax? ATF is proposing that, in lieu of the initial application and permit currently required to compute the tax, a record of tax determination be kept by the proprietor containing sufficient information to allow an ATF officer to verify the tax liability represented by the document.

(2) Should the regulations be amended to allow such record of tax determination to be an invoice, bill of lading, or other commercial document which would contain the necessary data elements?

(3) If ATF adopts the above proposals what additional safeguards to the revenue would be necessary?

(4) Do the current provisions in part 250 adequately address the bulk shipment of distilled spirits from Puerto Rico to the United States? ATF is interested in whether or not the regulations reflect the current technology or shipment and distribution practices in this area.

(5) In this advance notice, ATF would like to solicit comments on specific ways in which it could reduce paperwork, simplify existing procedures and eliminate unnecessary regulations in any area concerning Puerto Rico or the Virgin Islands that is currently covered in part 250, while continuing to maintain adequate safeguards to the revenue.

(6) ATF would like specific comments on the experience of the industry with respect to any duplicative regulatory efforts by ATF and the U.S. Customs Service on shipments of distilled spirits from Puerto Rico to the United States.

(7) Finally, under the current regulations, ATF may grant an industry member's request for an alternate method or procedure as a variance from some regulatory requirements. ATF is interested in comments from industry members concerning their experience with such variances and whether these regulations should be revised to incorporate some of the practices authorized by existing variances.

Public Participation

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after the closing date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material or comments as confidential. All comments submitted in response to this advance notice will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6480, 650 Massachusetts Avenue NW., Washington, DC. Any material that the commenter considers confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

Drafting Information: The principal author of this document is Tami Light of the Wine, Beer and Spirits Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 250

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Electronic fund transfers, Excise taxes, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

Authority: This advance notice of proposed rulemaking is issued under the authority in 26 U.S.C. 7805.

Signed: May 17, 1996.

Bradley A. Buckles,

Acting Director.

Approved: May 24, 1996.

John P. Simpson.

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96–14852 Filed 6–12–96; 8:45 am]

BILLING CODE 4810–31–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN59–1–7217b; FRL–5510–8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On August 29, 1995, the State of Indiana submitted a State Implementation Plan (SIP) revision request to the EPA for rule changes specific to Allison Engine Company (Allison) plants 5 and 8 located in Marion County, Indiana. The EPA proposes to approve Indiana's request. In the final rules section of this Federal Register, the EPA is approving this action as a direct final rule without prior proposal because the EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this proposed rule must be received on or before July 15, 1996.

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

Copies of the State submittal and the EPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

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

Dated: May 15, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–14962 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[VA010–5545b; FRL–5514–7]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Proposed Approval of Alternative Compliance Plans for the Reynolds Metals Graphic Arts Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of establishing alternative compliance plans for the Reynolds Metals—Bellwood and South Plants located in Richmond, Virginia. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by July 15, 1996.

ADDRESSES: Written comments on this action should be addressed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (215) 566–2104.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 17, 1996.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 96–14966 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN61–1–7230b; FRL–5509–6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision request submitted by the State of Indiana on September 19, 1995, and November 8, 1995, which establishes regulations for suppliers and users of automobile/mobile equipment refinishing coatings in Clark, Floyd, Lake, and Porter Counties. In the final rules section of this Federal Register, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. Any parties interested in

commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before July 15, 1996.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR18–J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR18–J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6082.

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

Dated: May 13, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–14964 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[LA–22–1–6870; FRL–5520–4]

Approval and Promulgation of Section 182(f) Exemption to the Nitrogen Oxides (NO_X) Control Requirements for the Calcasieu Parish Ozone Nonattainment Area; Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA proposes to approve a petition from the State of Louisiana requesting that the Calcasieu Parish marginal ozone nonattainment area be exempt from applicable NO_X control requirements of section 182(f) of the Clean Air Act (Act). The section 182(f) NO_X requirement from which the area will be exempt is NO_X new source review (NSR). In addition, approval of the section 182(f) petition would remove the NO_X general conformity provisions and the NO_X build/no build provisions of the transportation conformity rule (for conformity provisions, see the November 24, 1993 and November 30, 1993 Federal Register). The exemption for conformity NO_X requirements is found, generally, in 40 CFR part 93, subparts T and W. The section 182(f) NO_X provisions are explained fully in the EPA's NO_X Supplement to the General Preamble, published in the Federal Register (FR) on November 25, 1992. The State of Louisiana made the request for Calcasieu Parish based on a demonstration that additional NO_X reductions would not contribute to ozone attainment in the nonattainment area.

DATES: Comments on this proposed action must be received in writing on or before July 15, 1996.

ADDRESSEES: Written comments on these actions should be addressed to Mr. Thomas Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to these proposed actions are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Planning (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Louisiana Department of Environmental Quality, N.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Witosky or Mr. Quang Nguyen, Planning Section (6PD–L), Multimedia Planning and Permitting Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7214.

SUPPLEMENTARY INFORMATION:

Background

NO_X are precursors to ground level (tropospheric) ozone, or urban ''smog.'' When released into the atmosphere, NO_X will react with volatile organic compounds (VOC) in the presence of sunlight to form ozone. Tropospheric ozone is an important factor in the nation's urban air pollution problem.

Calcasieu Parish, Louisiana, was designated nonattainment for ozone and classified as marginal pursuant to sections 107(d)(4) and 181(a) of the Act. Under section 181(a), marginal areas must attain the National Ambient Air Quality Standard for ozone (the ozone standard) by November 15, 1993. Please reference 56 FR 56694 (November 6, 1991, codified for Louisiana at 40 CFR 81.319).

The Amendments to the Act (1990 Amendments) made significant changes to the air quality planning requirements for areas that do not meet the ozone standard. Subparts 1 and 2 of part D, title I of the Act contain the air quality planning requirements for ozone nonattainment areas. Title I includes new requirements to control NO_X emissions in certain ozone nonattainment areas and ozone transport regions. Section 182(f) requires States to apply the same control requirements to major stationary sources of NO_X as are applied to major stationary sources of VOC. For marginal areas, the NO_X requirement is to provide for nonattainment new source review (NSR). In addition, there are new NO_X requirements under the general and transportation conformity provisions of section 176(c). This approval exempts the area from the section 182(f) NSR NO_X requirements (see the NO_X Supplement to the General Preamble 57 FR 55620), and from the NO_X requirements of the general, as well as the NO_X requirements of the build/no build provisions of the transportation, conformity rules (see also 58 FR 63214 published on November 24, 1993 and 58 FR 62188 published on November 30, 1993, as amended, particularly at 60 FR 44790, 44794, of August 29, 1995).

Applicable EPA Guidance

The Act specifies in section 182(f) that if one of the conditions listed below is met, the new NO_X requirements would not apply:

1. In any area, the net air quality benefits are greater without NO_X reductions from the sources concerned;
2. In a nontransport region, additional NO_X reductions would not contribute to ozone attainment in the nonattainment area; or
3. In a transport region, additional NO_X reductions would not produce net ozone benefits in the transport region.

In addition, section 182(f)(2) states that the application of the new NO_X requirements may be limited to the extent that any portion of those reductions are demonstrated to result in ''excess reductions'' of NO_X. The previously-described NO_X provisions of the conformity rules would also not apply in certain areas that are granted a section 182(f) exemption (see amendment to transportation conformity rule and associated explanation at 60 FR 44794). In addition, certain NO_X provisions of the I/M rule would not apply in an area that is granted a section 182(f) exemption (see 57 FR 52989).

The EPA's *Guideline for Determining the Applicability of Nitrogen Oxides*

Requirements Under Section 182(f) (December 1993), and 2 revisionary memoranda signed by John S. Seitz, Director of the EPA Office of Air Quality Planning and Standards, dated May 27, 1994 and February 8, 1995, describe how the EPA will interpret the NO_X exemption provisions of section 182(f). As described more fully in the Seitz memoranda, petitions submitted under section 182(f)(3) are not required to be submitted as State Implementation Plan (SIP) revisions. Consequently, the State is not required under the Act to hold a public hearing in order to petition for an area-wide NO_X exemption determination. Similarly, it is not necessary to have the Governor submit the petition.

It should be noted with respect to the application of section 182(f) NO_X waivers to certain NOx requirements of the transportation conformity rule that the EPA has revised the transportation conformity rule to ensure consistency with section 176(c) (see especially 60 FR 44790, 44794). This rule revision requires areas subject to section 182(b)(1) (moderate and above, but not marginal ozone nonattainment areas) to submit transportation conformity NO_X exemption requests as revisions to the SIP. Because Calcasieu is classified as marginal, the revision addressing 182(b)(1) is not applicable.

State Submittal

On October 28, 1994, the Louisiana Department of Environmental Quality (LDEQ) submitted to the EPA a petition pursuant to section 182(f) which requests that the Calcasieu Parish nonattainment area be exempted by the EPA from the NO_X control requirements of section 182(f) of the Act. On December 21, 1995, the Governor of Louisiana submitted a request for redesignation of the area to attainment which contained additional information relevant to the State's NO_X exemption petition. The request for redesignation is currently under review and will be addressed in a separate rulemaking action.

The State's NO_X waiver petition was based on urban airshed modeling (UAM). Subsequently, an analysis of ambient air quality data (''clean air data'') indicates that the area is currently in attainment of the ozone standard, prompting the state to submit a request that the area be redesignated as attainment. The state's modeling and monitoring data together demonstrate that additional NO_X reductions would not contribute to attainment of the ozone standard in the area. Overall, this demonstration is consistent with the EPA's section 182(f) guidance. The State's submission includes a letter from Gustave Von Bodungen, Assistant Secretary of the LDEQ, to Jane N. Saginaw, Regional Administrator of the EPA Region 6, and LDEQ's summary of the State's photochemical grid modeling results. Further, the State's submission requesting redesignation to attainment for Calcasieu Parish contains quality-assured and quality-controlled data showing attainment of the ozone standard. This data is for the three-year time period of 1993 to 1995.

Analysis of State Submission

The following items are the basis for the EPA's action proposing to approve the State of Louisiana's section 182(f) NO_X exemption petition for the Calcasieu Parish ozone nonattainment area. Please refer to the EPA's Technical Support Document and the State's submittal for more detailed information.

A. Consistency With EPA Section 182(f) Guidance

Chapter 4 of the EPA's December 1993 section 182(f) guidance states that the typical procedure for demonstrating that additional NO_X reductions would not contribute to ozone attainment is to utilize photochemical grid modeling, such as UAM, to simulate conditions resulting from three emission reduction scenarios: (1) Substantial VOC reductions; (2) substantial NO_X reductions; and (3) both VOC and NO_X reductions. To demonstrate that NO_X reductions are not beneficial to attainment, the area-wide predicted maximum 1-hour ozone concentration for each day modeled under scenario (1) must be less than or equal to that from scenarios (2) and (3) for the same day. Chapter 7 specifies that the application of UAM should be consistent with the techniques specified in the EPA ''Guideline on Air Quality Models (Revised),'' and ''Guideline for Regulatory Application of the UAM (July 1991).'' This guidance specifically applies to moderate and higher classification ozone nonattainment areas. As discussed in the following sections, the EPA believes that the State's UAM demonstration together with the ambient air quality data showing that the area is attaining the ozone standard support the granting of an exemption from the NO_X requirements of section 182(f) of the CAA.

B. UAM Modeling Analysis

Although many ozone nonattainment areas used photochemical grid modeling that was required by the Act for their attainment demonstrations to apply for a NO_X exemption as a marginal nonattainment area, the Act did not require Calcasieu Parish to perform such modeling for the purpose of an attainment demonstration. Thus, where such an area can make an adequate showing of the effects of NO_X reductions with respect to attainment through alternative means that are otherwise consistent with relevant guidance, EPA could approve the area's demonstration.

The LDEQ submitted the results of a photochemical grid modeling exercise that was carried out, in conjunction with Calcasieu's attainment efforts, to determine if the Calcasieu area was the object of ozone and precursor transport. Although the modeling utilized for this exercise does not precisely replicate the procedures EPA guidance suggests be used to support a 182(f) exemption petition. However, the EPA believes the modeling analysis that was performed by LDEQ when combined with the area's clean air data is comprehensive enough to use in determining if the area should receive an exemption.

The LDEQ used UAM version IV, an EPA-approved photochemical grid model, to develop the attainment demonstration for Calcasieu Parish. The State's modeling activities were performed in accordance with the EPA's ''Guideline for Regulatory Application of the Urban Airshed Model.'' The discussion below summarizes the EPA's analysis on how the State's modeling demonstrations complied with the EPA's guidance. Please refer to the EPA's Technical Support Document for more detailed information.

1. Episode Selection

The State used the EPA ''Guideline For Regulatory Application of The Urban Airshed Model'' to select episodes for use in the Calcasieu Parish UAM modeling exercises. Data from 1991 and 1992 were examined for episodes which cover at least 48 consecutive hours and the worst-case meteorological conditions. Three episodes from 1992 were selected for the UAM analysis for the area.

Episodes selected for the Lake Charles modeling represent three different meteorological regimes which can be characterized as exhibiting potential for transport of pollutants from source areas near Baton Rouge to the Lake Charles area, absence of transport potential, and potential for transport from areas in Texas.

2. Model Domain and Meteorological Input

The LDEQ used a large modeling domain for Calcasieu Parish to ensure that the model captured the movement

of VOC and NO_X emissions generated by the surface sources. The domain covers all or part of seven counties in Texas and eight parishes in Louisiana. The domain modeled encompassed 32,000 square kilometers of surface area. Meteorological data were collected from numerous monitoring stations in the area. The LDEQ followed the methods described in the UAM User's Guides to develop model inputs for wind field data, mixing heights, temperature, and meteorological scalars for the areas. Data was obtained from the Aerometric Information and Retrieval System (AIRS), LDEQ data gathering activities, the Texas Natural Resource Conservation Commission (TNRCC), and other direct measurement techniques.

3. Boundary and Initial Conditions

LDEQ used the air quality data collected at monitoring stations throughout the domain to construct the initial conditions of the model exercise. Some default values were used where actual measurements were not available. The applied boundary conditions were developed to measure possible transport into the area from the east and west.

4. Emissions Inventory

The Calcasieu Parish modeling exercises were conducted using VOC and NO_X emission inventories compiled by survey and direct measurement by the LDEQ. The modeling emissions inventories are composed of point source, area, on-road mobile, off-road mobile, and biogenic emissions. Where applicable, emissions were adjusted for pertinent conditions related to the episode day to be modeled, thus producing day-specific emissions. The EPA procedures for developing episode-specific emission inventories were followed.

For Calcasieu Parish, the LDEQ developed three emission inventories for all three episodes modeled. Although the projected inventory does not reflect the attainment year for the area, the inventory projected for 1993 does not differ significantly from 1991 and 1992 inventories. Hence, the EPA believes the State's analysis still provides a valid technical basis to evaluate the NO_X contributions.

5. Model Performance

For all UAM activities, model performance is measured quantitatively and qualitatively. The EPA has issued guidelines to statistically measure accuracy. In addition, the EPA strongly recommends that agencies submit graphical analysis, as a complement to statistical analysis. While the EPA has recommended ranges for statistical accuracy, there are no rigid criterion to accept or reject a model exercise. Similarly, qualitative characterizations such as good, satisfactory, fair, or poor describe the EPA's best professional judgment about graphed model performance, but are not used to grade the model exercise as acceptable or unacceptable.

Based on the above criteria, the Calcasieu model performance was satisfactory. Both graphical and statistical performance measures were employed for all meteorological episodes and monitoring networks. Sensitivity analysis was also conducted to assess the stability of the models across a range of possible input parameters.

For the August 20–21, 1991 episode, two of the three EPA-criterion statistical measures obtained for the area are well within the EPA's recommended ranges for good model performance (see Table 2 of the technical support document). For the April 7–8, 1992 episode, the statistical analysis for the primary day, April 8, indicates fair model performance. The statistical measures were well within the EPA-recommended ranges for the primary episode day. However, simulated maximum concentrations are, in general, lower than observed peak concentrations. For the April 20–21, 1992 episode, the model performance is good. The statistical measures all fall within the EPA-recommended ranges, and the temporal profiles of many sites were fairly well simulated.

Both graphical and statistical performance measures were used to evaluate the model. Using these analyses, the predicted results from the model were compared to the observed results for each episode. These analyses indicate that the model performed satisfactorily for the three episodes used for the UAM demonstration.

6. Section 182(f) Demonstration

As noted previously, Calcasieu Parish is a marginal ozone nonattainment area and EPA's NO_X exemption guidance does not fully address the requirements for less than moderate nonattainment areas that were not required to utilize photochemical grid modeling for their attainment demonstrations. For purposes of their 182(f) demonstration, the LDEQ modeled the three episodes discussed above under a substantial NO_X reduction strategy only. The VOC-only and VOC plus NO_X reduction modeling strategies listed in EPA guidance were not performed. EPA nonetheless feels that the State's UAM demonstration in combination with the area's ambient air quality data provide adequate justification for proposing approval of the NO_X exemption petition. The justification related to clean air quality data is discussed in Section C of this notice.

The LDEQ's modeling considered across-the-board reductions in the projected NO_X point source emission inventories. The State modeled 50 and 25 percent emission reductions in the NO_X point sources inventory for each of the three episode-days. This generated six different sensitivity tests to gauge the direction and intensity of the atmospheric reaction to NO_X reductions. The State modeled 25 percent NO_X reductions to characterize the effect of NO_X control strategies that could have a more immediate impact. For all three episodes at 25 and 50 percent reductions, the results for the controlling day show that domain-wide predicted maximum ozone concentrations increase as the NO_X reductions are applied.

As explained in the EPA's 182(f) guidance, the EPA believes it is appropriate to focus this analysis on the area-wide maximum 1-hour predicted ozone concentration, since this value is critical for the typical attainment demonstration. For all three episodes, the controlling day showed that the domain-wide predicted maximum ozone concentrations are lower without NO_X reductions. The model results lead to the conclusion that NO_X reductions would increase the domain-wide maximum ozone concentrations. Please refer to the EPA's Technical Support Document for more detailed information.

C. Clean Data Eligibility for NO_X Exemption

On December 21, 1995, the EPA received a request from the State to redesignate the Calcasieu area to attainment. The request for redesignation is based upon three years of quality-assured monitoring data that show no violations of the ozone standard. The data that constitute the substance of the redesignation request is available to the EPA through the Aerometric Information and Retrieval System (AIRS). Since the data were not available when the State initially requested a NO_X exemption, the State chose to base its waiver request on modeling data. Now that monitoring data are available, the EPA believes it is appropriate to consider the air quality data in conjunction with the modeling information contained in the State's NO_X exemption petition in determining whether to approve the State's NO_X exemption request. Moreover, since the

EPA's NO_X guidance provides for granting NO_X exemptions based solely on clean air data, the State could have resubmitted a request for a NO_X waiver based only on clean data. However, rather than having the state resubmit an additional petition, the EPA decided that the air quality data and modeling information already before the Agency, when analyzed in combination, constituted an adequate basis to propose approval of the waiver request. The EPA will act upon the State's request for redesignation in a subsequent notice.

An EPA review of the AIRS ambient air quality data concluded that no violations of the ozone standard occurred in the area from 1993 through 1995. Since the absence of such violations over a 3-year period indicates that an area is in attainment of the ozone standard, this data provides further support for the conclusion that the section 182(f) test is met. This is true because for an area, like Calcasieu, that is already attaining it is clear that additional reductions of oxides of nitrogen would not contribute to ozone attainment in that area. ''Guideline for Determining the Applicability of Nitrogen Oxide Requirements Under section 182(f)'' December 1993. See the TSD for additional information regarding the area's air quality data.

Proposed Rulemaking Action

In this action, the EPA proposes to approve the 182(f) NO_X exemption petition submitted by the State of Louisiana for the Calcasieu Parish ozone nonattainment area. The EPA believes that all section 182(f) exemptions that are approved should be approved only on a contingent basis. As described in the EPA's NO_X Supplement to the General Preamble (57 FR 55628, November 25, 1992), the EPA would rescind a NO_X exemption in cases where NO_X reductions were later found to be beneficial in the area's attainment plan. That is, a modeling based exemption would last for only as long as the area's modeling continued to demonstrate attainment without the additional NO_X reductions required by section 182(f). Similarly, if an area that received an exemption based on clean air quality data which shows that the area is attaining the ozone standard experiences a violation prior to redesignation of the area to attainment, the exemption would no longer be applicable.

If the EPA later determines, based on new photochemical grid modeling that NO_X reductions would be beneficial in Calcasieu Parish, or because of an ozone violation, the area would be removed from exempt status and would be required to adopt the applicable NO_X provisions of the NSR and conformity rules except to the extent that NO_X reductions are shown to be ''excess reductions.'' In the rulemaking action which removes the exempt status, the EPA would provide specific information regarding the reapplication of the NSR rules and the conformity rules.

The subsequent modeling analyses mentioned above need not be limited to the purpose of demonstrating attainment as required by section 182(c)(2)(A). For example, an area might want to consider a strategy that phases in NO_X reductions only after certain VOC reductions are implemented. As improved emission inventories and ambient data become available, areas may choose to remodel. In addition, alternative control strategy scenarios might be considered in subsequent modeling analyses in order to improve the cost-effectiveness of the attainment plan.

In summary, the UAM modeling results together with ambient air quality data showing no violations of the ozone standard during the last 3 years in Calcasieu Parish support the conclusion that additional NO_X reductions would not contribute to attainment of the ozone standard in this area. The EPA therefore proposes to approve a NO_X exemption for the Calcasieu Parish area. Approval of this petition means that the area is exempt from new source review for sources of NO_X, the NO_X requirements of the general conformity rule, and the NO_X ''build/no build'' provisions of the transportation conformity rule (see 58 FR 63214 and 58 FR 62188). This exemption will remain effective for only as long as modeling continues to show that NO_X control activities would not be beneficial in the Calcasieu Parish nonattainment area, and/or so long as, prior to redesignation to attainment, the area does not violate the ozone standard.

Request for Public Comments

The EPA requests comments on all aspects of this proposal. As indicated at the outset of this action, the EPA will consider any comments received by July 15, 1996.

Regulatory Process

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

Approvals of NO_X exemption petitions under section 182(f) of the CAA do not create any new requirements. Therefore, because the Federal approval of the petition does not impose any new requirements, the EPA certifies that it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids the EPA to base its actions concerning SIP's on such grounds [*Union Electric Co. v. U.S. E.P.A.* , 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2)]. The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements, such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 7, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–15034 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–20

RIN 3090–AG00

Small Purchase Authority

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: This General Services Administration (GSA) proposed rule revises the regulations regarding the delegation of authority to occupant agencies to contract for reimbursable space alterations. The present FPMR provisions stated in 101–20.106.1 cite a project accomplishment threshold of $25,000. This threshold was established based on the small purchase authority in place at the time of the original publication of this provision.

Since the purpose of this FPMR provision is to provide occupant agencies choices in their use of a service provider, it is recommended that the Simplified Acquisition Procurement threshold be used. Rather than establish an authority at a selected value, the reference should be changed to link it to the Federal Acquisition Streamlining Act of 1994. Therefore, if the value of the statute changes the FPMR would not require a change. The present Simplified Acquisition Procedures (SAP) authority is $50,000 for GSA procurement activities.

Modifying the FPMR provisions to tie to the SAP authority gives occupants increased flexibility in accomplishing alteration tasks and fully delegates the authority to do the work.

No other changes are suggested.

DATES: Comments must be received on or before July 15, 1996.

ADDRESSES: Written comments should be sent to General Services Administration, Office of Property Management, Portfolio Customer Team (PMX), 18th and F Streets, NW, Room G118, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neely, Portfolio Customer Team, PMX, (202) 208–1497.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

The Paperwork Reduction Act does not apply because the revisions do not impose record keeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

This rule is not required to be published in the Federal Register for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101–20

Concessions, Federal buildings and facilities, Government property management.

For the reasons set forth in the preamble, it is proposed to amend 41 CFR Part 101–20 as follows:

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

1. The authority citation for Part 101–20 continues to read as follows:

Authority: Sec. 205(c) of Pub. L. 152, 63, Stat., 390, 40 U.S.C., 486(c).

Subpart 101–20.1—Buildings Operations, Maintenance, Protection, and Alterations

2. Section 202–20.106–1 is amended by revising paragraphs (b) and (e) to read as follows:

§ 101–20.106–1 Placing of orders for reimbursable alterations by occupant agencies.

* * * * *

(b) No individual order, or combination of orders for a single alteration project, shall exceed the statutory limitation for a simplified acquisition procedure, and agencies shall not split orders so as to circumvent this limitation.

* * * * *

(e) Where no GSA contracts or agreements are in effect, an agency may contract directly for services up to the maximum of the statutory limitation for simplified acquisition procedures per project after obtaining written approval of the GSA buildings manager. Agencies contracting directly must provide the GSA buildings manager with complete documentation of the scope of work and contract specifications at the time of submission for approval. Each project shall include appropriate reviews by the regional safety staff. If contracting for security systems, agencies must submit the design work to the regional Federal Protective Service Division for review and approval. Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work. All work must conform to GSA fire and safety standards. GSA at anytime has the authority to make inspections and require correction if the project is found not in compliance with GSA fire and safety standards. As-built drawings must be submitted to the GSA buildings manager within 30 days of completion of work.

Dated: April 5, 1996.

Robert A. Peck,

Commissioner, Public Buildings Service.

[FR Doc. 96–15002 Filed 6–12–96; 8:45 am]

BILLING CODE 6820–23–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 69

[CC Docket 96–45; DA–96–926]

Federal-State Joint Board on Universal Service; Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice of meeting.

SUMMARY: The purpose of the notice is to inform the general public of a meeting that will be held by the Federal-State Joint Board on universal service.

DATES: The Federal-State Joint Board in CC Docket 96–45 will hold an open meeting on Wednesday, June 19, 1996 at 9 a.m.

ADDRESSES: The meeting will be held in Room 856 at 1919 M Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Irene Flannery, Accounting and Audits Division, Common Carrier Bureau, at (202) 418–0847.

SUPPLEMENTARY INFORMATION: At the meeting, the Federal-State Joint Board will hear from two panels of experts addressing universal service issues set forth in Section 254 of the Telecommunications Act. Specifically, the panelists will address what types of functionalities schools, libraries, and rural health care providers require of telecommunications services, as well as the cost, on a nationwide basis, of providing services able to deliver those functionalities.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–15146 Filed 6–11–96; 11:17 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 960216032–6158–05; I.D. 052196A]

Northeast Multispecies Fishery; Amendment 7; Resubmission of Disapproved Measure for an Open Access Permit for Nonregulated Multispecies

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement a revised measure that was disapproved in the preliminary evaluation of Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP) as revised and resubmitted by the New England Fishery Management Council (Council). This revision would rename the existing open access Possession Limit Permit, and allow certain fisheries to continue under this permit category that would otherwise be prohibited by Amendment 7. The intended effect of this action is to continue to allow fishing for nonregulated multispecies (silver hake, red hake, and ocean pout) by vessels that do not qualify for a limited access multispecies permit.

DATES: Comments on this proposed rule must be received by July 1, 1996.

ADDRESSES: Comments should be sent to Dr. Andrew A. Rosenberg, Director, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope ''Comments on Possession Limit Permit Category.''

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Management Specialist, 508–281–9288.

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 7 to the FMP on February 5, 1996. After a preliminary evaluation, the following three measures in the amendment were disapproved on February 14, 1996: An additional allowance of days-at-sea (DAS) for trawl vessels enrolled in the Individual DAS category that use 8–inch (20.32 cm) mesh, a 300–lb (136.1 kg) possession limit of regulated species for vessels that use 8–inch (20.32 cm) mesh in an exempted fishery, and the establishment of a limited access category for vessels that fished in the Possession Limit Open Access category under Amendment 5. The remainder of Amendment 7 was published as a proposed rule on March 5, 1996 (61 FR 8540). The first two of the three disapproved measures were resubmitted by the Council. The measure that would have allowed a 300–lb (136.1 kg) regulated species possession limit for vessels fishing with 8–inch (20.32 cm) mesh in an exempted fishery was again disapproved, and the measure that would give additional multispecies DAS to all limited access multispecies vessels fishing exclusively with large mesh was published as a proposed rule on April 18, 1996 (61 FR 16892), and was added to the final rule to implement Amendment 7, which was published on May 31, 1996 (61 FR 27710). Pursuant to section 304(b)(3)(A) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Council has resubmitted the measure that would implement a possession limit permit by revising it to allow possession of nonregulated multispecies, defined to be silver hake, red hake, and ocean pout. This proposed permit is now named the ''open access nonregulated multispecies permit.''

On February 27–28, 1996, the Council discussed the three disapproved measures and voted to resubmit revisions of the first and second while deferring action on the third measure pending further discussions. The third measure disapproved by NMFS was the proposed implementation of a limited access possession limit permit under the FMP. An inequity would have been established if this measure were implemented, because vessels would have to qualify for a permit that would not allow fishing for regulated multispecies, whereas, if vessel owners selected an open access category and used appropriate gear, they would be allowed to catch regulated and nonregulated multispecies. Furthermore, an administrative burden would have been created because vessel permit applications would have to be processed through a review procedure to qualify for the permit, with a possibility that no fishing for multispecies finfish would be allowed after this time.

Subsequent to the disapproval of this measure, several affected fishermen contacted the Council and indicated that, if an open access permit for nonregulated multispecies were not established, they would be denied an opportunity to fish for or retain a bycatch of nonregulated multispecies. The fishermen indicated that this would occur even though the impact of their activities on regulated species would be controlled by the fishery exemption program that only allows those fisheries that have a minimal bycatch of regulated species.

On April 17–18, 1996, the Council passed a motion to resubmit the proposed possession limit permit category, redefining it as an open access permit category for nonregulated species and renaming it the ''Nonregulated Multispecies'' permit category. This permit category would allow fishing for nonregulated multispecies by vessels using various gear types that do not qualify for a limited access multispecies permit and would eliminate any inequity or administrative burden associated with the need to qualify for a permit. The Council believes that implementation of this permit category jeopardizes neither the nonregulated multispecies, because they are not currently categorized as overfished, nor the regulated species, because a fishery allowed under this permit would be required to be exempted and meet the regulated multispecies bycatch limit of 5 percent.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires NMFS to publish implementing regulations proposed by a Council within 15 days of the receipt of an amendment and proposed regulations. At this time, NMFS has not determined whether the amendment this rule would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. NMFS, in making that determination, will take into account the information, views and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Vessels benefitting from this open access permit could have an increase in gross ex-vessel revenues of more than 5 percent compared to the status quo. However, the number of small entities being affected in this manner is believed to be much less than 20 percent of the vessels that are in the Northeast multispecies fishery (all of which are considered small entities). No vessels are expected to cease operations if the proposed action is implemented, nor are

vessels expected to incur increased operating costs. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 6, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is proposed to be amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.2, the definition for ''Nonregulated Multispecies'' is added in alphabetical order to read as follows:

§ 651.2 Definitions.

* * * * *

Nonregulated Multispecies means the subset of multispecies finfish that includes silver hake, red hake, and ocean pout.

* * * * *

3. In § 651.4, paragraph (c) is revised to read as follows:

§ 651.4 Vessel permits.

* * * * *

(c) *Open access permits.* Subject to the restrictions in § 651.33, a U.S. vessel that has not been issued a limited access multispecies permit may obtain an open access Handgear, Charter/Party or Nonregulated Multispecies permit. Vessels that are issued a valid scallop limited access permit under § 650.4 of this chapter may obtain an open access Scallop Multispecies Possession Limit permit.

* * * * *

4. In § 651.33, paragraph (d) is added to read as follows:

§ 651.33 Open access permit restrictions.

* * * * *

(d) A vessel issued a valid open access Nonregulated Multispecies permit issued under § 651.4(c) may possess nonregulated multispecies, provided it does not fish for, possess, or land regulated species. The vessel is subject to restrictions on gear, area, and time of fishing specified in § 651.20.

[FR Doc. 96–14963 Filed 6–10–96; 12:26 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 115
Thursday, June 13, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 7, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Officer, USDA, OIRM, Ag Box 7630, Washington, D.C. 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

National Agricultural Statistics Service

Title: Field Crops Objective Yield.

Summary: Data collected sets yield estimates for wheat, corn, cotton, soybeans, potatoes, and Burley tobacco.

Need and Use of the Information: Yield estimates are used in conjunction with price data to estimate production and value of crops. USDA uses the production forecasts to anticipate loan receipts and pricing of loan stocks for grains. Congress uses the information in formulating farm legislation and farmers use it in marketing decisions.

Description of Respondents: Farms.

Number of Respondents: 7,725.

Frequency of Responses: Reporting: annually.

Total Burden Hours: 3,829.

Agricultural Marketing Service

Title: Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon Marketing Order No. 956.

Summary: The market order sets provisions regulating the handling of Walla sweet onion. Handlers provide information on shipments of onions.

Need and Use of the Information: The purpose is to provide orderly marketing conditions in interstate commerce and to improve returns to growers. The information provides a mechanism to collect assessments.

Description of Respondents: Business or other for-profit; farms.

Number of Respondents: 82.

Frequency of Responses: Recordkeeping; Reporting: on occasion; annually.

Total Burden Hours: 25.

Emergency processing of this submission has been requested by June 15, 1996.

Donald Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 96–14972 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Marketing Service

[Docket No. PY–95–002]

Tentative Voluntary Poultry Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; extension of test-market period.

SUMMARY: On June 12, 1995, the Agricultural Marketing Service (AMS) published a notice in the Federal Register (60 FR 30830) announcing a one-year test-market period for USDA grade identified raw ready-to-cook boneless-skinless poultry products without added ingredients, based on tentative grade standards. AMS is extending the test-market period beyond its scheduled end, June 12, 1996, until it makes a final determination about the tentative standards.

FOR FURTHER INFORMATION CONTACT: Rex A. Barnes, Acting Chief, Grading Branch, Poultry Division, 202–720–3271.

SUPPLEMENTARY INFORMATION: On June 12, 1995, the Agricultural Marketing Service (AMS) published a notice in the Federal Register (60 FR 30830) announcing a one-year test-market period for USDA grade identified raw ready-to-cook boneless-skinless poultry products without added ingredients, based on tentative grade standards. The test-market period is scheduled to end June 12, 1996, after which AMS will evaluate the test results. If AMS decides to amend the current poultry grade standards, a proposal with comment period will be published in the Federal Register. To allow processors to continue grade identifying these products while the Agency evaluates test results, AMS has determined that it is appropriate to extend the test-market period until a final determination is made about the tentative grade standards.

Dated: June 7, 1996.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 96–14986 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–02–P

Forest Service

Klamath Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Klamath Provincial Advisory Committee will meet on June 24 and June 25, 1996 at the Shilo Inn Klamath Lake Room, 2500 Almond Street, Klamath Falls, Oregon. The meeting on Monday, June 24, is a field trip, beginning at 10:00 a.m. and leaving from the front of Shilo Inn. The field trip will adjourn at approximately 3:30 p.m. The meeting on Tuesday, June 25, will convene at 8:00 a.m. in the Klamath Lake Room and continue until 5:00 p.m. Agenda items to be covered include: (1) Government to Government Relations; (2) salvage timber sale monitoring; (3) land management services contracting and existing timber contract authorities; (4) updates concerning the implementation monitoring progress; (5) standing committee reports; and (6) public comment periods. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Connie Hendryx, USDA, Klamath National Forest, 1312 Fairlane Road, Yreka, California 96097; telephone 916–842–6131, (FTS) 700–467–1309.

Dated: June 4, 1996.

Nancy J. Gibson,

Administrative Officer.

[FR Doc. 96–15001 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–11–M

Title to Forest Lieu Selection Lands

AGENCY: Forest Service, USDA.

ACTION: Correction of legal description.

SUMMARY: The Forest Service is correcting the legal description of a parcel in Table 2, Final List of Lands Quitclaimed by the United States, included in the notice concerning Title to Forest Lieu Selection Lands that was published in the Federal Register December 26, 1995 (60 FR 66791).

This legal description in Table 2 is corrected as follows: On page 66791, the first line under San Bernardino County, ''68, Schneider, F., T.1N., R.1W., sec. 8, S/Lot 5, Lot 8, 80'' should read ''68, Schneider, F., T.1N., R.1W., sec. 14, S/Lot 5, Lot 8, 80.''

EFFECTIVE DATE: This correction is effective June 13, 1996.

FOR FURTHER INFORMATION CONTACT: Marsha Butterfield, Lands Staff, Forest Service, USDA, Washington, D.C. 20090–6090, (202) 205–1248.

Dated: June 3, 1996.

Valdis E. Mezainis,

Acting Chief.

[FR Doc. 96–15050 Filed 6–12–96; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of the Census

[BC–1431, Applicant Background Questionnaire]

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 August 12, 1996.

ADDRESSES: Direct all written comments to Dan Haigler, 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 instruction(s) should be directed to Karen S. Seebold, Bureau of the Census, 3701 St. Barnabas Road, Silver Hill Executive Plaza, Room 2A, Washington, D.C. 20233– 6500, (301) 763–8416.

SUPPLEMENTARY INFORMATION:

I. Abstract

Historically, recruiting enough qualified staff to complete decennial field activities within a short, specified time frame is the most difficult task the Census Bureau faces. This task is further complicated by the need to hire a culturally diverse workforce to meet broad census goals. We need an accurate applicant profile that provides summary information derived from the BC–1431 data to monitor recruiting efforts that will guide our strategies in recruiting applicants who are representative of the area being enumerated and who are also familiar with the dominant culture of the locality. The Census Bureau's goal is to recruit and hire workers who are the best qualified, who are indigenous to the area that is being enumerated, and are most familiar with the dominant cultures and languages of the area. The BC–1431 data are vital to controlling large-scale census and survey recruiting operations.

II. Method of Collection

We collect this information at the time of testing. Applicants are advised completion of this information is voluntary.

III. Data

OMB Number: 0607–0494.

Form Number: BC–1431.

Type of Review: Regular submission.

Affected Public: Individuals.

Estimated Number of Respondents: 48,750 annually.

Estimated Time Per Response: 2.5 minutes.

Estimated Annual Burden Hours: 2,032.

Estimated Total Cost: The only cost to the respondent is his/her time for completing the BC–1431. The total cost to administer the BC–1431 is included in the overhead budget associated with the Census Bureau's various surveys and censuses. The estimated annual cost to administer the BC–1431 is $14,224.

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 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 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: June 6, 1996.

Dan Haigler,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–15025 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–07–P

International Trade Administration

Export Trade Certificate of Review; Notice of Clarification

SUMMARY: On Tuesday, May 28, 1996, the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, notified, at 61 FR 26499, receipt of an application for an Export Trade Certificate of Review (Certificate) from the Rice Millers' Association (RMA). The notice identified nineteen RMA member companies who were applying for protection under the Certificate. This notice provides clarification of the identity of one of the prospective members of the Certificate.

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 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

On Tuesday, May 28, 1996, the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, notified, at 61 FR 26499, receipt of an application for a Certificate from the Rice Millers' Association (RMA). The notice identified nineteen RMA member companies who were applying for protection under the Certificate. The Office of Export Trading Company Affairs hereby notifies a clarification of the identity of the following prospective member:

1. Cargill Rice Milling, of Greenville, Mississippi is a division of Cargill, Incorporated, of Wayzata, Minnesota. The membership list in the notice of application should therefore read: Cargill, Incorporated, of Wayzata, Minnesota, for the activities of its division Cargill Rice Milling, of Greenville, Mississippi.

Dated: June 6, 1996.

Jude Kearney,

Deputy Assistant Secretary for Service Industries and Finance.

[FR Doc. 96–15026 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–P

International Trade Administration

ACTION: Renewal of the Environmental Technologies Trade Advisory Committee.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) is renewed. The renewal of the ETTAC is in accordance with the Federal Advisory Committee Act, 5 U.S.C. App.2, and 41 CFR parts 101–5.10(1990), Federal Advisory Committee Management Rule.

ETTAC was established May 31, 1994, to advise the Secretary of Commerce in his capacity as the Chairman of the Trade Promotion Coordinating Committee (TPCC), as well as other TPCC heads and officials on issues related to the export of environmental technologies.

ETTAC functions as an advisory body in accordance with the Federal Advisory Committee Act. On October 22, 1994, the Congress passed the Jobs Through Trade Enhancement Act, 15 U.S.C. 4728 (c). This Act mandated the creation of such an advisory committee on the promotion of environmental technologies exports.

FOR FURTHER INFORMATION CONTACT: The Office of Environmental Technologies Exports, Trade Development, International Trade Administration, Department of Commerce, (202) 482–5225.

Dated: June 4, 1996.

Anne L. Alonzo,

Deputy Assistant Secretary for Environmental Technologies Exports.

[FR Doc. 96–14950 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–P

[Docket No. 950207043–6128–02]

RIN 0625–ZA03

Market Development Cooperator Program

AGENCY: International Trade Administration (ITA), Commerce.

ACTION: Notice.

SUMMARY: The mission of ITA is to promote U.S. exports and to strengthen the international trade position of the United States. Building partnerships with the private sector enhances ITA's ability to fulfill its mission. To encourage such partnerships, ITA has created the Market Development Cooperator Program (MDCP) to develop, maintain and expand markets for nonagricultural goods and services produced in the United States.

The MDCP aims to:

- Challenge the private sector to think strategically about foreign markets;
- Be the catalyst that spurs private sector innovation and investment in export marketing; and
- Increase the number of American companies taking decisive export actions.

The advantage of a joint effort is that it permits the Government to pool expertise and funds with non-Federal sources so that each maximizes its market development resources. Partnerships of this sort also may provide a sharper focus on long-term export market development than do traditional trade promotion activities and serve as a mechanism for improving Government-industry relations.

While the Department of Commerce sponsors, guides and partially funds the MDCP with a matching requirement by the recipient, the Department of Commerce expects applicants to develop, initiate and carry out market development project activities. As an active partner, ITA will provide assistance identified by the applicant as being essential to the achievement of project goals and objectives. U.S. industry is best able to assess its problems and needs in the foreign marketplace and to recommend innovative solutions and programs that can be the formula to success in international trade.

Examples of activities that might be included in an applicant's project are described below. No one of these activities or any combination of these activities must be included for a proposal to receive favorable consideration. The Department of Commerce encourages applicants to propose activities that (1) would be most appropriate to market development needs of their industry or industries; and (2) display the imagination and innovation of the applicant working in partnership with the Government to obtain the maximum market development impact.

A public meeting for parties considering applying for funding under the MDCP will be held on July 11, 1996. Attendance at this public meeting is not required of potential applicants. The purpose of the meeting is to provide general information regarding the MDCP procedures, selection process, and proposal preparation to potential applicants. No discussion of specific proposals will occur at this meeting.

DATES: The public meeting will be held July 11, 1996. Completed applications must be received no later than 5:00 p.m. Eastern Standard Time August 8, 1996. Competitive application kits will be available from the Department of Commerce starting June 13, 1996.

ADDRESSES: The public meeting will be held at the Herbert Clark Hoover Building, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. Contact the information contact for room location.

To obtain an application kit, please send a written request with a self-addressed mailing label to Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development/OPCRM, Room 3211, U.S. Department of Commerce, Washington, D.C. 20230. Application kits may also be picked up in Room 3211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. The application kit contains all forms necessary to participate in the MDCP application process.

Please send completed applications to the Office of Planning, Coordination and Resource Management, Trade Development, Room 3211, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development, Room 3211, Washington, D.C. 20230, (202) 482–3197.

SUPPLEMENTARY INFORMATION:

Authority: The Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100–418, Title II, sec. 2303, 102 Stat. 1342, 15 U.S.C. 4723.

Catalog of Federal Domestic Assistance (CFDA): No. 11.112, Market Development Cooperator Program.

Program Description: The goal of the MDCP identified in authorizing legislation is to develop, maintain, and expand foreign markets for nonagricultural goods and services produced in the United States. For purposes of this program, ''nonagricultural goods and services'' means goods and services other than agricultural products as defined in 7 U.S.C. 451. ''Produced in the United States'' means having substantial inputs of materials and labor originating in the United States, such inputs constituting at least 50 percent of the value of the good or service to be exported. The intended beneficiaries of the program are U.S. producers of nonagricultural goods or services that seek to export such goods or services.

MDCP funds should not be viewed as a replacement for funding from other sources, either public or private. An important aspect of this program is to increase the sum of Federal and non-Federal export market development activities. This result can best be achieved by using program funds to encourage new initiatives. In addition to new initiatives, expansion of the scope of an existing project also may qualify for funding consideration. Eligible organizations that have previously received an MDCP award must propose a new project or expansion of an existing project to receive consideration for a new award.

The Department of Commerce encourages applicants to propose activities that would be most appropriate to the market development needs of their U.S. industry or industries. The following are examples of activities which applicants might include in an application (no one of these activities or any combination of these activities must be included for an application to receive favorable consideration). Many of these activities are being undertaken by current Market Development Cooperator Program award winners:

(1) Opening an overseas office or offices to perform a variety of market development services for companies joining a consortium to avail themselves of such services; such an office should not duplicate the programs or services of the U.S. and Foreign Commercial Service (US&FCS) post(s) in the region, but could include co-location with a US&FCS Commercial Center;

(2) Detailing a private sector individual to a US&FCS post in accordance with 15 U.S.C. 4723(c);

(3) Entering into a contract with a market research company to conduct detailed, product-specific market research;

(4) Assigning industry specialists to work with Department of Commerce/U.S. Executive Director Procurement Liaison Offices at the Multilateral Development Banks to seek out and develop procurement opportunities;

(5) Underwriting the cost of overseas market research or overseas trade exhibitions and trade missions to promote U.S. exports, or covering the expenses of reverse trade missions and/or foreign buyer group travel to U.S. domestic trade shows;

(6) Overseas U.S. product demonstrations;

(7) Export seminars in the United States or market penetration seminars in the market(s) to be developed;

(8) Technical trade servicing that helps overseas buyers to choose the right U.S. good(s) or service(s) and to use the good or service efficiently;

(9) Joint promotions of U.S. goods or services, with foreign customers;

(10) Training of foreign nationals to perform after-sales service or to act as distributors for U.S. goods or services;

(11) Working with organizations in the foreign marketplace responsible for setting standards and for product testing to improve market access for U.S. goods or services;

(12) Publishing an export resource guide or an export product directory for the U.S. industry or industries in question if no comparable one exists; and

(13) Establishing an electronic business information system to identify trade leads and facilitate matches with foreign partners.

Funding Availability: The total amount of funds available for this program is $2.0 million for fiscal year (FY) 96. The Department expects to conclude a minimum of four (4) cooperative agreements with eligible entities for this program. Each cooperative agreement will not exceed a total of $500,000, regardless of the duration of the award.

Matching Requirements: Applicants will be expected to supply two thirds (⅔) of total project costs, with the Federal portion to be one third (⅓). The Department of Commerce will support only a portion of the direct costs of each project. Each applicant will support a portion of the direct costs (to be specified in the application). Generally, direct costs are those that are specifically associated with an award, and usually include expenses such as personnel, fringe benefits, travel, equipment, supplies and contractual obligations relating directly to program activity. Allowable costs will be determined on the basis of the applicable cost principles, i.e., OMB Circulars A–21, A–87, and A–122; 45 CFR Part 74, Appendix E; and 48 CFR Part 31. No indirect costs will be paid with Department of Commerce funding under this program.

A minimum of one half (½) of each applicant's support must be in the form of new cash outlays expressly for the project. The balance of the applicant's support may consist of in-kind contributions (goods and services). In the proposed budget, all in-kind contributions to be used in meeting the applicant's share of costs should be listed in a separate column from cash contributions. A separate budget narrative describing these in-kind contributions should also be included with the proposal. This information should be in sufficient detail for a determination to be made that the requirements of OMB Circular A–110, section 23(a), and 15 CFR Part 24.24 (a) and (b) are met.

Applicants may charge companies in the industry or other industry organizations reasonable fees to take part in or avail themselves of services provided as part of applicants' projects. Applicants should describe in detail plans to charge fees.

Type of Funding Instrument: Since ITA will be substantially involved in the implementation of each project for which an award is made, the funding instrument for this program will be a cooperative agreement. For each award, the recipient and ITA Program Officer shall establish a project team to include personnel from ITA. The project team will: collaborate with the recipient by working jointly with the recipient in carrying out the scope of work of the project effort; specify direction or redirection of the scope of work due to inter-relationships with other projects such as requiring the recipient to achieve a specific level of cooperation with other projects; and determine mode of project operations and other management processes, coupled with close monitoring or operational involvement during performance of the project.

Eligibility Criteria: Trade associations, nonprofit industry organizations, state trade departments and their regional associations including centers for international trade development, and private industry firms or groups of firms

in cases where no entity described above represents that industry are eligible to apply for cooperative agreements under this program. For the purpose of this program, a ''nonprofit industry organization'' is defined as any nonprofit organization (such as some chambers of commerce and world trade centers) made up of firms in an industry, or which is established or funded by and which operates on behalf of an industry. For the purpose of this program, a ''trade association'' is defined as consisting of member firms in the same industry, or in related industries, or which share common commercial concerns. The purpose of the trade association is to further the commercial interests of its members through the exchange of information, legislative activities, and the like.

Eligible entities may join together to submit an application as a joint venture and to share costs. One organization must be designated as the recipient organization for administrative purposes for joint venture applicants. For example, two trade associations representing different segments of a single industry or related industries may pool their resources and submit one application. Foreign businesses and private groups also may join with eligible U.S. organizations to submit applications and to share the costs of proposed projects. The Department of Commerce will accept applications from eligible entities representing any industry, subsector of an industry or related industries. Each applicant must permit all companies in the industry in question to participate, on equal terms, in all activities that are scheduled as part of a proposed project whether or not the company is a member or constituent of the eligible organization.

Eligible entities desiring to participate in this program must demonstrate the ability to provide a competent, experienced staff and other resources to assure adequate development, supervision and execution of the proposed project activities. Applicants must describe in detail all assistance expected from the Department of Commerce or other Federal Government agencies to implement project activities successfully. Each applicant must provide a description of the membership qualifications, structure and composition of the eligible entity, the degree to which the entity represents the industry or industries in question, and the role, if any, foreign membership plays in the affairs of the eligible entity. Applicants should summarize both the recent history of their industry or industries' competitiveness in the international marketplace and the export promotion history of the eligible entity or entities submitting the application.

Project proposals must be compatible with U.S. trade and commercial policy.

Award Period: Funds may be expended over the period of time required to complete the scope of work, but not to exceed three (3) years from the date of the award.

Indirect Costs: The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. Department of Commerce funds can not be used to pay indirect costs.

Application Forms and Kit: Standard Forms 424 (Rev. 4–92) Application for Federal Assistance, 424A (Rev. 4–92) Budget Information—Non-Construction Programs, 424B (Rev. 4–92) Assurances—Non-Construction Programs, SF–LLL, Disclosure of Lobbying Activities and other Department of Commerce forms (CD–511, Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying; CD–512, Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying), which are required as part of the application, are available from the contact person indicated above. Applicants must submit a signed original and two (2) copies of the application and supporting materials.

Project Funding Priorities: Applications may be targeted for any market in the world and/or industry covered by ITA's industry units (Technology and Aerospace Industries, Basic Industries, Service Industries and Finance, Textiles, Apparel and Consumer Goods Industries, Environmental Technologies Exports and Tourism Industries). In ITA's view the following markets and industry sectors offer exceptional opportunities for U.S. exports and export related job creation or support in the U.S.:

Geographic Markets: The Big Emerging Markets (BEMs) of Argentina, the Association of Southeast Asian Nations (ASEAN—Brunei, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam), Brazil, the Chinese Economic Area (Peoples Republic of China, Taiwan and Hong Kong), India, Korea (South), Mexico, Poland, South Africa, and Turkey. In addition to the BEMs, strong relations with mature export markets such as Europe and Japan are encouraged.

Sectors: Major project infrastructure development, transportation technologies, energy technologies, information technologies, health technologies, environmental technologies and financial services.

In addition, projects that concentrate on the following priorities present opportunities to develop, maintain and expand overseas markets and create and support U.S. jobs:

(1.) Advocacy: (a.) Assistance to U.S. companies/consortia bidding on major foreign contracts; (b.) Development of a response to foreign anti-competitive practices, such as bribery and subsidies, that unfairly disadvantage U.S. companies in global competitions;

(2.) Trade Agreements Monitoring: Monitoring of foreign compliance with our trade agreements such as NAFTA, WTO and sector-specific agreements;

(3.) Facilitating the involvement in exporting of small and medium-sized U.S. businesses and traditionally disadvantaged or under served groups, especially as suppliers/subcontractors for major infrastructure projects;

(4.) Working cooperatively to support ITA market development initiatives. Examples of such activities could include: participating in the activities of Business Development Committees or Councils ITA establishes with other countries such as Argentina, Brazil, Russia, South Africa, India, China; locating an office at, or actively utilizing the facilities of a U.S. Department of Commerce-sponsored Commerical Center, such as those already established in Sao Paulo, Brazil and Jakarta, Indonesia and soon-to-be established in Shanghai, China; and supporting ITA-sponsored trade events.

Developing a project plan requires solid background research. Applicants should study, and applications should reflect such study of, the following:

1. The market potential of the U.S. good(s) or service(s) to be promoted in a particular market(s),

2. The competition from host-country and third-country suppliers, and

3. The economic situation and prospects that bear upon the ability of a country to import the U.S. good(s) or service(s).

Applicants should present in their applications an assessment of industry resources that can be brought to bear on developing a market; the industry's ability to meet potential market demand expeditiously; and the industry's after-sales service capability in a particular foreign market(s).

After describing their completed basic research, applicants should develop marketing plans that set forth the overall objectives of the projects and the specific activities applicants will undertake as part of these projects. Applications should display the imagination and innovation of the private sector working in partnership with the Government to obtain the maximum market development impact.

Evaluation Criteria: The Department of Commerce is interested in projects that demonstrate the possibility of both significant results during the project period and lasting benefits extending beyond the project period. To that end, consideration for financial assistance under the MDCP will be based upon the following evaluation criteria:

(1) Potential of the project to generate export sales or major foreign project/contract success stories in both the short and medium-term. Applicant should provide estimates of projected project results, along with detailed explanations.

(2) The degree to which the proposal furthers or is compatible with ITA's priorities and the markets and industry sectors identified above and the degree to which a proposal initiates or enhances partnership with the Department of Commerce.

(3) Creativity and innovation displayed by the work plan while at the same time being realistic.

(4) The institutional capacity of the applicant to carry out the work plan and the willingness and ability of the applicant to back up promotional activities with aggressive marketing and after-sales service.

(5) Reasonableness of the itemized budget for project activities and probability that the project can be continued on a self-sustained basis after the completion of the award.

(6) Projected increase in the number of U.S. companies operating (multiplier effect) in the market(s) selected. Applicant should provide quantifiable estimates of projected increases. Intent and capability of the applicant to enlist the participation of small and medium size U.S. companies in consortia and activities that are to be part of the proposed project.

Evaluation Criteria

Criterion #1—maximum 20 points
Criterion #2—maximum 20 points
Criterion #3—maximum 20 points
Criterion #4—maximum 15 points
Criterion #5—maximum 15 points
Criterion #6—maximum 10 points

Selection Procedures: Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted under the program. The Senior Officer Review Panel, consisting of at least three people, will review all applications based on the criteria stated above. The Senior Officer Review Panel will identify and rank the top ten proposals and make recommendations to the Assistant Secretary for Trade Development concerning which of the proposals should receive awards. The Assistant Secretary for Trade Development will make the final recommendations regarding the funding of applications from the group of ten identified by the Senior Officer Review Panel.

In making his decision, the Assistant Secretary for Trade Development will consider the following:

1. The evaluations of the individual reviewers of the Senior Officer Review Panel;
2. The degree to which applications satisfy the MDCP's goals and objectives as established under the *Project Funding Priorities* listed above;
3. The geographic distribution of the proposed awards;
4. The diversity of industry sectors covered by the proposed grant awards;
5. The diversity of project activities represented by the proposed awards;
6. Avoidance of redundancy and conflicts with the initiatives of other Federal agencies; and
7. The availability of funds.

Performance Measures

On August 3, 1993, the Government Performance and Results Act (GPRA) was enacted into law (Public Law 103–62). Section 4 of the GPRA requires each agency to submit to the Office of Management and Budget (OMB), beginning with FY 99, a strategic plan for program activities. Among other things, each plan is to include ''performance indicators to be used in measuring or assessing the relevant outputs, service levels and outcomes of each program activity.''

OMB decided not to wait to begin development of the new performance indicators called for in GPRA. As part of the process of preparing the President's FY 1996 budget, OMB asked agencies to submit prospective GPRA-type performance indicators they intend to use in future years.

Accordingly, current MDCP participants were asked to identify new GPRA-type performance indicators as part of their FY 1996 operating plans. These indicators will include not only program inputs and outputs, but also measures that may be applied to determine outcomes (what happens as a direct result of an output being created) or final impacts (the effect of an outcome).

Applicants for this year's MDCP competition should describe in their proposals performance indicators of the type envisioned by GPRA that they intend to use to measure the results of their MDCP projects. Applicants should consult the MDCP application kit for more information, key terms and definitions used in developing performance indicators under GPRA.

Other Requirements

(1) *Federal Policies and Procedures*—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(2) *Past Performance*—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(3) *Preaward Activities*—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of the Department of Commerce to cover preaward costs.

(4) *No Obligation for Future Funding*—If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

(5) *Delinquent Federal Debts*—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

i. The delinquent account is paid in full,

ii. A negotiated repayment schedule is established and at least one payment is received, or

iii. Other arrangements satisfactory to the Department of Commerce are made.

6. *Name Check Review.* All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

7. *Primary Applicant Certifications.* All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment,

Suspension and Other Responsibility Matters; Drug Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

i. *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

ii. *Drug-Free Workplace.* Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

iii. *Anti-Lobbying.* Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitations on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

iv. *Anti-Lobbying Disclosures.* Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, Appendix B.

8. *Lower Tier Certifications.* Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to the Department of Commerce. SF–LLL submitted by any tier recipient or subrecipient should be submitted to the Department of Commerce in accordance with the instructions contained in the award document.

9. *False Statements.* A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

10. *Intergovernmental Review*—Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

11. *Buy American-Made Equipment and Products*—Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program.

Classification: This notice has been determined to be not significant for purposes of Executive Order 12866. The standard forms reference in this notice are cleared under OMB Control No. 0348–0043, 0348–0044, 0348–0040, and 0348–0046 pursuant to the Paperwork Reduction Act.

Dated: June 7, 1996.

Jerome S. Morse,

Director, Resource Management and Planning, Staff, Trade Development.

[FR Doc. 96–15013 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

[I.D. 051496A]

Small Takes of Marine Mammals Incidental to Specified Activities; Haro Strait Oceanographic Experiment

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization to take small numbers of marine mammals by harassment incidental to conducting a physical oceanography experiment in Haro Strait, Puget Sound, WA has been issued jointly to Prof. Henrik Schmidt of the Department of Ocean Engineering, and Mr. Patrick Miller of the Department of Biology, Massachusetts Institute of Technology (MIT), Cambridge, MA.

EFFECTIVE DATE: This authorization is effective from June 10, 1996, to July 5, 1996.

ADDRESSES: The application, authorization, and environmental assessment (EA) are available from the following office: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301–713–2055, or Brent Norberg, Northwest Regional Office at 206–526–6733.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

The MMPA Amendments of 1994 established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA defines ''harassment'' as:

> * * *any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

New subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On January 31, 1996, NMFS received a complete application from MIT requesting an authorization for the harassment of small numbers of marine mammals incidental to conducting a physical oceanography experiment that uses sound to study the flow field and mixing processes in Haro Strait, in the San Juan Island Archipelago (Puget Sound) WA, just south of Stuart Island (48°39'00'' N, 123°11'00'' W).

The experiment, which will be from June 10 through July 5, 1996, for a total of 26 days, is scheduled to take advantage of the extreme ebb tides that

occur only twice a year. The species of marine mammals requested for incidental harassment are as follows: Harbor porpoise (*Phocoena phocoena*), killer whale (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), and harbor seal (*Phoca vitulina*). Additional species that are rare or only occasionally seen in the area at the time of the experiment may include: Minke whale, elephant seal, Pacific white-sided dolphin, northern sea lion, California sea lion, humpback whale, and gray whale. General information on these species can be found in Barlow *et al.* 1995 (NOAA Tech. Mem. NMFS-SWFSC–219). More specific information on marine mammals species in Puget Sound waters, and a description of the physical oceanography experiment can be found in the application and in an EA, which are available upon request (see **ADDRESSES**).

A notice of receipt of the application and the proposed authorization was published on March 28, 1996 (61 FR 13847) and a 30-day public comment period was provided on the application and proposed authorization. Additional information on the mitigation and monitoring program was provided on April 9, 1996 (61 FR 15785). During the comment period and subsequent to its closure, several letters were received. Other than information necessary to respond to comments, additional information on the activity and authorization request can be found in the above-mentioned Federal Register documents and does not need to be repeated here.

Comments and Responses

Authorization Concerns

Comment: Do not permit this experiment.

Response: NMFS would like to make clear that it does not authorize the project, only the incidental harassment of marine mammals occurring as a result of this project. Not issuing a permit does not necessarily terminate the project.

Comment: Because there are too many unknowns as to the impacts on their sonar, hearing and feeding habits, the research permit should be denied.

Response: The requested authorization is for an exemption to the MMPA's prohibition on taking for the harassment of small numbers of marine mammals incidental to conducting a specified activity within a specified geographic region. This is an authorization issued under section 101(a)(5)(D) of the MMPA, not for a scientific research permit under section 104 of the MMPA. To prohibit incidental takings that occur while conducting activities otherwise allowed by law would be to deny an exemption that is authorized by the MMPA provided the best scientific information and evidence available indicates that the take is incidental, only small numbers of marine mammals are taken, and the impact on marine mammals and their habitat is negligible.

Comment: The purpose of the project would be to negatively impact marine life, specifically and intentionally to cause harassment or harm; sounds are being broadcast to determine if it will affect marine mammals; and sounds are being transmitted to see if they can withstand the noise.

Response: As stated in the proposed authorization, the project is a physical oceanography project that uses various sound sources to study the flow field and mixing processes in Haro Strait, Puget Sound, WA. It is not a research project designed to study the effects of sound on marine mammals. However, an extensive mitigation and monitoring program, as required under section 101(a)(5)(D) of the MMPA, has been designed as part of this project to assess impacts of sounds that may potentially harass marine mammals and to ensure that these impacts are the lowest level practicable. Therefore, in addition to providing information on the physical oceanographic processes in Haro Strait, the experiment will also provide information and data on the effects of high frequency sounds on marine mammals.

Comment: Sounds would cause harm to a variety of ocean mammals and other sea creatures.

Response: The proposed authorization analyzed potential impacts and the mitigation measures proposed to reduce these potential impacts on marine mammals to the lowest level practicable. These impacts are also analyzed in the EA prepared for this authorization. Based upon the best scientific information available, NMFS has determined that this physical oceanography project would have only a negligible impact on the stocks of marine mammals in the Haro Straits area. While statutorily authorized under the MMPA, the potential to cause Level A harassment (injury) to marine mammals is considered unlikely, provided planned mitigation and monitoring measures that have been proposed by the applicant are incorporated.

Comment: Sound may damage the hearing of marine mammals.

Response: The proposed authorization provided detailed analyses on the potential for auditory damage to marine mammals from the various sound sources that will be used by this experiment. Calculations indicate that marine mammals would need to be closer than .25 m of the long-base-line transponders in order to potentially receive hearing damage; for other sources, animals would need to be even closer. However, the applicant presumes that the near-field effects might cause the distance to be slightly greater (but less than 1 m), than calculated by spherical spreading alone. As a result, NMFS and the applicant believe that there is virtually no possibility of inflicting permanent hearing damage on any marine mammals.

Comment: Marine mammals (especially killer whales) already endure an unacceptable amount of noise pollution and harassment due to depth finders, boat/tanker traffic, and whale-watching expeditions. NMFS should consider assessing whether sounds to be used in the proposed experiment, combined with sounds from other sources, could have non-negligible effects on marine mammals.

Response: NMFS notes that, even with various sources of anthropogenic sources of noise in the marine environment, the southern resident community of killer whales in Puget Sound has increased 40 percent since 1976. However, activities and the potential impact of unregulated noise from these activities on marine mammals are of concern to NMFS. The monitoring measures planned in conjunction with this short-term oceanography project may provide some insight into behavioral responses by marine mammals to high frequency sounds.

Habitat Exclusion Concerns

Comment: The marine mammals may be negatively affected to the point where they vacate the area of the experiment. This will have a very negative effect on the animals, depriving them of their natural and normal foraging area. Also, by forcing marine mammals from their habitats would result in competition with other species over scarce food.

Response: The only marine mammal species that might be affected by habitat exclusion are the harbor porpoise and killer whale. As a result, a monitoring program will be implemented that will involve suspension of the experiment, recovery of species abundance in the area and termination if habitat exclusion continues. Please refer to the earlier Federal Register notices (61 FR 13847, March 28, 1996 and 61 FR 15785, April 9, 1996) for detailed discussion on the mitigation measures planned to address this concern.

Comment: The sound would impact an area far wider than suggested, given the rock faces, steep pitches and water mass interactions in Haro Straits.

Response: The applicant has provided detailed analyses of the attenuation of these sources, using spherical and cylindrical models and factoring in propagation loss. Without providing scientific information or references to support the comment, NMFS is unable to analyze the veracity of this comment.

Comment: If this experiment should somehow affect the orcas in that they decide to move out of the area for a number of days the whale watching industry would be economically affected. The marine mammals are the natural resource that the whalewatching industry relies upon to exist.

Response: Since NMFS does not authorize the project, only the harassment of marine mammals incidental to the activity, the economic impact on the commercial whale watch industry is not within the scope for consideration under the MMPA. However, as noted in the application and in the previous notices, the experiment will contain mitigation and monitoring measures that will avoid to the extent possible habitat exclusion by harbor porpoise and killer whales.

Comment: During June and July, resident orcas have superpods in that area with the intent of mating. If this experiment should thwart the superpod mating, the results will not be clear to us now but could affect the future of the resident pods.

Response: According to the information available to NMFS, there are approximately 90 resident killer whales in the southern community and 45 transient animals. Based upon Olesiuk *et al.* (1990) and Bain (pers. comm. to B. Norberg, May 1996), there appears to be a bimodal calving period for killer whales which would indicate that successful breeding is mostly taking place from April to mid-June and again in Sept/Oct. This bi-modal period, the short-term of the research project (June 10–July 5) and the mitigation measures imposed to protect killer whales, indicates that this comment does not appear to warrant additional mitigation measures be imposed on the experiment.

Comment: The experiment should be done in winter months (so the whalewatching industry would be unaffected).

Response: As discussed in the proposed authorization, the experiment, which will be from June 10 through July 5, 1996, is scheduled to take advantage of the extreme ebb tides that occur only twice a year. This time of the year would also benefit from spring freshwater flows. The winter alternative is unacceptable to the applicant and NMFS, because weather conditions at that time of the year would make operations extremely difficult and would make marine mammal monitoring virtually impossible.

Monitoring Concerns

Comment: There would not be any independent monitoring. The researchers would be basically policing themselves, because the person in charge of monitoring impacts is also employed by Woods Hole.

Response: There is no requirement under the MMPA that monitoring be independent of the activity. As noted in the proposed authorization, the applicant is a faculty member of the Department of Ocean Engineering, MIT, while the person conducting the monitoring is in the Department of Biology, MIT. Because the monitoring program under this activity is more complex than most, NMFS has determined that both participants should be covered under the authorization. In addition to a monitoring team, the applicants have established an advisory board for monitoring this activity's impacts on marine mammals. These advisors are scientists operating in Haro Strait and are from the Friday Harbor Whale Museum, the University of Victoria, the University of Washington, and the Canadian Department of Fisheries and Oceans, none are from MIT. The applicants have agreed to follow the recommendations of the scientific oversight committee in scheduling activities.

Comment: The sound source must be monitored at all times during these tests with assurances that it will be halted if any marine mammals are observed having behavioral changes or injuries.

Response: NMFS agrees. Please refer to the notice of proposed authorization (61 FR 13847, March 28, 1996) where this issue was addressed in detail.

National Environmental Policy Act Concerns

Comment: An Environmental Impact Statement must be prepared prior to authorization.

Response: In the notice of proposed authorization (61 FR 13847, March 28, 1996), NMFS announced that it had conducted a review of the potential impacts on marine mammals from the issuance of an incidental harassment authorization to MIT and determined that there would be no more than a short-term, negligible impact on marine mammals from the issuance of the harassment authorization. For that reason, NMFS determined that issuance of an incidental harassment authorization to MIT was categorically excluded (CE) (as defined in 40 CFR 1508.4) from the preparation of either an environmental impact statement or an EA under the National Environmental Policy Act and section 6.02.c.3(i) of NOAA Administrative Order 216–6 for Environmental Review Procedures (published August 6, 1991). However, as a result of the comments received on this application, NMFS has reviewed the conditions under which it considered the incidental harassment authorization to MIT to be a CE and has determined that, because of the lack of public perception on the effects of high frequency noise on marine mammals, an EA should be prepared to address these concerns. Based upon that EA, the Assistant Administrator has determined that issuance of this authorization will not have a significant impact on the human environment. As a result of this determination, an environmental impact statement is not required. The EA is available upon request (see **ADDRESSES**).

Conclusions

Based upon the information provided in this notice, the two notices of proposed authorization, and in an EA on this matter,

NMFS has determined that the short-term impact on marine mammals from conducting a physical oceanography experiment between June 10 and July 5, 1996, using high-frequency sound to study the flow field and mixing processes in Haro Strait, Puget Sound, WA, will result in a negligible impact on marine mammals. This impact is expected to be limited to a short-term modification in behavior by certain species of marine mammals. While behavioral modifications may be made by these species to avoid noise, this behavioral change is expected to have only a negligible impact on the animals. However, the mitigation and monitoring measures that are part of the authorization will provide additional protection to ensure that the project's impact on marine mammals is at the lowest level practicable. NMFS has also determined that this experiment will not have an unmitigable adverse impact on the availability of this stock for subsistence uses.

Since NMFS is assured that the taking will not result in more than the incidental harassment (as defined by the MMPA Amendments of 1994) of small numbers of certain species of marine mammals, would have only a negligible impact on these stocks, will not have an unmitigable adverse impact on the

availability of these stocks for subsistence uses, and would result in the least practicable impact on the stocks, NMFS has determined that the requirements of section 101(a)(5)(D) have been met and the authorization can be issued.

Authorization

For the above reasons, NMFS has issued an incidental harassment authorization for approximately 30 days between June 10 and July 5, 1996 for the above described experiment provided the above mentioned mitigation, monitoring and reporting requirements are undertaken.

Dated: June 7, 1996.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–15060 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 060796C]

Endangered Species; Permits

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

ACTION: Issuance of modification 3 to permit 900 (P770#66), modification 2 to permit 946 (P770#68), and modification 1 to permit 905 (P45L).

SUMMARY: Notice is hereby given that NMFS has issued modifications to permits that authorize takes of Endangered Species Act-listed species for the purpose of scientific research, subject to certain conditions set forth therein, to the Coastal Zone and Estuarine Studies Division of the Northwest Fisheries Science Center, NMFS at Seattle, WA (CZESD) and the National Biological Service at Cook, WA (NBS).

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).

SUPPLEMENTARY INFORMATION: The modifications to permits were issued 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 217–222).

Notice was published on February 27, 1996 (61 FR 7241) that an application had been filed by CZESD (P770#66) for modification 3 to scientific research permit 900. Modification 3 to permit 900 was issued on June 5, 1996. Permit 900 authorizes CZESD a direct take of juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and an incidental take of juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with three scientific research studies. For modification 3, CZESD is authorized to supplement their annual take of ESA-listed fish associated with Study 1, a dam and reservoir passage survival study, with juvenile, ESA-listed, Snake River spring/summer chinook salmon captured as an indirect take by NBS under the authority of scientific research permit 817. Permit 817 authorizes NBS takes of ESA-listed juvenile fish associated with a fall chinook salmon study. In addition, CZESD is authorized a take of ESA-listed juvenile fish associated with an additional project designed to evaluate the new surface collector at Lower Granite Dam on the Snake River in WA and to release the ESA-listed juvenile fish to be captured and handled for Study 1 in the free-flowing Snake River upstream of Lower Granite Reservoir. Modification 3 is valid for the duration of Study 1 of the permit. Study 1 of permit 900 expires on December 31, 1998.

Notice was published on February 27, 1996 (61 FR 7241) that an application had been filed by CZESD (P770#68) for modification 2 to scientific research permit 946. Modification 2 to permit 946 was issued on June 4, 1996. Permit 946 authorizes CZESD takes of juvenile, threatened, naturally-produced and artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*); juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*); and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with two survival studies related to barge transportation. For modification 2, CZESD is authorized an increase in their takes of juvenile, endangered, Snake River sockeye salmon to adjust for an increase in the anticipated annual juvenile sockeye salmon outmigration numbers. Annual sockeye salmon outmigration numbers are expected to be higher due to greater numbers of smolt releases in and near Redfish Lake from the Idaho Department of Fish and Game's captive broodstock program. Modification 2 is valid for the duration of the permit. Permit 946 expires on December 31, 1999.

Notice was published on February 29, 1996 (61 FR 7776) that an application had been filed by NBS (P45L) for modification 1 to scientific research permit 905. Modification 1 to permit 905 was issued on June 6, 1996. Permit 905 authorizes a direct take of juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) and an indirect take of juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with four dam and reservoir passage survival studies on the Snake River. For modification 1, NBS is authorized to expand their sampling locations to include all of the Snake River dams and McNary Dam on the Columbia River. The sampling location expansion is needed to acquire the desired sample size of juvenile ESA-listed fish currently authorized to be taken for electrophoretic genetic research. NBS is also authorized to capture, handle, and release a greater number of ESA-listed juvenile fish: 1) to obtain non-lethal tissue samples from run-at-large juvenile spring chinook salmon and fall chinook salmon yearlings for genetic analysis, and 2) to acquire non-lethal gill samples from juvenile fall chinook salmon for a new study designed to relate passage survival to physiological development. Modification 1 is valid for the duration of the permit. Permit 905 expires on December 31, 1996.

Issuance of the modifications, as required by the ESA, was based on a finding that such actions: (1) Were requested in good faith, (2) will not operate to the disadvantage of the ESA-listed species that are the subject of the permits, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing ESA-listed species permits.

Dated: June 7, 1996.

Robert C. Ziobro,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–15059 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–22–F

Patent and Trademark Office

[Docket No. 951019254–6136–02]

RIN 0651–XX05

Change in Procedure Relating to an Application Filing Date

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of change in procedure.

SUMMARY: The Patent and Trademark Office (PTO) is implementing a change in procedure relating to the treatment of applications filed without all the pages of the specification or without all of the figures of the drawings. Under this new procedure, the PTO will accord a filing date to any application that contains something that can be construed as a written description, any necessary drawing, and, in a nonprovisional application, at least one claim, regardless of whether the application is filed without all the pages of the specification or without all of the figures of the drawings. Applications filed without all the pages of the specification or without all of the figures of the drawings will be treated by mailing a notice indicating that the application has been accorded a filing date, but is missing pages of the specification of figures of drawings.

The notice will indicate that failure to timely (37 CFR 1.181(f)) file a petition under 37 CFR 1.53(c) of 1.182 in response to such notice will result in the PTO treating the original application papers (the original disclosure of the intention) as including only those application papers present in the PTO on the date of deposit.

EFFECTIVE DATE: July 22, 1996.

FOR FURTHER INFORMATION CONTACT: Robert W. Bahr by telephone at (703) 305–9285, by facsimile at (703) 308–6916, or Jeffrey V. Nase by telephone at (703) 305–9285, or by mail addressed to Box Comments—Patents, Assistant Commissioner for Patents, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: The PTO is implementing a change in procedure relating to the treatment of applications filed without all the pages of the specification (Section 608.01 of the Manual of Patent Examining Procedure (MPEP)) (*e.g.,* with page numbering revealing that page(s) are missing), or without all of the figures of the drawings (MPEP 608.02) (*e.g.,* without drawing figures that are mentioned in the specification). The procedure set forth in this notice will be incorporated into the next revision of the MPEP.

The current treatment of applications that fail to identify the names of the actual inventor(s) (*e.g.,* an application naming the inventorship only as ''Jane Doe *et al.*'') as required by 37 CFR 1.41(a) and 1.53(b) is not affected by the adoption of the procedure set forth in this notice.

In a Notice entitled ''Proposed Changes in Procedures Relating to an Application Filing Date'' (Filing Date Notice), published in the Federal Register at 60 FR 56982–84 (November 13, 1995), and in the PTO *Official Gazette* at 1181 *Off. Gaz. Pat. Office* 12–13 (December 5, 1995), the PTO proposed a change in procedure relating to the treatment of applications filed without all the pages of the specification or without all of the figures of the drawings. In view of the comments received in response to the Filing Date Notice, the PTO is adopting the proposed change.

The adopted procedure for the treatment of applications filed without all the pages of the specification or without all of the figures of the drawings is set forth below.

Applications Filed Without All Pages of Specification

The Initial Application Examination Division reviews application papers to determine whether all of the pages of the specification are present in the application. If the application is filed without all of the page(s) of the specification, but containing something that can be construed as a written description, at least one drawing figure, if necessary under 35 U.S.C. 113, the names of all the inventors, and, in a nonprovisional application, at least one claim, the Initial Application Examination Division will mail a ''Notice of Omitted Items'' indicating that the application papers so deposited have been accorded a filing date, but are lacking some page(s) of the specification.

The mailing of a ''Notice of Omitted Items'' will permit the applicant to either: (1) Promptly establish prior receipt in the PTO of the page(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted page(s) in a nonprovisonal application and accept the date of such submission as the application filing date. An applicant asserting that the page(s) was in fact deposited in the PTO with the application papers must file a petition under 37 CFR 1.53(c) (and the petition fee under 37 CFR 1.17(i) (37 CFR 1.17(q) in a provisional application), which will be refunded if it is determined that the page(s) was in fact received by the PTO with the application papers deposited on filing) with evidence of such deposit within two months of the date of the ''Notice of Omitted Items'' (37 CFR 1.181(f)). An applicant desiring to submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted page(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such page(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the ''Notice of Omitted Items'' (37 CFR 1.181(f)).

An applicant willing to accept the application as deposited in the PTO need not respond to the ''Notice of Omitted Items,'' and the failure to file a petition under 37 CFR 1.53(c) or 1.182 (and the requisite petition fee) as discussed above within two months of the date of the ''Notice of Omitted Items'' (37 CFR 1.181(f)) will be treated as constructive acceptance by the applicant of the application as deposited in the PTO. Amendment of the specification is required in a nonprovisional application to renumber the pages consecutively and cancel any incomplete sentences caused by the absence of the omitted pages. Such amendment should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

If the application does not contain anything that can be construed as a written description, the Initial Application Examination Division will mail a Notice of Incomplete Application (PTO–1123) indicating that the application lacks the specification required by 35 U.S.C. 112. The applicant may file a petition under 37 CFR 1.53(c) (and the petition fee under 37 CFR 1.17(i) (37 CFR 1.17(q) in a provisional application)) asserting that: (1) the missing specification was submitted, or (2) the application papers as deposited contain an adequate written description under 35 U.S.C. 112. The petition under 37 CFR 1.53(c) must be accompanied by sufficient evidence (37 CFR 1.181(b)) to establish the applicant's entitlement to the requested filing date (*e.g.,* a date-stamped postcard receipt (MPEP 503) to establish prior receipt in the PTO of the missing specification). Alternatively, the applicant may submit the omitted specification, including at least one claim in a nonprovisional application, accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to the specification being submitted and accept the date of such submission as the application filing date.

Original claims form part of the original disclosure and provide their own written description *See In re Anderson,* 471 F.2d 1237, 176 USPQ 331 (CCPA 1973). As such, an application that contains at least one claim, but dues not contain anything which can be construed as a written description of such claim(s), would be unusual.

Nonprovisional Applications Filed Without at Least One Claim

35 U.S.C. 111(a)(2) requires that an application for patent include, *inter alia,* ''a specification as prescribed by section 112 of this title,'' and 35 U.S.C. 111(a)(4) provides that the ''filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.'' 35 U.S.C. 112, first paragraph, provides, in part, that ''[t]he specification shall contain a written description of the invention,'' and 35 U.S.C. 112, second paragraph, provides that ''[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.'' Also, the Court of Appeals for the Federal Circuit stated in *Litton Systems, Inc. v. whirlpool Corp.:*

> Both statute, 35 U.S.C. 111[(a)], and federal regulations, 37 CFR 1.151[(a)(1)], make clear the requirement that an application for a patent must include * * * a specification and claims. * * * The omission of any *one* of these component parts makes a patent application incomplete and thus not entitled to a filing date.

728 F.2d 1423, 1437, 221 USPQ 97, 105 (Fed. Cir. 1984) (citing *Gearon v. United States,* 121 F.Supp 652, 654, 101 USPQ 460, 461 (Ct. Cl. 1954), *cert. denied,* 348 U.S. 942, 104 USPQ 409 (1955)) (emphasis in the original).

Therefore, in an application filed under 35 U.S.C. 111(a), a claim is a statutory requirement for according a filing date to the application. 35 U.S.C. 162 and 171 make 35 U.S.C. 112 applicable to plant and design applications, and 35 U.S.C. 162 specifically requires the specification in a plant patent application to contain a claim. 35 U.S.C. 111(b)(2), however, provides that ''[a] claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application.'' Thus, with the exception of provisional applications filed under 35 U.S.C. 111(b), any application filed without at least one claim is incomplete and not entitled to a filing date.

If a nonprovisional application does not contain at least one claim, a ''Notice of Incomplete Application'' will be mailed to the applicant(s) indicating that no filing date has been granted and setting a period for submitting a claim. The filing date will be the date of receipt of at least one claim. *See In re Mattson,* 208 USPQ 168 (Comm'r Pats. 1980).

As 37 CFR 1.53(b)(2)(ii) permits the conversion of an application filed under 35 U.S.C. 111(a) to an application under 35 U.S.C. 111(b), an applicant in an application, other than for a design patent, filed under 35 U.S.C. 111(a) on or after June 8, 1995, without at least one claim has the alternative of filing a petition under 37 CFR 1.53(b)(2)(ii) to convert such application into an application under 35 U.S.C. 111(b), which does not require a claim to be entitled to its date of deposit as a filing date. Such a petition, however, must be filed prior to the expiration of twelve months after the date of deposit of the application under 35 U.S.C. 111(a), and comply with the other requirements of 37 CFR 1.53(b)(20(ii).

Applications Filed Without Any Drawings

35 U.S.C. 111(a)(2)(B) and 111(b)(2)(B) each provide, in part, that an ''application shall include * * * a drawing as prescribed by section 113 of this title'' and 35 U.S.C. 111(a)(4) and 111(b)(4) each provide, in part, that the ''filing date * * * shall be the date on which * * * any required drawing are received in the Patent and Trademark Office.'' 35 U.S.C. 113 in turn provides that an ''applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.''

Applications filed without drawings are initially inspected to determine whether a drawing is referred to in the specification, and if not, whether a drawing is necessary for an understanding of the invention. 35 U.S.C. 113.

In general, it has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113. The same practice has been followed in composition applications. Other situations in drawings are usually not considered necessary for an understanding of the invention under 35 U.S.C. 113 are:

I. *Coated articles or products:* where the invention resides solely in coating or impregnating a conventional sheet (*e.g.,* paper or cloth, or an article of known and conventional character with a particular composition), unless significant details of structure or arrangement are involved in the article claims;

II. *Articles made from a particular material or composition:* where the invention consists in making an article of a particular material or composition, unless significant details of structure or arrangement are involved in the article claims;

III. *Laminated Structures:* where the claimed invention involves only laminations of sheets (and coatings) of specified material unless significant details of structure or arrangement (other than the mere order of the layers) are involved in the article claims; or

IV. *Articles, apparatus or systems where sole distinguishing feature is presence of a particular material:* where the invention resides solely in the use of a particular material in an otherwise old article, apparatus or system recited broadly in the claims, for example:

a. A hydraulic system distinguished solely by the use therein of a particular hydraulic fluid;

b. Packaged sutures wherein the structure and arrangement of the package are conventional and the only distinguishing feature is the use of a particular material.

A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, not describing drawing figures in the specification, and filed without drawings will usually be processed for examination, so long as the application contains something that can be construed as a written description and the names of all the inventors. A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed below, so long as the application contains something that can be construed as a written description and the names of all the inventors. In a situation in which the appropriate examining group determines that drawings are necessary under 35 U.S.C. 113 the filing date issue will be reconsidered on reference from the examining group.

If a nonprovisional application does not have at least one claim, or a provisional application does not have at

least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, and is filed without drawings, the Initial Application Examination Division will mail a ''Notice of Incomplete Application'' indicating that the application lacks drawings and that 35 U.S.C. 113 requires a drawing where necessary for the understanding of the subject matter sought to be patented.

The application may file a petition under 37 CFR 1.53(c) (and the petition fee under 37 CFR 1.17(i) (37 CFR 1.17(q) in a provisional application) asserting that (1) the drawing(s) at issue was submitted, or (2) the drawing(s) is not necessary under 35 U.S.C. 113 for a filing date. The petition must be accompanied by sufficient evidence to establish the applicant's entitlement to the requested filing date (*e.g.*, a date-stamped postcard receipt (MPEP 503) to establish prior receipt in the PTO of the drawing(s) at issue). Alternatively, the applicant may submit drawing(s) accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to the drawing(s) being submitted and accept the date of such submission as the application filing date.

In design applications, the Initial Application Examination Division will mail a ''Notice of Incomplete Application'' indicating that the application lacks the drawings required under 35 U.S.C. 113. The applicant may: (1) Promptly file a petition under 37 CFR 1.53(c) (and the petition fee under 37 CFR 1.17(i)) asserting that the missing drawing(s) was submitted, or (2) promptly submit drawing(s) accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 1.64 and accept the date of such submission as the application filing date. 37 CFR 1.154(a) provides that the claim in a design application ''shall be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described.'' As such, petitions under 37 CFR 1.53(c) asserting that drawings are unnecessary under 35 U.S.C. 113 for a filing date in a design application will not be found persuasive.

Applications Filed Without All Figures of Drawings

The Initial Application Examination Division reviews application papers to determine whether all mentioned drawing figures in the specification are present in the application. If the application is filed without all of the drawing figure(s) referred to in the specification, and the application contains something that can be construed as a written description, at least one drawing, if necessary under 35 U.S.C. 113, the names of all the inventors, and, in a nonprovisional application, at least one claim, the Initial Application Examination Division will mail a ''Notice of Omitted Items'' indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the drawings described in the specification.

The mailing of a ''Notice of Omitted Items'' will permit the applicant to either: (1) Promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the drawing(s) was in fact deposited in the PTO with the application papers must file a petition under 37 CFR 1.53(c) (and the petition fee under 37 CFR 1.17(i) (37 CFR 1.17(q) in a provisional application), which will be refunded if it is determined that the drawing(s) was in fact received by the PTO with the application papers deposited on filing) with evidence of such deposit within two months of the date of the ''Notice of Omitted Items'' (37 CFR 1.181(f)). An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the ''Notice of Omitted Items'' (37 CFR 1.181(f)).

An applicant willing to accept the application as deposited in the PTO need not respond to the ''Notice of Omitted Items,'' and the failure to file a petition under 37 CFR 1.53(c) or 1.182 (and the requisite petition fee) as discussed above within two months of the date of the ''Notice of Omitted Items'' (37 CFR 1.181(f)) will be treated as constructive acceptance by the applicant of the application as deposited in the PTO. Amendment of the specification is required in a nonprovisional application to cancel all references to the omitted drawing, both in the brief and detailed descriptions of the drawings and including any reference numerals shown only in the omitted drawings. In addition, a separate letter is required in nonprovisional application to renumber the drawing figures consecutively (showing the proposed changes in red ink), if necessary, and amendment of the specification is required to correct the references to the drawing figures to correspond with any relabelled drawing figures, both in the brief and detailed descriptions of the drawings. Such amendment and correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first office action to avoid delays in the prosecution of the application.

Subsequent Treatment of Application

In instances in which a ''Notice of Incomplete Application'' has been mailed, further action by the applicant is necessary for the application to be accorded a filing date. As such, the application will be retained in the Initial Application Examination Division to await such action. Unless the applicant either completes the application or files a petition under 27 CFR 1.53(c) (and the petition fee under 37 CFR 1.17(i) or 1.17(q)) within the period set in the ''Notice of Incomplete Application,'' the application will be processed as an incomplete application under 37 CFR 1.53(c).

In instances in which a ''Notice of Omitted Items'' has been mailed, the application will be retained in the Initial Application Examination Division for a period of two months from the mailing date of ''Notice of Omitted Items'' to permit the applicant to either: (1) Establish prior receipt in the PTO of the page(s) or drawing(s) at issue, or (2) promptly submit the omitted page(s) or drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. Extensions of time under 37 CFR 1.136 will not be applicable to this two-month time period.

The grant of a petition under 37 CFR 1.182 to accept the omitted page(s) or drawing(s) in a nonprovisional application and accord the date of such submission as the application filing date will be indicated by the issuance of a new filing receipt indicating the filing date accorded the application.

Unless the applicant timely files a petition under 37 CFR 1.53(c) or 1.182 (and the requisite petition fee), the application will maintain the filing date as of the date of deposit of the application papers in the PTO, and the original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit. Nonprovisional applications that are complete under 35 CFR

1.51(a)(1) will then be forwarded to the appropriate examining group for examination of the application. Provisional applications that are complete under 35 CFR 1.51(a)(2) will then be forwarded to Files Repository. The current practice for treating applications that are not complete under 37 CFR 1.51(a) will remain unchanged (37 CFR 1.53(d)).

Any petition under 37 CFR 1.53(c) or 1.182 not filed within this two-month period may be dismissed as untimely. 37 CFR 1.181(f). Under the adopted procedure, the PTO may strictly adhere to the two-month period set forth in 37 CFR 1.181(f), and dismiss as untimely any petition not filed within this two-month period. This strict adherence to the two-month period set forth in 37 CFR 1.181(f) is justified as such applications will now be forwarded for examination at the end of this two-month period. It is further justified in instances in which the applicant seeks to submit the omitted page(s) or drawing(s) in a nonprovisional application and request the date of such submission as the application filing date since: (1) According the application a filing date later than the date of deposit may affect the date of expiration of any patent issuing on the application due to the changes to 35 U.S.C. 154 contained in Public Law 103–465, § 532, 108 Stat. 4809 (1994), and (2) the filing of a continuation-in-part application is a sufficiently equivalent mechanism for adding additional subject matter to avoid the loss of patent rights.

The submission of omitted page(s) or drawing(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) with any omitted page(s) or drawing(s), which is a cost-effective alternative in instances in which an nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the PTO's desire to minimize the processing of provisional applications, the PTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission. Instead, the applicant should simply refile the complete provisional application.

Response to Comments

Thirteen comments were received in response to the Filing Date Notice. Nine comments expressly supported the proposed change, while the remaining four comments simply made additional comments or suggested additional changes, but did not oppose the proposed change. The written comments have been analyzed, and responses to the comments follow.

Comment (1): One comment suggested that the PTO should, by rulemaking, permit the addition of subject matter in a foreign application for which priority is claimed.

Response: Where an application includes in the papers deposited on filing with the application a certified copy of a foreign application for which priority is claimed, the PTO will grant a timely petition under 37 CFR 1.182 requesting that: (1) the corresponding sheets of drawings in the foreign priority application be accepted for any omitted sheets of drawings in the application, or (2) the foreign priority application be accepted as the application as filed, which may result in the treatment of the foreign priority application as an application filed in a non-English language (37 CFR 1.52(d)).

In instances in which the foreign priority application was not present among the papers deposited on filing with the application, any addition of subject matter from the foreign priority application into the application must be considered as new matter under 35 U.S.C. 132 (and, as such, will not be permitted by petition), unless the application-as-filed specifically incorporates the foreign priority application by reference.

Drawing figures do not require translation of the subject matter shown therein and individual drawing figures are sufficiently segregated that it is considered appropriate to permit, by petition under 37 CFR 1.182, the acceptance of the corresponding sheets of drawings in the foreign priority application for any omitted sheets of drawings in the application. The specification of a foreign priority application, however, is generally subject to translation and revision prior to its filing in the PTO as the specification of an application. As such, it is considered appropriate to permit, by petition under 37 CFR 1.182, the acceptance of a foreign priority application as the application as filed, but it is not considered acceptable to permit the acceptance of a translation of portions of the foreign priority application for omitted pages of the specification.

Finally, the occurrence of situations in which it is necessary for an applicant to request that the corresponding sheets of drawings in the foreign priority application be accepted for any omitted sheets of drawings in the application, or the foreign priority application be accepted as the application as filed is relatively rare. In addition, the treatment of these few applications on an *ad hoc* basis pursuant to 37 CFR 1.182 and 1.183 has proven acceptable.

Comment (2): One comment suggested that the PTO should consider requiring a declaration from the attorney averring that the omitted matter was inadvertently omitted.

Response: First, in view of a registered practitioner's responsibilities as set forth in 37 CFR Part 10, the PTO does not generally require verification of statements by registered practitioners. *See, e.g.,* 37 CFR 1.125 and 1.137. Second, as there is no apparent benefit to omitting material from an application as deposited in the PTO, there appears to be little justification for requiring even a statement that the omitted matter was inadvertently omitted.

Comment (3): One comment questioned whether the change would be applicable to applications filed under 37 CFR 1.60 or 1.62.

Response: The adopted procedure applies to applications filed under 37 CFR 1.53.

37 CFR 1.60 requires, *inter alia,* that the application be a true copy of the prior application (37 CFR 1.60(b)(2)), and a copy that omits pages of specification or sheets of drawings from the prior application is not a true copy of the prior application. As such, a copy that omits pages of specification or sheets of drawings from the prior application is an improper application under 37 CFR 1.60, and cannot be accorded a filing date as an application under 37 CFR 1.60 until the filing error is corrected.

The PTO considers 37 CFR 1.60 to be unnecessary in view of changes to 37 CFR 1.4(d), and a trap for the unwary. The PTO has previously proposed to eliminate 37 CFR 1.60 (*See* notice of proposed rulemaking entitled ''Changes to Implement 20-Year Patent Term and Provisional Application'' (20-Year Term Notice of Proposed Rulemaking) published in the Federal Register at 59 FR 63951 (December 12, 1994), and in the Patent and Trademark Office *Official Gazette* at 1170 *Off. Gaz. Pat. Office* 377 (January 3, 1995)), and will again propose to eliminate 37 CFR 1.60, as well as 37 CFR 1.62, in an impending rulemaking to implement the Administration's regulatory reform initiative.

A continuation or divisional application may be filed under 35 U.S.C. 111(a) using the procedures set forth in 37 CFR 1.53(b)(1), by providing

a copy of the prior application, including a copy of the oath or declaration in such prior application, as filed. The patent statutes and rules of practice do not require that an oath or declaration include a recent date of execution, and the Examining Corps has been directed not to object to an oath or declaration as lacking either a recent date of execution or any date of execution. This change in examining practice will appear in the next revision of the MPEP. As is currently the situation under 37 CFR 1.60 and 1.62, the applicant's duty of candor and good faith including compliance with the duty of disclosure requirements of § 1.56 is continuous and applies to the continuation or divisional application, notwithstanding the lack of a newly executed oath or declaration.

37 CFR 1.60(b)(4) and 1.62(a) currently permit the filing of a continuation or divisional application by less than all of the inventors named in a prior application without a newly executed oath or declaration. The oath or declaration in an application filed under 37 CFR 1.53(b), however, must identify the inventorship of such application. Thus, unless it is necessary to file a continuation or divisional application under 37 CFR 1.60 to name less than all of the inventors named in a prior application, applicants are encouraged to file continuing applications under 37 CFR 1.53(b) (*i.e.*, omit any reference to 37 CFR 1.60 in the application papers) to avoid an inadvertent failure to comply with all of the requirements of 37 CFR 1.60.

An application under 37 CFR 1.62 uses the content of the prior application, and is itself only a request for an application under 37 CFR 1.62. As such, there is no concern that an application under 37 CFR 1.62 will be filed without all the pages of the specification or without all of the figures of the drawings.

Comment (4): One comment questioned whether a filing date would be accorded if the name of an inventor were omitted.

Response: 37 CFR 1.41 and 1.53 currently require that an application be filed in the name of the actual inventor or inventors, and this notice does not involve changes to the rules of practice. The PTO will propose to eliminate this requirement in 37 CFR 1.41 and 1.53 in the rulemaking to implement the Administration's regulatory reform initiative.

Comment (5): One comment suggested that the notices be mailed out as soon as possible to avoid a loss of rights for those applicants who require completion or refiling of the application. Another comment suggested that the decision as to whether an application is ''incomplete'' should be made by the Examining Corps, rather than on a formalistic basis by the Initial Application Examination Division.

Response: The efficient pre-examination processing of applications is in the mutual interest of the PTO and applicants. The PTO is currently in the process of modifying its pre-examination processing procedures to avoid any unnecessary delay. This new procedure will not impact the pre-examination processing of applications, in that the Initial Application Examination Division will mail a ''Notice of Incomplete Application,'' ''Notice of Omitted Items,'' and ''Notice to File Missing Parts'' under this new procedure at the time the ''Notice of Incomplete Application'' and ''Notice to File Missing Parts'' are currently mailed.

The adopted procedure replaces formalistic procedures with procedures based upon the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113. Filing date issues are ultimately decided by the Office of Petitions in the Office of the Deputy Assistant Commissioner for Patent Policy and Projects (MPEP 1002.02(b)(35)) on the basis of whether and when the application meets the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113, and not on the basis of who made the initial decision not to accord a filing date to the application.

It should be recognized that there is tension between the comments objecting to any review of the entitlement of an application to a filing date by the Initial Application Examination Division (arguing that this issue should be considered only the Examining Corps) and the desire for speedy notification to the applicant that a portion of the application appears to have been omitted. To defer all review of the entitlement of an application to a filing date until the application is picked-up for examination would cause a significant delay in any such notification to the applicant.

Comment (6): One comment noted that 35 U.S.C. 111(b) does not require a claim for a provisional application. Several comments suggested that the PTO automatically treat any nonprovisional application filed without at least one claim as a provisional application, if such application is otherwise entitled to a filing date as a provisional application.

Response: A provisional application does not require a claim to be entitled to a filing date. As discussed *supra*, an applicant in an application, other than for a design patent, filed under 35 U.S.C. 111(a) on or after June 8, 1995, without at least one claim has the alternative of filing a petition under 37 CFR 1.53(b)(2)(ii) to convert such application into an application under 35 U.S.C. 111(b). The PTO does not consider it appropriate to ''automatically'' consider an application filed under 35 U.S.C. 111(a) without a claim to be an application under 35 U.S.C. 111(b) (a provisional application), since the applicant may not desire an application under 35 U.S.C. 111(b), and may desire to file a claim to obtain an application filing date as of the date of submission of such claim.

Comment (7): One comment suggested that the MPEP should clearly indicate that applications filed without all the pages of specification or all the figures of drawings described in the specification cannot automatically be treated as defective under 35 U.S.C. 112, but must be considered for compliance with 35 U.S.C. 112 by the subject matter that is present in the application papers.

Response: In an effort to improve the examination of applications, chapter 2100 of the MPEP has been revised to set forth specific guidelines for rejections under 35 U.S.C. 101, 102, 103, and 112. MPEP 2161 *et seq.* set forth the guidelines for rejections under 35 U.S.C. 112, first and second paragraphs, and do not authorize a rejection under 35 U.S.C. 112 based merely upon the fact that pages of specification or figures of drawing were omitted.

Comment (8): One comment questioned whether the proposed procedure for the treatment of applications filed without all the pages of specification or all the figures of drawings described in the specification is applicable to provisional applications, noting that 35 U.S.C. 111(b) provides that a claim is not required in a provisional application.

Response: The adopted procedure applies to applications (both provisional and nonprovisional) filed under 37 CFR 1.53. The procedure recognizes that 35 U.S.C. 111(b) does not require a claim in a provisional application.

Comment (9): One comment suggested that the two-month period for taking action would be unfair in instances in which the PTO prepares and enters the notice into the Patent Application Locating and Monitoring (PALM) system but fails to mail the notice or mails the notice to an incorrect correspondence address.

Response: The ''Notice of Omitted Items'' is not an action within the meaning of 35 U.S.C. 113 to which a response is required to avoid

abandonment. An applicant simply has the opportunity to file a petition, but need not take action, in response to a ''Notice of Omitted Items.'' Thus, the timeliness of any such petition is governed by 37 CFR 1.181(f). 37 CFR 1.181(f) provides that any petition not filed within two months from the action complained of may be dismissed as untimely.

Establishing prior receipt in the PTO of the page(s) or drawing(s) at issue or submitting the omitted page(s) or drawings(s) and accepting the date of such submission as the application filing date would result in an addition to the papers constituting the original disclosure of the application, and submitting the omitted page(s) or drawings(s) and accepting the date of such submission as the application filing date would result in a change in application filing date. As a change in either the original disclosure or filing date of an application would interfere with the examination of the application for compliance with 35 U.S.C. 102, 103, and 112, the PTO will not forward an application in which a ''Notice of Omitted Items'' has been mailed for examination until it is apparent that the applicant has not responded to the ''Notice of Omitted Items.'' Thus, a nonprovisional application will not be processed for examination, and the examination of the application will be delayed, until the expiration of two months from the mailing date of ''Notice of Omitted Items.'' The two-month period set forth in 37 CFR 1.181(f) is considered an appropriate balance between providing an applicant sufficient time to take action in response to a ''Notice of Omitted Items'' and avoiding unnecessary delays in the examination of the application, which would be undesirable in view of 35 U.S.C. 154 as amended by Public Law 103–465. While an applicant willing to accept a nonprovisional application as deposited in the PTO need not respond to the ''Notice of Omitted Items,'' the filing of an express communication to that effect would permit the PTO to proceed with the processing of the application for examination, and, as such, may reduce the delay in the examination of the application.

While a ''Notice of Omitted Items'' is not an action within the meaning of 35 U.S.C. 133, the principles regarding nonreceipt or delayed receipt of a ''Notice of Omitted Items,'' due either to a failure on the part of the PTO to properly mail such notice or a failure on the part of the U.S. Postal Service to deliver such notice to the correspondence address in a timely manner, are applicable to the nonreceipt or delayed receipt of a ''Notice of Omitted Items.'' Applicants are directed to the Notice entitled ''Withdrawing the Holding of Abandonment when Office Actions Are Not Received,'' published in the PTO *Official Gazette* at 1156, *Off. Gaz. Pat. Office* 53 (November 16, 1993), for the evidence necessary to establish nonreceipt of a ''Notice of Omitted Items,'' and the Notice entitled ''Procedures For Restarting Response Periods,'' published in the PTO *Official Gazette* at 1160 *Off. Gaz. Pat. Office* 14 (March 1, 1994), for the evidence necessary to establish delayed receipt of a ''Notice of Omitted Items.''

Comment (10): One comment suggested that while the proposed procedure is an improvement, it still conflicts with 35 U.S.C. 112 and 113. The comment specifically argues that the sufficiency of an application is a matter for determination by an examiner skilled in the subject matter of the application, in that Congress did not intend that the sufficiency of an application be determined by the Initial Patent Examination Division.

Response: The adopted procedure will accord a filing date to any application that contains something that can be construed as a written description, any necessary drawing, and, in a nonprovisional application, at least one claim. This procedure is consistent with the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113. 35 U.S.C. 113, second sentence, contemplates that drawings may be filed after the filing date of an application. 35 U.S.C. 113, however, provides that an ''application shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented,'' and 35 U.S.C. 111(a)(4) and 111(b)(4) each provide, in part, that the ''filing date * * * shall be the date on which * * * any required drawing are received in the Patent and Trademark Office.'' As such, the PTO has the statutory authority, and responsibility, to determine whether a drawing is necessary under 35 U.S.C. 113 in an application filed without drawings prior to according a filing date to that application.

There is nothing in 35 U.S.C. 111, 112, or 113 that limits the authority of the Commissioner to delegate the determination of whether or when any application meets the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113. In any event, filing date issues are, as discussed *supra*, ultimately decided by Office of the Deputy Assistant Commissioner for Patent Policy and Projects on the basis of whether and when the application meets the requirements for a filing date as set forth in 35 U.S.C. 111, 112, and 113, and not on the basis of who made the initial decision not to accord a filing date to the application.

Comment (11): One comment suggested that the proposed procedure be adopted by rulemaking. Another comment suggested that the proposed procedure either be adopted by rulemaking or clearly set forth in the MPEP.

Response: 37 CFR 1.53(b)(1) provides that the ''filing date of an application for patent filed under this section, except for a provisional application, is the date on which a specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41.'' 37 CFR 1.53(b)(2) provides that the ''filing date of a provisional application is the date on which: a specification as prescribed by 35 U.S.C. 112, first paragraph; and any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41.'' Thus, no change to the rules of practice is necessary to adopt the procedure set forth in this notice.

It should be noted that the MPEP 608.01 sets forth the former procedure for treating an application filed without all of the pages of specification or filed under 35 U.S.C. 111(a) without at least one claim. Likewise, MPEP 608.02 sets forth the former procedure for treating an application filed without drawings or all of the figures of drawings.

The next revision of the MPEP will incorporate the change in procedure set forth in this notice.

Dated: June 5, 1996.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 96–15049 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–16–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of a Guaranteed Access Levels for Certain Cotton Textile Products Produced or Manufactured in Guatemala

June 6, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

On the request of the Government of Guatemala, the U.S. Government agreed to increase the 1996 Guaranteed Access Level for Categories 347/348.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 6, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 10, 1996, you are directed to increase the Guaranteed Access Level for Categories 347/348 to 1,600,000 dozen [1].

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14947 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1995.

Adjustment of Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

June 6, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

On the request of the Government of Jamaica, the U.S. Government agreed to increase the 1996 Guaranteed Access Levels for Categories 338/339/638/639 and 352/652.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 6, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Jamaica and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 6, 1996, you are directed to increase the Guaranteed Access Levels for the following categories:

Category	Guaranteed Access Level
338/339/638/639	4,000,000 dozen.
352/652	13,000,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14946 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

June 6, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the

bulletin boards of each Customs port or call (202) 927–6713. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted, variously, for swing, special shift, carryover and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62412, published on December 7, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 6, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on Novembr 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996.

Effective on June 10, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
Levels in Group I	
237	1,698,166 dozen.
336	609,625 dozen.
341/641	886,076 dozen.
350	88,999 dozen.
352/652	2,334,564 dozen.
359–C/659–C [2]	778,546 kilograms.
361	1,605,205 numbers.
369–S [3]	221,684 kilograms.
431	184,503 dozen pairs.
443	42,374 numbers.
447	7,897 dozen.
611	5,544,949 square meters.
633	47,713 dozen.
636	1,642,121 dozen.
638/639	1,767,077 dozen.
643	684,915 numbers.
645/646	685,288 dozen.
647/648	1,127,269 dozen.
649	7,450,205 dozen.
650	97,642 dozen.
847	897,477 dozen.
Group II	
200–229, 300–326, 330, 332, 349, 353, 354, 359–O [4], 360, 362, 363, 369–O [5], 400–414, 432, 434–442, 444, 448, 459, 464–469, 600–607, 613–629, 630, 632, 644, 653, 654, 659–O [6], 665, 666, 669–O [7], 670–O [8], 831–846 and 850–859, as a group.	138,169,957 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–S: only HTS number 6307.10.2005.

[4] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359–C).

[5] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S).

[6] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090 (Category 659–H).

[7] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000 (Category 669–P).

[8] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025 (Category 670–L).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14948 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in Taiwan

June 6, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for swing and special swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 3004, published on January 30, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist

only in the implementation of certain of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 6, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 24, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 10, 1996, you are directed to increase the limits for the following categories, as provided for under the current bilateral textile agreement concerning textile products from Taiwan:

Category	Adjusted twelve-month limit [1]
Sublevels in Group I	
225/317/326	38,201,702 square meters.
611	3,102,180 square meters.
613/614/615/617	19,239,414 square meters.
619/620	14,141,268 square meters.
Within Group I Subgroup	
604	232,005 kilograms.
Sublevels in Group II	
336	115,756 dozen.
338/339	805,859 dozen.
347/348	1,294,577 dozen of which not more than 1,128,827 dozen shall be in Categories 347–W/348–W [2].
435	25,852 dozen.
443	43,485 numbers.
444	61,930 numbers.
445/446	140,781 dozen.
647/648	5,571,721 dozen of which not more than 5,248,544 dozen shall be in Categories 647–W/648–W [3].
Within Group II Subgroup	
447/448	21,223 dozen.
636	398,293 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 347–W: only HTS numbers 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.22.3030, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.42.4050, 6203.42.4060, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–W: only HTS numbers 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.22.3050, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.62.4055, 6204.62.4065, 6204.69.6010, 6204.69.9010, 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[3] Category 647–W: only HTS numbers 6203.23.0060, 6203.23.0070, 6203.29.2030, 6203.29.2035, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.43.4030, 6203.43.4040, 6203.49.1500, 6203.49.2015, 6203.49.2030, 6203.49.2045, 6203.49.2060, 6203.49.8030, 6210.40.5030, 6211.20.1525, 6211.20.3820 and 6211.33.0030; Category 648–W: only HTS numbers 6204.23.0040, 6204.23.0045, 6204.29.2020, 6204.29.2025, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.63.3532, 6204.63.3540, 6204.69.2510, 6204.69.2530, 6204.69.2540, 6204.69.2560, 6204.69.6030, 6204.69.9030, 6210.50.5035, 6211.20.1555, 6211.20.6820, 6211.43.0040 and 6217.90.9060.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–14949 Filed 6–12–96; 8:45 am]

BILLING CODE 3510–DR–F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 96–C0007]

In the Matter of National Media Corporation, a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the Federal Register in accordance with the terms of 16 CFR 1118.20(f). Published below is a provisionally-accepted Settlement Agreement with National Media Corporation, a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by June 28, 1996.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 96–C0007, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: William J. Moore, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: June 7, 1996.

Sadye E. Dunn,

Secretary.

In the Matter of National Media Corporation, a corporation; CPSC Docket No. 96–C0007.

Settlement Agreement and Order

1. National Media Corporation (hereinafter, ''National Media'' or ''Respondent''), a corporation, enters into this Settlement Agreement and Order (hereinafter, ''Agreement'') with the staff of the Consumer Product Safety Commission pursuant to the procedures set forth in 16 CFR § 1118.20 of the Commission's Procedures for Investigations, Inspections,and Inquiries under the Consumer Product Safety Act, 15 U.S.C. 2051, *et seq*, (''CPSA'').

I. The Parties

2. The ''staff'' is the staff of the Consumer Product Safety Commission (hereinafter, ''Commission'' or ''CPSC''), an independent regulatory commission of the United States established pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

3. National Media is a corporation organized and existing under the laws of the State of Delaware, with its principal corporate offices located at 1700 Walnut Street, Philadelphia, PA 19103.

II. Allegations of the Staff

4. Between 1991 and 1993, National Media distributed approximately 77,000 units of the Juice Tiger Juicer, Models No. 204–SP and JE–1000 (hereinafter, ''Juice Tiger''). National Media is, therefore, a ''distributor'' and a ''private labeler'' as those terms are defined in sections 3(a)(5) and (7)(A) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2052(a)(5) and (7)(A).

5. The Juice Tiger is a portable household appliance that pulps fruits and vegetables and turns them into juice. The Juice Tiger is a ''consumer product'' which was '' distributed in commerce'' as those terms are defined

in sections 3(a) (1) and (11) of the CPSA, 15 U.S.C. 2052(a) (1) and (11).

6. The metal grater/filter basket of the Juice Tiger can break apart, dislodging or breaking the protective plastic upper cover and allowing parts of the basket and/or cover to be propelled out of the unit.

In 1992 and 1993, National Media received complaints from consumers describing Juice Tiger failure in the manner explained above. Some of the reported incidents have resulted in bruises, lacerations, and eye injury.

7. National Media obtained information which reasonably supported the conclusion that its Juice Tiger contained defects which could create a substantial product hazard but failed to report that information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

III. Response of National Media

8. National Media denies the allegations of the staff that the Juice Tiger contains any defect which could create a substantial product hazard pursuant to section 15(a) of the CPSA, 15 U.S.C. 2064(a), and further denies that it violated the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

IV. Agreement of the Parties

9. The Commission has jurisdiction over this matter under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 *et seq.*

10. National Media, knowingly, voluntarily and completely waives any rights it may have (1) to an administrative or judicial hearing with respect to the staff allegations cited herein, (2) to judicial review or other challenge or contest of the validity of the Commission's Order, (3) to a determination by the Commission as to whether a violation of section 15(b) of the CPSA, 15 U.S.C. 2064(b), has occurred, and (4) to a statement of findings of fact and conclusion of law with regard to the staff allegations.

11. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the Federal Register in accordance with 16 C.F.R. 1118.20(f).

12. The Settlement Agreement and Order becomes effective upon final acceptance by the Commission and its service upon National Media.

13. Upon final acceptance of this Settlement Agreement by the Commission, the Commission will issue a press release to advise the public of the civil penalty Settlement Agreement and Order.

14. National Media agrees to entry of the attached Order, which is incorporated herein by reference, and to be bound by its terms.

15. This Settlement Agreement is binding upon National Media and the assigns or successors of National Media.

16. Agreements, understandings, representations, or interpretations made outside this Settlement Agreement and Order may not be used to vary or to contradict its terms.

National Media Corporation.

Dated: March 26, 1996.

Marshall A. Fleisher,

Vice President, National Media Corporation.

The Consumer Product Safety Commission.

David Schmeltzer,

Assistant Executive Director, Office of Compliance.

Dated: June 6, 1996.

Eric L. Stone,

Acting Director, Division of Administrative Litigation, Office of Compliance.

William J. Moore,

Trial Attorney, Division of Administrative Litigation, Office of Compliance.

In the Matter of National Media Corporation, a corporation; CPSC Docket No. 96–C0007.

Order

Upon consideration of the Settlement Agreement entered into between Respondent, National Media Corporation, a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and National Media Corporation; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted; and it is further ordered, that upon final acceptance of the Settlement Agreement and Order, National Media Corporation shall pay the Commission a civil penalty in the amount of one hundred fifty thousand and 00/100 dollars ($150,000.00) within ten (10) days after service of this Final Order upon the Respondent, National Media Corporation.

Provisionally accepted and Provisional Order issued on 7th day of June 1996.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 96–14942 Filed 6–12–96; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF DEFENSE

Notice and Request for Comments Regarding a Proposed Extension of an Approved Information Collection Requirement

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through December 31, 1996. DoD proposes that OMB extend its approval for use through December 31, 1999.

DATES: Consideration will be given to all comments received by August 12, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection requirement should be sent to: Defense Acquisition Regulations Council, Attn: Mr. Michael Pelkey, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350. Please cite OMB Control Number 0704–0353 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Pelkey, at (703) 602–0131. A copy of this information collection requirement is available electronically via the Internet at: http://www.dtic.mil/dfars/

Paper copies may be obtained from Mr. Michael Pelkey, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062

Title, Associated Form, and OMB Number: Responsible Prospective Contractors, Disclosure of Ownership or Control by a Foreign Government, Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 209.1 and the provision at 252.209–7002; no form is used for this information collection; OMB Number 0704–0353.

Needs and Uses: 10 U.S.C. 2536 prohibits award of a DoD contract under a national security program to an entity controlled by a foreign government, if access to a proscribed category of information is necessary for the performance of the contract. This information collection is used by contracting officers to identify offers from companies controlled by a foreign government, to ensure compliance with 10 U.S.C. 2536.

Affected Public: Businesses or other for-profit, not-for-profit institutions, and small businesses or organizations.

Annual Burden Hours: 25.

Number of Responses: 25.

Responses Per Respondent: 1.

Average Burden Per Response: 1 hour.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The guidance at DFARS 209.104 (48 CFR 209.104) and the solicitation provision at DFARS 252.209–7002 (48 CFR 252.209–7002) implement the requirements of 10 U.S.C. 2536. The provision at DFARS 252.209–7002 requires that offerors under solicitations for contracts involving proscribed information disclose any interest a foreign government has in the offeror, when that interest constitutes control by a foreign government.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 96–14957 Filed 6–12–96; 8:45 am]

BILLING CODE 5000–04–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 June 11, 1996. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before [insert the 60th day after publication of this notice].

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, S.W., 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, S.W., 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. Sherill (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 requirements 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: June 7, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: Safe and Drug-Free Schools and Communities Federal Activities Grants Program.

Abstract: The Department of Education has a need for high quality, research-based projects to prevent drug use by youth, remove weapons from school, prevent truancy and other behaviors that result in youth being out of the education mainstream, and prevent violent, intimidating, and disruptive behavior among youth. Information collected will be used to evaluate applications from public and private non-profit institutions and individuals.

Additional Information: The information provided in the application will be used by the Department of Education to evaluate new applications and ensure that available funds are used for projects which are consistent with the statute and will most effectively achieve the purposes of the Federal Activities section of the Safe and Drug-Free Schools and Communities Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs and LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 300; Burden Hours: 8,400.

[FR Doc. 96–14984 Filed 6–12–96; 8:45 am]

BILLING CODE 4000–01–P

President's Board of Advisors on Historically Black Colleges and Universities; Meeting

AGENCY: President's Board of Advisors on Historically Black Colleges and Universities, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the President's Board of Advisors on Historically Black Colleges and Universities. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: June 27, 1996 from 1 p.m. to 5 p.m. and June 28, 1996 from 9:00 a.m to 5:00 p.m.

ADDRESSES: The meeting will be held at the Park Hyatt Hotel located at 1201 24th Street NW, Washington, D.C. Call (202) 708–8667 for further information.

FOR FURTHER INFORMATION CONTACT:

Nancy Davis, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 600 Independence Avenue, SW, The Portals Building, Suite 605, Washington, DC 20202–5120. Telephone: (202) 708–8667.

SUPPLEMENTARY INFORMATION: The President's Board of Advisors on Historically Black Colleges and Universities is to issue an annual report to the President on HBCU participation in Federal programs, and to advise the Secretary of Education on increasing the private sector role in strengthening HBCUs.

The meeting of the Board is open to the public. The meeting will be primarily devoted to discussion of the reauthorization of the Higher Education Act and other higher education issues.

Records are kept of all Board proceedings, and are available for public inspection at the White House Initiative on Historically Black Colleges and Universities located at 1250 Maryland Avenue, S.W., The Portals Building, Suite 605, Washington, DC 20202, from the hours of 8:30 am to 5:00 pm.

Dated: May 31, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 96–15068 Filed 6–12–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC96–26–000]

Cleveland Electric Illuminating Company and Jersey Central Power & Light Company; Notice of Filing

June 7, 1996.

Take notice that on June 6, 1996, Cleveland Electric Illuminating Company (CEI) and Jersey Central Power and Light Company (JCP&L) filed pursuant to Section 203 of the Federal Power Act an application for approval of a lease by CEI to JCP&L of certain jurisdictional facilities associated with CEI's ownership interest in the Seneca pumped storage hydroelectric plant. the generation capacity being acquired by JCP&L pursuant to the lease Agreement is intended to enable it to serve its customers in an economic and reliable manner.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in accordance with 18 CFR 385.207 and 385.212. All such petitions or protests should be filed on or before June 24, 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. 96–15018 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–269–000]

East Tennessee Natural Gas Company; Notice of Tariff Filing

June 7, 1996.

Take notice that on June 5, 1996, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets with a proposed effective date of July 1, 1996.

First Revised Sheet No. 50
First Revised Sheet No. 51
Second Revised Sheet No. 52
First Revised Sheet No. 52A
Second Revised Sheet No. 53
Second Revised Sheet No. 55
Original Sheet No. 55A
Original Sheet No. 55B

East Tennessee states that it is filing the instant tariff sheets to allow East Tennessee' customers to use their firm storage contracts with Tennessee Gas Pipeline Company (''Tennessee'') to manage the difference between scheduled and actual flows on a daily basis at East Tennessee's delivery points. East Tennessee states that it is filing revised tariff sheets so that it can test the proposed Swing Storage Option with a designated group of customers in a Pilot Program. After completion of the Pilot Program, East Tennessee will move to place the tariff sheets into effect on a systemwide basis or will propose modifications of those sheets based on actual operating experience.

East Tennessee further states that Tennessee is making a filing simultaneously herewith setting forth the requirements during the Pilot Program to allow for downstream pipelines and their customers to use Tennessee's storage in a similar fashion.

Any person desiring to be heard or to make any protest with reference to said filing 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 Section 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14992 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–10–23–001]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 7, 1996.

Take notice that on June 5, 1996, Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, certain revised tariff sheets in the above captioned docket, with proposed effective dates of April 1, 1996 and May 1, 1996, respectively.

To Be Effective April 1, 1996

Sub 1st Rev Sub Seventy-Eighth Rev Sheet No. 6
1st Rev Sub Forty-Second Rev Sheet No. 12A
Sub 1st Rev Thirty-First Rev Sheet No. 14A
Sub 1st Rev Twenty-Ninth Rev Sheet No. 15A

To Be Effective May 1, 1996

Sub 1st Rev Seventy-Ninth Rev Sheet No. 6
Sub Thirty-Second Rev Sheet No. 14A
Sub Thirtieth Rev Sheet No 15A

On May 1, 1996, ESNG filed with the Commission revised rates to track a) storage service purchased from Transcontinental Gas Pipe Line Corporation (Transco) under Transco's Rate Schedules GSS and LSS the costs of which are included in the rates and charges payable under ESNG's Rate Schedules GSS and LSS effective beginning April 1, 1996 and b) storage service purchased from Columbia Gas Transmission (Columbia) under Columbia's Rate Schedules SST and FSS the costs of which are included in the rates and charges payable under ESNG's Rate Schedules CWS and CFSS effective April 1, 1996 and May 1, 1996. It has since come to SNG's attention, per FERC Order dated May 29, 1996, that ESNG's original filing contained various errors. Therefore, the instant filing is being made to correct those various errors contained in the original filing.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR Section 325.211). All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14991 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR96–9–000]

Louisiana State Gas Corporation; Notice of Petition for Rate Approval

June 7, 1996.

Take notice that on May 31, 1996, Louisiana State Gas Corporation (Louisiana) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a rate of $0.1655 per MMBtu for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Louisiana states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA and it owns and operates an intrastate pipeline system in the State of Louisiana. Louisiana proposes an effective date of June 1, 1996.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before June 24, 1996. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14993 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–265–000]

PECO Energy Company v. Texas Eastern Transmission Corporation, Notice of Complaint

June 7, 1996.

Take notice that on June 3, 1996, PECO Energy Company (PECO Energy) tendered for filing a complaint against Texas Eastern Transmission Corporation (Texas Eastern.) PECO Energy requests that the Commission order Texas Eastern to provide service on Line 1–A of the Philadelphia Lateral so that: PECO Energy can meet 1996–1997 winter heating requirements on its system.

Specifically, PECO Energy states that it has sought increased deliverability off the Philadelphia Lateral due to increased load growth. Texas Eastern originally offered to build a new lateral adjacent to Line 1–H of the Philadelphia Lateral at a cost in excess of $30 million.

Accordingly to PECO Energy it subsequently discovered that there was an existing lateral adjacent to Line 1–A. Line 1–A is an existing certificated facility. Texas Eastern neither has requested nor received abandonment authorization for Line 1–A.

PECO Energy further states that Texas Eastern then offered to make Line 1–A available for service but only on the condition that PECO Energy pay Texas Eastern $4.58 million for hydrostatic testing and a regulating facility. PECO Energy avers that Texas Eastern is responsible for such costs given the certificated status of Line 1–A, and that PECO Energy should be responsible only for the cost of two new delivery points.

PECO Energy states that it has served copies of the complaint by express delivery to representatives of Texas Eastern.

Texas Eastern shall file any answer to the complaint with the Commission on or before July 3, 1996 in accordance with Section 385.213 of the Commission's Rules and Regulations.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before July 3, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before July 3, 1996.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14994 Filed 6–12 –96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP96–268–000]

Tennessee Gas Pipeline Company; Notice of Tariff Filing

June 7, 1996.

Take notice that on June 5, 1996, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised

tariff sheets with a proposed effective date of July 1, 1996.

First Revised Sheet No. 209E

Original Sheet No. 209F
Original Sheet No. 209G
Original Sheet No. 209H
Original Sheet No. 593A
Original Sheet No. 593B

Tennessee states that it is filing the instant tariff sheets to allow Balancing Parties on Tennessee who are also interstate pipelines to enable their customers that have contracts with Tennessee for firm storage under Rate Schedule FS, to use that Tennessee firm storage for balancing purposes. Specifically, the tendered tariff sheets will enable customers that do not directly connect with Tennessee's system to use their FS storage for swing purposes similar to the manner by which Tennessee's directly connected customers currently can use Tennessee's Storage Swing Option for balancing purposes. Tennessee states that it is filing the revised tariff sheets so that it can test the proposed Downstream Storage Swing Option (''DSS Option''), using its downstream affiliate pipeline, East Tennessee Natural Gas Company (East Tennessee), and a group of East Tennessee customers that hold FS storage on Tennessee in a Pilot Program. After completion of the Pilot Program, Tennessee will move to place the sheets into effect on a systemwide basis or will propose modifications of those sheets based on actual operating experience.

Tennessee further states that East Tennessee is filing tariff sheets simultaneously herewith that will permit its designated customers to use their Tennessee storage for balancing purposes as part of the Pilot Program.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14995 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM96–2–43–005]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 7, 1996.

Take notice that on June 5, 1996, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with a proposed effective date of January 1, 1996:

Third Substitute Eighth Revised Sheet No. 6
Third Substitute Ninth Revised Sheet No. 6A

WNG states that this filing is being made pursuant to Commission staff request. WNG made a filing in compliance with Commission order (order) issued May 13, 1996, in Docket No. TM96–2–43–001 on May 22, 1996. Second Substitute Eighth Revised Sheet No. 6 in that filing contained an inadvertent error in footnote No. 5. Commission staff asked WNG to refile the tariff sheets to correct this error.

WNG states that this filing is also being made in compliance with the order, which directed WNG to file revised tariff sheets within 15 days of the date of the order to comply with section 154.102(e)(5) of the Commission's regulations. Section 154.102(e)(5) requires tariff sheets which are filed to comply with a Commission order to carry the following notation in the bottom margin: ''Filed to comply with order of the Federal Energy Regulatory Commission, Docket No. (number), issued (date), (FERC Reports citation).''

WNG states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14996 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1891–000, et al.]

Kansas Gas and Electric Company, et al.; Electric Rate and Corporate Regulation Filings

June 6, 1996.

Take notice that the following filings have been made with the Commission:

1. Kansas Gas and Electric Company

[Docket No. ER96–1891–000]

Take notice that on May 22, 1996, Kansas Gas and Electric Company tendered for filing a Notice of Cancellation of Supplement No. 4 to Supplement No. 27 to Rate Schedule FERC No. 93.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Power and Light Company

[Docket No. ER96–1916–000]

Take notice that on May 24, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and TransCanada Power Corp. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 1, 1996.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. The Dayton Power and Light Company

[Docket No. ER96–1917–000]

Take notice that on May 24, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and Eastex Power Marketing Inc. (Eastex).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to Eastex power and/or energy for resale.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. The Dayton Power and Light Company)

[Docket No. ER96–1918–000]

Take notice that on May 24, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and Western Power Services Inc. (WPS).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to WPS power and/or energy for resale.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER96–1920–000]

Take notice that on May 24, 1996, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Service Agreements to add Coral Power, L.L.C., PanEnergy Power Services, Inc., Southern Energy Marketing, Inc., TransCanada Power Corp., and Western Power Services, Inc. as Customers under Allegheny Power's Point-to-Point Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission. Allegheny Power proposes to make service available to Customers as of May 23, 1996.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company

[Docket No. ER96–1921–000]

Take notice that on May 24, 1996, Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively CSW Operating Companies), tendered for filing corrected pages to their open access transmission tariffs accepted for filing in the above-captioned docket on April 10, 1996. The revised tariff sheets correct the rate for the loss compensation service provided under the transmission tariffs. The CSW Operating Companies request that the revised tariff sheets be accepted to become effective as of April 10, 1996.

Copies of the filing have been served on all customers of the affected tariffs, the Public Utility Commission of Texas, the Oklahoma Corporation Commission, the Arkansas Public Service Commission, and the Louisiana Public Service Commission. Copies of this filing will also be available for public inspection in the general offices of CPL in Corpus Christi, Texas, of WTU in Abilene, Texas, of PSO in Tulsa, Oklahoma, and of SWEPCO in Shreveport, Louisiana.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER96–1922–000]

Take notice that on May 24, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and TransCanada Power Corp.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1923–000]

Take notice that on May 24, 1996, Northern States Power Company (Minnesota)(NSP), tendered for filing the following agreements:

- Transmission Service Agreement between NSP and Commonwealth Edison Company.
- Transmission Service Agreement between NSP and InterCoast Power Marketing Company.
- Transmission Service Agreement between NSP and Minnesota Power and Light Company.
- Transmission Service Agreement between NSP and Tennessee Power Company.

NSP requests that the Commission accept the agreements effective April 26, 1996, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1924–000]

Take notice that on May 24, 1996, Northern States Power Company (Minnesota)(NSP), tendered for filing the following agreements:

- Transmission Service Agreement between NSP and Commonwealth Edison Company.
- Transmission Service Agreement between NSP and InterCoast Power Marketing Company.
- Transmission Service Agreement between NSP and Minnesota Power and Light Company.
- Transmission Service Agreement between NSP and Tennessee Power Company.

NSP requests that the Commission accept the agreements effective April 25, 1996, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1925–000]

Take notice that on May 24, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing the following agreements:

- Transmission Service Agreement between NSP and Commonwealth Edison Company.
- Transmission Service Agreement between NSP and InterCoast Power Marketing Company.
- Transmission Service Agreement between NSP and Minnesota Power and Light Company.
- Transmission Service Agreement between NSP and Tennessee Power Company.

NSP requests that the Commission accept the agreements effective April 25, 1996, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1926–000]

Take notice that on May 24, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing the following agreements:

- Transmission Service Agreement between NSP and Commonwealth Edison Company.

○ Transmission Service Agreement between NSP and InterCoast Power Marketing Company.

○ Transmission Service Agreement between NSP and Minnesota Power and Light Company.

○ Transmission Service Agreement between NSP and Tennessee Power Company.

NSP requests that the Commission accept the agreements effective April 26, 1996, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Central Illinois Public Service Company

[Docket No. ER96–1927–000]

Take notice that on May 23, 1996, Central Illinois Public Service Company (CIPS) submitted a Service Agreement dated May 17, 1996, establishing Carolina Power & Light Company (CP&L) as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of May 17, 1996, for the service agreement and the revised Index of Customers. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon CP&L and the Illinois Commerce Commission.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1928–000]

Take notice that on May 24, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing the Transmission Service Agreement between NSP and Koch Power Services Inc.

NSP requests that the Commission accept the agreement effective April 24, 1996, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1929–000]

Take notice that on May 28, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing Supplement No. 9 to the Interconnection and Interchange Agreement between NSP and United Power Association (UPA). This supplement establishes a second metered control area boundary at the Benton County Substation, removes the Elk River Interconnection, and corrects a typographical error in the description of the Shafer Interconnection.

NSP requests that the Commission accept the supplement effective May 29, 1996, and requests waiver of the Commission's notice requirements in order for the supplement to be accepted for filing on the date requested.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Power Fuels, Inc.

[Docket No. ER96–1930–000]

Take notice that on May 28, 1996, Power Fuels, Inc. (PFI), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting Power Fuels, Inc. Electric Rate Schedule FERC No. 1 to be effective no later than sixty (60) days from the date of its filing.

PFI intends to serve the electric power market as a marketer of electric power. PFI seeks authority to purchase electric capacity, energy or transmission services from third parties, and to sell such capacity and energy to others at negotiated, market-based rates. PFI does not own or control nor is it affiliated with any entity which owns or controls electric generation, transmission, or distribution facilities.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Virginia Electric and Power Company

[Docket No. ER96–1931–000]

Take notice that on May 28, 1996, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between MidCon Power Services Corporation and Virginia Power, dated April 22, 1996, under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to MidCon Power Services Corporation under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Cinergy Services, Inc.

[Docket No. ER96–1932–000]

Take notice that on May 28, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and South Carolina Public Service Authority.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. LS Power Marketing, LLC

[Docket No. ER96–1947–000]

Take notice that on May 29, 1996, LS Power Marketing, LLC (LSPM), petitioned the Commission for acceptance of LSPM Rate Schedule No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations. LSPM is an affiliate of Granite Power Partners, L.P., Granite Power Partners II, L.P., LS Power, LLC and the LS Power Corporation, each of which, through other subsidiaries, develops, owns equity interests in and operates non-utility generating facilities in the United States.

Comment date: June 20, 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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before 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. 96–15019 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER92–533–002, et al.]

Louisville Gas and Electric Company, et al.; Electric Rate and Corporate Regulation Filings

June 7, 1996.

Take notice that the following filings have been made with the Commission:

1. Louisville Gas and Electric Company

[Docket No. ER92–533–002]

Take notice that Louisville Gas and Electric Company (LG&E), tendered for filing a Market Power Analysis in compliance with the Commission's order approving LG&E's market-based rates in Docket No. ER92–533–000 dated January 14, 1993.

Comment date: June 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Ohio Power Company

[Docket No. ER94–1555–000]

Take notice that on May 20, 1996, Ohio Power Company tendered for filing a Petition to withdraw its August 15, 1994 filing in the above-referenced docket.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. UtiliCorp United Inc.

[Docket No. ER96–360–000]

Take notice that on May 28, 1996, UtiliCorp United Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Northern States Power Company

[Docket No. ER96–1934–000]

Take notice that on May 28, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing a Transmission Service Agreement between NSP and Central Minnesota Municipal Power Agency.

NSP requests that the Commission accept the agreement effective April 28, 1996, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Northern States Power Company (Minnesota Company)

[Docket No. ER96–1935–000]

Take notice that on May 28, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing the Transmission Service Agreement between NSP and Western Power Services, Inc.

NSP requests that the Commission accept the agreement effective April 28, 1996, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Power and Light Company

[Docket No. ER96–1937–000]

Take notice that on May 28, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Tennessee Valley Authority. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 1, 1996.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Wisconsin Power and Light Company

[Docket No. ER96–1938–000]

Take notice that on May 28, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Aquila Power. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 1, 1996.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Power and Light Company

[Docket No. ER96–1939–000]

Take notice that on May 28, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Carolina Power & Light Company. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 1, 1996.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Power and Light Company

[Docket No. ER96–1940–000]

Take notice that on May 28, 1996, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Eastex Power Marketing, Inc. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 1, 1996.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Services, Inc.

[Docket No. ER96–1941–000]

Take notice that on May 28, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and Utilicorp United Inc.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. PECO Energy Company

[Docket No. ER96–1942–000]

Take notice that on May 28, 1996, PECO Energy Company (PECO), filed a Service Agreement dated May 13, 1996 with Duke Power Company (Duke Power) under PECO's FERC Electric Tariff Original Volume No. 4 (Tariff). The Service Agreement adds Duke Power as a customer under the Tariff.

PECO requests an effective date of May 13, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to Duke Power and to the Pennsylvania Public Utility Commission.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER96–1943–000]

Take notice that on May 24, 1996, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 11 to add three (3) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of May 23, 1996, to Coral Power, L.L.C., TransCanada Power Corp., and Western Power Services, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public

Service Commission, and all parties of record.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. ER96–1944–000]

Take notice that on May 29, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and TransCanada Power Corporation (TPC), dated May 8, 1996. This Service Agreement specifies that TPC has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.,* Docket No. ER95–276–000 and allows GPU and TPC to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of May 8, 1996 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. The Montana Power Company

[Docket No. ER96–1945–000]

Take notice that on May 29, 1996, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.15, a Notice of Termination for Montana Rate Schedule FERC No. 139, the WNP–1 Project Exchange Agreement between Montana, Bonneville Power Administration (Bonneville), and Washington Public Power Supply System (WPPSS).

A copy of the filing was served upon Bonneville and WPPSS.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Company of Oklahoma and Southwestern Electric Power Company

[Docket No. ER96–1946–000]

Take notice that on May 29, 1996, Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) (jointly, the Companies) submitted for filing two Service Agreements, each dated April 24, 1996, establishing West Texas Municipal Power Agency (WTMPA) as a customer under the terms of each of the Companies' umbrella Coordination Sales Tariffs CST–1 (CST–1 Tariffs).

The Companies request an effective date of May 1, 1996, and, accordingly, seek waiver of the Commission's notice requirements. Copies of this filing were served upon WTMPA, the Oklahoma Corporation Commission, the Public Utility Commission of Texas, the Arkansas Public Service Commission, and the Louisiana Public Service Commission.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Southern California Edison Company

[Docket No. ER96–1949–000]

Take notice that on May 30, 1996, Southern California Edison Company (Edison), tendered for filing a letter agreement dated May 17, 1996 (Agreement) with the City of Azusa (Azusa) as initial rate schedule.

The Agreement sets forth the terms and conditions by which Edison will act as Azusa's scheduling agent for flow-through transmission transactions between Sylmar and Palo-Verde which are not part of Azusa's integrated San Juan Unit 3 resource transactions. Edison seeks waiver of the 60-day prior notice requirement and requests that the Commission assign an effective date of May 31, 1996, to the Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Southern California Edison Company

[Docket No. ER96–1950–000]

Take notice that on May 30, 1996, Southern California Edison Company (Edison), tendered for filing the following Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operations Agreement (1990 IOA) with the City of Azusa (Azusa), FERC Rate Schedule No. 247, and associated Firm Transmission Service Agreement (FTS Agreement):

Supplemental Agreement Between Southern California Edison Company and City of Azusa for the Integration of the DWR Power Sale Agreement

Edison-Azusa, DWR Firm Transmission Service Agreement Between Southern California Edison Company and City of Azusa

The Supplemental Agreement sets forth the terms and conditions by which Edison will integrate capacity and associated energy under Azusa's DWR Power Sale Agreement with Department of Water Resources of the State of California (DWR). The FTS Agreement sets forth the terms and conditions by which Edison, among other things, will provide firm transmission service for the DWR Agreement. Edison seeks waiver of the 60-day prior notice requirement and requests the Commission assign an effective date of June 1, 1996, to the Supplemental and FTS Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Southern California Edison Company

[Docket No. ER96–1951–000]

Take notice that on May 30, 1996, Southern California Edison Company (Edison), tendered for filing the following 1996 Settlement Agreement (Settlement) with the City of Azusa (Azusa) and Amendment No. 2 to the 1990 Integrated Operations Agreement (1990 IOA), FERC Rate Schedule No. 247:

1996 Settlement Agreement Between Southern California Edison Company and the City Of Azusa, California

Amendment No. 2 to the 1990 Integrated Operations Agreement Between Southern California Edison Company and the City of Azusa

The Settlement sets forth the terms and conditions by which Edison agrees to integrate a new Capacity Resource, supersedes parts of Appendix B to the 1992 Settlement between Edison and the Cities of Anaheim, Azusa, Banning, Colton, and Riverside, California, regarding integration of resources, and terminates the 1995 Power Sale Agreement between Edison and Azusa. Additionally, Edison and Azusa have

agreed to amend the termination provisions of the 1990 IOA to only require 3 years notice for termination. Edison seeks waiver of the 60-day prior notice requirement and requests that the Commission assign an effective date of June 1, 1996.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Southern California Edison Company

[Docket No. ER96–1954–000]

Take notice that on May 30, 1996, Southern California Edison Company (Edison), tendered for filing the following Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operations Agreement (1990 IOA) with the City of Riverside (Riverside), FERC Rate Schedule No. 250, and associated Firm Transmission Service Agreement (FTS Agreement):

Supplemental Agreement Between Southern California Edison Company and the City of Riverside for the Integration Of The DWR Power Sale Agreement IV

Edison-Riverside, DWR–IV Firm Transmission Service Agreement Between Southern California Edison Company and City of Riverside.

The Supplemental Agreement sets forth the terms and conditions by which Edison will integrate capacity and associated energy under Riverside's DWR Power Sale Agreement IV (DWR Agreement IV) with Department of Water Resources of the State of California (DWR). The FTS Agreement sets forth the terms and conditions by which Edison, among other things, will provide firm transmission service for the DWR Agreement IV. Edison seeks waiver of the 60 day prior notice requirement and requests the Commission assign an effective date of June 1, 1996, to the Supplemental and FTS Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Southern California Edison Company

[Docket No. ER96–1955–000]

Take notice that on May 30, 1996, Southern California Edison Company (Edison), tendered for filing the following Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operations Agreement (1990 IOA) with the City of Riverside (Riverside), FERC Rate Schedule No. 250, and associated Firm Transmission Service Agreement (FTS Agreement):

Supplemental Agreement Between Southern California Edison Company and the City of Riverside for the Integration of the DWR Power Sale Agreement III

Edison-Riverside, DWR–III Firm Transmission Service Agreement Between Southern California Edison Company and City of Riverside

Supplemental Agreement sets forth the terms and conditions by which Edison will integrate capacity and associated energy under Riverside's DWR Power Sale Agreement III (DWR Agreement II) with Department of Water Resources of the State of California (DWR). The FTS Agreement sets forth the terms and conditions by which Edison, among other things, will provide firm transmission service for the DWR Agreement III. Edison seeks waiver of the 60 day prior notice requirement and requests the Commission assign an effective date of June 1, 1996, to the Supplemental and FTS Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Susquehanna Power Company and Philadelphia Electric Company

[Docket Nos. ER94–168–000, ER94–169–000 and ER94–170–000]

Take notice that on June 4, 1996, Susquehanna Power Company, Philadelphia Electric Company tendered for filing a Notice of Withdrawal in the above-referenced dockets.

Comment date: June 21, 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. 96–15020 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket Nos. CP66–111–003 and CP96–26–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Availability of the Environmental Assessment for the Proposed St. Clair River Crossing Project

June 7, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Great Lakes Gas Transmission Limited Partnership (Great Lakes) in the above-referenced dockets.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed St. Clair River crossing and related aboveground facilities including:

- About 1,500 feet of 36-inch-diameter pipeline to be directionally drilled under the St. Clair River, and
- An aboveground pig launcher and mainline valve adjacent to Great Lakes' existing facilities in the area.

The proposed facilities at the international border between the United States and Canada, in St. Clair County, Michigan would interconnect with the facilities of TransCanada Pipelines Limited (TransCanada) in Canada. The purpose of the proposed facilities would be to provide security and reliability to Great Lakes' river crossing facilities in this area and to provide 50,000 thousand cubic feet per day of firm winter transportation service to TransCanada.

The EA has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426 (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, interested individuals, and parties to this proceeding.

A limited number of copies of the EA are available from: Mr. Howard Wheeler, Environmental Project Manager, Environmental Review and Compliance Branch II, Office of Pipeline Regulation, PR–11.2, 888 First Street, NE., Washington, DC 20426 (202) 208–2299.

Any person wishing to comment on the EA may do so. Written comments must reference Docket No. CP96–26–000, and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comments should be filed as soon as possible, but must be received no later than July 8, 1996, to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Mr. Howard Wheeler, Environmental Project Manager, PR–11.2, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Additional information about this project is available from Mr. Howard Wheeler, Environmental Project Manager.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14990 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–547–000, et al.]

Williams Natural Gas Company, et al.; Natural Gas Certificate Filings

June 5, 1996.

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP96–547–000]

Take notice that on May 29, 1996, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP96–547–000 a request pursuant to Sections 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212 and 157.216) for authorization to utilize facilities originally installed for the delivery of NGPA Section 311 transportation gas to Missouri Gas Energy (MGE) for purposes other than NGPA Section 311 transportation, to abandon by reclaim the original Higginsville town border station, and to abandon by sale to MGE approximately 1.4 miles of 6-inch lateral pipeline, all located in Lafayette County, Missouri, under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG proposes to utilize existing NGPA Section 311 transportation facilities for other deliveries of gas to MGE to serve both the town of Higginsville and a 50 megawatt turbine at a new power plant. WNG states that the facilities consist of a 6-inch tap, a 4-run, multi-size orifice meter tube setting, regulation, and appurtenances. WNG states that the facilities were installed in April, 1996 to replace the town border facilities originally installed in 1937. WNG states that the new tap is located off of WNG's 10-inch Line XTB at the site of WNG's existing Higginsville gate. WNG states that the installation of the new tap at the site of the Higginsville gate allows WNG to sell to MGE approximately 1.4 miles of 6-inch pipeline XTB–2 located downstream of the existing Higginsville setting.

WNG states that the combined peak day summer deliveries for the power plant and the town border are expected to be approximately 14,921 Dth with the power plant operating from June through September. WNG states that the peak day winter deliveries to the town have historically been approximately 3,413 Dth. WNG states that the operation of the new town border facilities will have no impact on WNG's peak day or annual deliveries, and that WNG has sufficient capacity to accomplish the delivery specified without detriment or disadvantage to its other customers.

Comment date: July 22, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Ozark Gas Transmission System

[Docket No. CP96–548–000]

Take notice that on May 30, 1996, Ozark Gas Transmission System (Applicant), 13430 Northwest Freeway, Suite 1200, Houston Texas 77040, filed pursuant to Section 7(b) of the Natural Gas Act, for authority to abandon four lateral line compressors and related facilities, located at Applicant's Bibler Compressor Station, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon the four compressors at the Bibler Compressor Station, because there has been a significant drop in gas volumes. Applicant states that there is insufficient supply at the Bibler Compressor Station to operate the compressors. Gas will continue to be routed to the Price Compressor Station. Applicant states that after approval of the abandonment, it will retain three of the compressors for future use, and salvage one.

Comment date: June 26, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. Ozark Gas Transmission System

[Docket No. CP96–549–000]

Take notice that on May 30, 1996, Ozark Gas Transmission System (Applicant), 13430 Northwest Freeway, Suite 1200, Houston Texas 77040, filed pursuant to Section 7(b) of the Natural Gas Act, for authority to abandon four lateral line compressors and related facilities, located at Applicant's Shawnee Compressor Station, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant is proposing to abandon the four compressors at the Shawnee Compressor Station, because there has been a significant drop in gas volumes. Applicant states that there is currently insufficient gas supply at the Shawnee Compressor Station to operate the compressors. Applicant states that if abandonment is approved it will salvage three of the compressors, and retain one for future use.

Comment date: June 26, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. Ozark Gas Transmission System

[Docket No. CP96–550–000]

Take notice that on May 30, 1996, Ozark Gas Transmission System (Applicant), 13430 Northwest Freeway, Suite 1200, Houston Texas 77040, filed pursuant to Section 7(b) of the Natural Gas Act, for authority to abandon one lateral line compressor located at Applicant's Moss Compressor Station, all as more fully described in the application which is on file and open to public inspection.

Applicant is proposing to abandon one of the two compressors at the Moss

Compressor Station, because there has been a significant drop in the gas volumes. Applicant states that there is insufficient supply at the Moss Compressor Station to operate both compressors. Applicant states that one compressor at the station will remain in service. Applicant states that after approval of abandonment, it will retain the abandoned Compressor for future use.

Comment date: June 26, 1996, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, NE., 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–15021 Filed 6–12–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5520–7]

Operating Permits Program; Agency Information Collection Activities: Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Clean Air Act Title V—Operating Permits Regulations, EPA ICR Number 1587.05, OMB Control Number 2060–0234, expiring September 30, 1996. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on changes to the previously proposed information collection (August 31, 1995, 60 FR 45563) as described below.

DATES: Comments must be submitted on or before August 12, 1996.

ADDRESSES: Comments on the changes to the proposed ICR must be mailed to: Roger Powell at the address indicated below. Copies of the previously proposed ICR may be obtained from: EPA Air Docket (LE–131), Room M–1500, Waterside Mall, 401 M Street SW., Washington, DC 20460 (telephone 202–260–7548). Ask for item number III–B–2 in Docket Number A–93–50.

FOR FURTHER INFORMATION CONTACT: Roger Powell (telephone: 919–541–5331, facsimile number: 919–541–5509, internet address: powell.roger@epamail.epa.gov), Mail Drop 12, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Background

Affected entities: Entities potentially affected by this action are those which must apply for and obtain an operating permit under title V of the Clean Air Act (Act).

Title: Clean Air Act Title V—Operating Permits Regulations, OMB Control Number 2060–0234, expiring September 30, 1996.

Abstract: In implementing title V of the Act and EPA's part 70 operating permits regulations, State and local agencies must develop programs and submit them to EPA for approval (section 502(d)), and sources subject to the program must develop operating permit applications and submit them to the permitting authority within 1 year after program approval (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at 5-year intervals (section 502(d)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). All information submitted by a source and the issued permit shall also be available for public review except for confidential information which will be protected from disclosure (section 503(e)). Sources will semiannually submit compliance monitoring reports to the permitting authorities (section 504(a)). The EPA has the responsibility to oversee implementation of the program and to administer a Federal operating permits program in the event a program is not approved for a State (section 502(d)(3)), or if EPA determines the permitting authority is not adequately administering its approved program (section 502(i)(4)). The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating permits program. This notice provides updated burden estimates from a previously proposed ICR (60 FR 45563).

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 EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

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

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

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

II. Proposed Changes to Draft ICR

A. Period of Coverage

The EPA wishes to make modifications to the August 1995 proposed draft ICR to make it correspond more closely to the timing specified in title V for the operating permits program. The EPA proposes, in an attempt to get the ICR more closely on track with the timetable of title V, to modify the draft ICR to correspond to the 3 years of November 15, 1996 through November 15, 1999. The ICR as proposed would cover title V's dates for a 3-year period of years 6, 7, and 8 of the program.

According to the title V timeframe, year 6 would be the last year of permit issuance. However, the timing of the program varies for the 100 plus permitting authorities. Today's proposed revisions to the August 1995 draft ICR, therefore, includes estimates of the burden associated with permit application preparation and submittal and permit issuance that will be occurring during the proposed new 3-year period that would be covered by the ICR. Three years from now, after expiration of this proposed ICR covering years 6, 7, and 8, all permits will have been issued, the program will be more homogeneous, and all subsequent ICR renewals will be approximately on track with the title V timeframe.

B. Source Mix

The source population in the original ICR and the draft ICR proposed August 1995 is 34,324 sources. At this stage of implementation of the operating permits program by most agencies, better estimates of the number of sources subject to the program are available. The current estimate by permitting authorities is a source population of 25,547 sources. The changes proposed today include this new source mix of 9,160 large major sources with over 100 tons per year emissions, 15,110 small major sources emitting below 100 tons per year, and 1,277 sources able to be covered by general permits.

C. Burden Estimates

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. For the operating permits program, burden includes all the activities associated with implementing the program.

1. Effect of White Paper Number 2

On March 5, 1996, EPA issued its second White Paper guidance document which primarily addresses more efficient methods of developing operating permits and complying with applicable requirements. The effect of White Paper Number 2 is to reduce the burden on sources associated with permit application development by approximately 6 percent and the burden on permitting authorities associated with issuing permits by approximately 1 percent. The proposed changes to the ICR would include these adjustments to the burden estimates.

One provision in the second White Paper (i.e., streamlining) would allow sources to comply with the more stringent standard for an emissions unit and demonstrate that compliance with this standard would provide for assuring compliance with less stringent requirements on that emissions unit. This would allow burden savings with respect to monitoring and reporting for these less stringent requirements in that only the more stringent standard would be monitored. However, preparing the demonstration that the more stringent standard would provide for compliance with other less stringent standards would require an approximate average of 60 burden hours per source. This burden is proposed to be added to the draft ICR for the estimated 15 percent of sources that would utilize this streamlining approach. The total additional burden incurred to implement the streamlining provisions are 60 burden hours times 3,832 sources, or 229,920 hours. Once streamlining is implemented, sources will be able to eliminate monitoring and reporting for subsumed applicable requirements for an ongoing resource savings that will far exceed the one-time burden of adopting streamlining. That burden savings from reduced monitoring and reporting has not yet been calculated and is not available at this time since the burden for monitoring the various applicable requirements is not in the part 70 program baseline.

2. Revised Burden Estimates

As previously noted, the August 1995 proposed ICR included program changes associated with promulgation of proposed revisions to part 70. Today's proposal would adjust some of the burden estimates associated with permit revisions under the proposed part 70 revisions. The burden for sources and permitting authorities associated with operating permit revisions for a change which is merged during its processing with a State program which requires prior public and EPA review and for a less environmentally significant permit revision are increased. The burden for participating in a public hearing for a permit revision for sources and for permitting authorities is decreased. In addition, Table A–2 is proposed to be revised to add a burden for permitting authorities to issue a general permit.

These changes are felt by the Agency to more realistically reflect the burden associated with these activities.

III. Revised Total Burden Estimates

The burden estimates resulting from these proposed changes would be slightly above 8 million burden hours both for sources and for permitting authorities over the proposed 3-year period covered by the ICR. Annualized burden would be just under 3 million burden hours per year for each. Total burden for both together would be approximately 16.5 total burden hours over 3 years, and the annualized burden hours would be approximately 5.5 million.

The Agency notes that more sources are taking limits to make themselves nonmajor and therefore not subject to the program. When final proposed changes are made to the ICR prior to its submittal to OMB, the updated numbers of sources will be used in the calculations of burden. Also, at that time, a better estimate of the number of sources intending to use the streamlining provisions of the Agency's

second White Paper will be available and used.

Dated: June 6, 1996.

Robert G. Kellam,

Acting Director, Information Transfer and Program Integration Division.

[FR Doc. 96–15035 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5520–6]

Request for Public Comment on the Border Environment Cooperation Commission (BECC) Guidelines for Project Submission and Criteria for Project Certification Document

AGENCY: Border Environment Cooperation Commission.

ACTION: Notice of availability and request for public comment.

SUMMARY: This notice announces the availability of the BECC Guidelines for Project Submission and Criteria for Project Certification document for public review and comment.

DATES: Written comments must be submitted to the BECC on or before July 10, 1996. Oral comments may be received on July 18, 1996 at the BECC Board of Directors Public Meeting in San Diego, California.

ADDRESSES: To mail comments, receive a copy of the document, or for further information contact:

Ms. April Lander, MEM, Program Manager—Environment, Border Environment Cooperation Commission, P.O. Box 221648, El Paso, TX 79913, Telephone: 011–52 (16) 29–23–95, Fax: 011–52 (16) 29–23–97, Email: alander@cocef.interjuarez.com

H. Roger Frauenfelder, General Manager, Border Environment Cooperation Commission, P.O. Box 221648, El Paso, TX 79913.

SUPPLEMENTARY INFORMATION: The Border Environment Cooperation Commission (BECC) is a binational organization, created through an agreement between the United States and Mexican governments via an environmental side agreement to NAFTA. The BECC assists communities and other sponsors in coordinating and implementing environmental infrastructure projects to help resolve environmental and human health issues on both sides of the U.S./Mexican border. Projects certified by the BECC may be considered for North American Development Bank (NADBank) financing and/or other sources of financing.

Prior to certifying environment infrastructure projects, and with extensive public review and comment, the BECC Board of Directors adopted the BECC Guidelines for Project Submission and Criteria for Project Certification document (Criteria document) at its Regular Public Meeting, August 31, 1995 in El Paso, TX. The Criteria document provides guidelines for submission of projects using a two step process and indicates the eight fundamental areas of criteria for project certification, including: (1) General project description, (2) environment and human health, (3) technical feasibility, (4) economic and financial feasibility, (5) social issues, (6) community participation, (7) operations and maintenance, and (8) sustainable development. At the August 31, 1995 BECC Public Meeting, the Board of Directors decided to provide the public another opportunity to review and comment on the Criteria document after one year of application.

The BECC encourages public comments to be annotated directly on the Criteria document. The document may be found on the BECC Home Page at http://cocef.interjuarez.com and may be requested on computer diskette, via Email, or through the mail.

The BECC is particularly interested in receiving comments in the areas of small community assistance and sustainable development. Public comments may be submitted to the BECC in writing on or before July 10, 1996. Oral comments may be received at the July 18, 1996 BECC Board of Directors Public Meeting in San Diego, California. The Criteria document will be revised following a review and synthesis of the written and oral comments made by the public. It is anticipated that a final draft document will be available for public review in August. Furthermore, it is expected that the BECC Board of Directors will consider the final document for approval at its fall public meeting scheduled for October 24, 1996.

Dated: June 4, 1996.

H. Roger Frauenfelder,

General Manager.

[FR Doc. 96–15038 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–00189; FRL–5375–7]

Notice of Availability of FY 1996 Multimedia Environmental Justice Through Pollution Prevention Grant Funds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is soliciting grant proposals under the Environmental Justice Through Pollution Prevention (EJP2) grant program. EPA anticipates that between $750,000 and $1.5 million will be available. The purpose of this program is to support pollution prevention approaches that address environmental justice concerns. The grant funds will support national or regional environmental or environmental justice organizations that will provide financial or technical assistance to community-based, grass-roots groups, or Tribal organizations for projects that use pollution prevention approaches to address environmental justice concerns.

DATES: Applications must be postmarked by July 31, 1996, and received by EPA's Pollution Prevention Division office in Washington, DC by August 5, 1996.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the EJP2 grant program guidance and application package, or to obtain more information regarding the EJP2 grant program, please contact Chen Wen at (202) 260-4109, or Pamela Moseley at (202) 260-2722. You may also forward your requests and questions via the Internet, by writing to: wen.chen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Scope and Purpose of the EJP2 Grant Program

The purpose of the FY 1996 EJP2 grants program is to fund national or regional environmental organizations that will in turn support community organizations in using pollution prevention solutions to address the environmental problems of minority and low-income communities and tribes. This grant program is designed to fund projects which have a direct impact on affected communities. This approach complements last year's Environmental Justice Through Pollution Prevention grant program, where grants were provided directly to grass-roots and community organizations. Funds awarded must be used to support pollution prevention programs in minority and low-income communities or Tribal lands.

EPA is particularly interested in innovative approaches which will result in activities and products that can be applied to other communities. The Agency strongly encourages cooperative efforts between communities, business and industry to address common pollution prevention goals. Projects funded under this grant may involve public education, training, demonstrations, research,

investigations, experiments, surveys, studies, public-private partnerships, or approaches to develop, evaluate, and demonstrate non-regulatory strategies and technologies.

II. Definitions of Environmental Justice and Pollution Prevention

Environmental justice is defined by EPA as the fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, programs, and policies. Fair treatment means that no racial, ethnic or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal, and commercial enterprises and from the execution of federal, state, local, and tribal programs and policies.

The Pollution Prevention Act of 1990 establishes a hierarchy of environmental management practices. In order of preferences, these practices include:

- Pollution prevention
- Recycling
- Treatment
- Disposal

Pollution prevention means source reduction; that is, any practice that reduces or eliminates any pollutant at the source prior to recycling, treatment, or disposal. Pollution prevention also includes practices that reduce or eliminate the creation of pollutants through:

Increased efficiency in the use of raw materials, energy, water, or other resources; and

Protection of natural resources by conservation.

This grant program is focused on using the top of the hierarchy--pollution prevention--to bring about better environmental protection.

III. Possible Approaches

Below are brief summaries of sample projects which meet the definitions of pollution prevention and environmental justice. These may help guide applicants as they develop their proposals.

- Provide funding, assistance, or technical support to organizations that will assist minority and low-income communities and Tribal organizations in obtaining environmental information or designing and implementing training programs for such communities to promote pollution prevention initiatives.
- Provide funding, assistance, or technical support to organizations that will conduct demonstration programs in concert with voluntary programs (e.g., the Green Lights program or the Waste Wise program) which promote resource efficiency, or EPA; industry sector projects such as the Common Sense Initiative.
- Provide funding, assistance, or technical support to organizations that will conduct research, demonstrations, or public educational training activities to institutionalize sustainable agricultural practices including integrated pest management techniques to reduce use of pesticides.
- Provide funding, assistance, or technical support to organizations that will establish demonstration projects to provide financial assistance through establishment of revolving loan funds to assist small businesses in obtaining loans for pollution prevention-oriented activities.
- Provide funding, assistance, or technical support to organizations that will be working with the business community in a collaborative fashion to address community environmental justice issues.

IV. Eligibility

Eligible applicants include currently incorporated organizations that are not intended to be profit-making organizations, including any Federally-recognized Tribal organizations. Organizations must be incorporated by July 31, 1996, in order to receive funds. Governments other than Tribal entities are not eligible to receive funding under this program. Private businesses and individuals are not eligible. Organizations excluded from applying directly are encouraged to work with eligible applicants in developing proposals that will include them as participants in the projects. For this funding cycle, EPA especially encourages organizations that are not experienced in grant writing to seek out partnerships with national or regional-based organizations.

No applicant can have two grants for the same project at one time. EPA will consider only one proposal for a given project. Applicants may submit more than one application as long as the applications are for separate and distinct projects. However, no organization will receive more than one grant per year under the EJP2 grant program. Organizations seeking funds from the EJP2 grants can request up to $250,000. EPA anticipates most grants will be awarded in the $100,000 and $200,000 range. All grants are subject to a 5% matching requirement. All grantees are required to contribute at least 5% of the total project cost, either through in-kind or monetary contributions.

Dated: June 6, 1996.

William H. Sanders III,

Director, Office of Pollution, Prevention, and Toxics.

[FR Doc. 96–15042 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5519–5]

National Advisory Council for Environmental Policy and Technology; Reinvention Criteria Committee; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, PL 92–463, EPA gives notice of a two-day meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT) Reinvention Criteria Committee (RCC). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The RCC has been asked to identify criteria the Agency can use to measure the progress and success of specific reinvention projects and its overall reinvention efforts; and to identify criteria to promote opportunities for self-certification, similar to the concept used for pesticide registration. This meeting is being held to provide the EPA with perspectives from representatives of state and local government, academia, industry, and NGOs.

DATES: The two-day public meeting will be held on Wednesday, July 24, 1996, from 9 a.m. to 5 p.m. and on Thursday, July 25, 1996 from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Materials, or written comments, may be transmitted to the Committee through Gwendolyn Whitt, Designated Federal Official, NACEPT/RCC, U.S. EPA, Office of Cooperative Environmental Management (1601–F), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Whitt, Designated Federal Official for the Reinvention Criteria Committee at 202–260–9484.

Dated: May 30, 1996.

Gwendolyn C.L. Whitt,

Designated Federal Official.

[FR Doc. 96–15036 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5515–6]

Utah; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency (Region VIII).

ACTION: Notice of final determination of full program adequacy for Utah's application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or conditionally exempt small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR Part 258). RCRA Section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate ''permit'' programs for MSWLFs, but does not mandate issuance of a rule for such determinations. On January 26, 1996, EPA proposed a State/Tribal Implementation Rule (STIR) (40 CFR Parts 239 and 258) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by Part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal Criteria will apply to all permitted and unpermitted MSWLFs.

Utah applied for a determination of adequacy under Section 4005 of RCRA. EPA reviewed Utah's application and proposed a determination that Utah's MSWLF permit program is adequate to ensure compliance with the revised MSWLF Criteria. After review of all comments received, EPA is today issuing a final determination that Utah's program is adequate.

EFFECTIVE DATE: The determination of adequacy for Utah shall be effective May 29, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Walters, Pollution Prevention Program (8P2–P2), US EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, phone 303/312–6385.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR Part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the Federal Criteria under Part 258. Subtitle D also requires in Section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has proposed a State/Tribal Implementation Rule (STIR)(40 CFR Parts 239 and 258, January 26, 1996). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to approve State/Tribal MSWLF permit programs prior to the final promulgation of STIR. EPA interprets the requirements for States or Tribes to develop ''adequate'' programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in Section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an ''adequate'' program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation in the proposed State/Tribal Implementation Rule (STIR). EPA expects States/Tribes to meet all of these requirements for all elements of an MSWLF program before it gives full approval to an MSWLF program.

On September 27, 1993, the EPA Administrator signed the final rule extending the effective date of the landfill criteria for certain classifications of landfills (proposed rule 58 Federal Register 40568, July 28, 1993). Thus, for certain small landfills that fit the small landfill exemption as defined in 40 CFR Part 258.1(f), the Federal Criteria were effective on October 9, 1995, rather than on October 9, 1993. The final ruling on the effective date extension was published in the Federal Register October 1, 1993.

On August 10, 1995, the EPA published a proposed rule to solicit comments on a two-year delay, until October 9, 1997, of the general compliance date of the MSWLF criteria for qualifying small MSWLFs. This will allow EPA time to finalize the proposed alternatives. The final ruling on the delay of the compliance date was published in the Federal Register on October 6, 1995.

B. State of Utah

On July 20, 1993, Utah submitted an application for adequacy determination for the State's MSWLF permit program. On October 8, 1993, EPA published a final determination of partial program adequacy for Utah's program. Further background on the final determination of partial program adequacy appears in 58 Federal Register 52489 (October 8, 1993). In that action, EPA approved all portions of the State's MSWLF permit program except Utah's regulations incorporating the Federal financial assurance requirements in 40 CFR Part 258, Subpart G.

On November 28, 1994, the State of Utah submitted a revised application package for full program adequacy. EPA reviewed Utah's application and tentatively determined that the State's Subtitle D program will ensure compliance with the Federal financial assurance requirements in 40 CFR 258.70 through 258.74.

During its November 9, 1995 meeting, the Utah Solid and Hazardous Waste Control Board adopted proposed changes in the Utah Solid Waste Permitting and Management Rules

R315–309, Financial Assurance, as required by 40 CFR Part 258, Subpart G.

EPA has reviewed Utah's application and has determined that all portions of the State's MSWLF permit program will ensure compliance with the revised Federal Criteria. In its application, Utah demonstrated that the State's permit program adequately meets the location restrictions, operating criteria, design criteria, groundwater monitoring and corrective action requirements, closure and post-closure care requirements, and financial assurance criteria in the revised Federal Criteria. In addition, the State of Utah also demonstrated that its MSWLF permit program contains specific provisions for public participation, compliance monitoring, and enforcement.

C. Public Comment

The EPA received three public comments on the tentative determination of adequacy for Utah's MSWLF permit program.

The State of Utah, in two comments, requested that EPA re-evaluate language in the tentative determination regarding jurisdiction over ''Indian Country'', especially the use of the term ''former Indian reservation lands''. The commentors requested that EPA approve the State's MSWLF permit program within the State of Utah except for Indian lands. EPA has revised this language in the section below entitled ''Decision''.

In its application for adequacy determination, Utah has not asserted jurisdiction over ''Indian Country'' as defined in 18 U.S.C. Section 1511. Until EPA approves a State or Tribal MSWLF permitting program, the requirements of 40 CFR Part 258 in Utah for any part of ''Indian Country'' will automatically apply to that area. Thereafter, the requirements of 40 CFR Part 258 will apply to all owners/operators of MSWLFs located in any part of ''Indian Country'' that is not covered by an approved State or Tribal MSWLF permitting program. For further information regarding this issue, see the ''Decision'' section.

One commentor maintained that use of the proposed STIR as guidance is a violation of the Administrative Procedure Act (APA) requirements that a rule must go through notice and opportunity for comment. EPA does not believe that it is violating requirements of the APA. The Agency is not utilizing the proposed STIR as a regulation which binds either the Agency or the States/Tribes. Instead, EPA is using the proposed STIR as guidance for evaluating State/Tribal permit programs utilizing the proposed STIR and/or other criteria which assure compliance with 40 CFR Part 258.

In addition, members of the public have an opportunity to comment on the criteria by which EPA assures the adequacy of State/Tribal MSWLF permit programs because the Agency discusses the criteria for approval of a permit program when it publishes each tentative determination notice in the Federal Register. In the tentative determination notice for the State of Utah's permit program, the Agency set forth for public comment the requirements for an adequate permit program (58 FR 42965–42967, August 12, 1993).

D. Decision

After reviewing the public comments, I conclude that Utah's application for adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Utah is granted a determination of adequacy for all portions of its MSWLF permit program.

This approval does not extend to ''Indian Country'', as defined in 18 U.S.C. Section 1511, including lands within the exterior boundaries of the following Indian reservations located within or abutting the State of Utah:

1. Gosute Indian Reservation
2. Navajo Indian Reservation
3. Northwestern Band of the Shoshone Nation of Utah (Washakie) Indian Reservation
4. Paiute Indian Tribe of Utah Indian Reservation
5. Skull Valley Band of Goshute Indians of Utah Indian Reservation
6. Uintah and Ouray Indian Reservation
7. Ute Mountain Indian Reservation

EPA is cognizant that the State of Utah and the United States Government differ as to the exact geographical extent of Indian Country within the Uintah and Ouray Indian Reservation and are currently litigating this question in Federal Court. Until that litigation is completed and this question is resolved, EPA will enter into discussions with the Ute Indian Tribe of the Uintah and Ouray Indian Reservation and the State of Utah to determine the best interim approach to managing this program in the disputed area. EPA will notify the public of the outcome of these discussions. In excluding Indian Country from the scope of this approval, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Utah choose to seek program approval within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for any portion of Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR Part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 Federal Register 50978, 50995 (October 9, 1991).

This action takes effect on May 29, 1996. EPA believes it has good cause under Section 553(d) of the Administrative Procedure Act, 5 U.S.C 553(d), to put this action into effect less than 30 days after publication in the Federal Register. All of the requirements and obligations in the State's/Tribe's program are already in effect as a matter of State/Tribal law. EPA's action today does not impose any new requirements with which the regulated community must begin to comply. Nor do these requirements become enforceable by EPA as Federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of Sections 2002, 4005 and 4010 of the Solid Waste Disposal Act, as amended; 42 U.S.C. 6912, 6945, 6949(a).

Dated: May 16, 1996.

Max Dodson,

Acting Regional Administrator.

[FR Doc. 96–15031 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5520–8]

Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act; In the Matter of Waukegan Paint and Lacquer Company, Inc., Waukegan, IL

AGENCY: Environmental Protection Agency.

ACTION: Settlement of CERCLA Section 107 Cost Recovery Matter.

SUMMARY: EPA is proposing to settle a cost recovery claim with certain potentially responsible parties (PRPs) with regard to past costs at the Waukegan Paint and Lacquer Company, Inc. Site in Waukegan, Illinois. EPA is authorized under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA'') to enter into this administrative settlement.

Response costs totalling $165,118 were incurred by EPA in connection with an emergency removal action at the Waukegan Paint and Lacquer Site. On February 23, 1995, U.S. EPA sent the PRPs a demand for reimbursement of the Agency's past costs. The Settling Parties have agreed to pay $94,000 to settle EPA's claim for reimbursement of response costs related to the Site. EPA is proposing to approve this administrative settlement because it reimburses EPA, in part, for costs incurred during its response activities at this Site.

DATES: Comments on this administrative settlement must be received by no later than July 15, 1996.

ADDRESSES: Written comments relating to this settlement, Docket Number V–W–96–C–325, should be sent to Cynthia N. Kawakami, Associate Regional Counsel, U.S. Environmental Protection Agency, Region 5, Mail Code: CM–29A, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

ADDITIONAL INFORMATION: Copies of the Agreement and the Administrative Record for this Site are available at the following address for review. It is strongly recommended that you telephone Ms. Mila Bensing at (312) 353–2006 before visiting the Region 5 Office. U.S. Environmental Protection Agency, Region 5, Superfund Division, Emergency Response Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

William E. Muno,

Director, Superfund Division.

[FR Doc. 96–15037 Filed 6–12–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections being Reviewed by the Federal Communications Commission; Comments Requested

June 3, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 12, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0398.

Title: Equipment Authorization Measurement Standards; Sections 2.948, 15.117(G)(2).

Form No.: None.

Type of Review: Revision of existing collection.

Respondents: Businesses/For Profit Institutions.

Number of Respondents: 320.

Estimated Time Per Response: 28.4375

Total Annual Burden: 9,100 hours

Needs and Uses: The information gathered is used by the Commission to ensure that data accompanying all requests for equipment authorization are valid, and that proper testing procedures are used. Testing ensures that potential interference to radio communications is controlled, and if necessary, the data gathered may be used for investigating complaints of harmful interference, or for verifying the manufacturer's compliance with the Commission's Rules. This revision eliminates the necessity for manufacturer's to file UHF noise figure data documenting the performance of TV receivers tested and marketed in the U.S. The requirement was eliminated from the rules by the adoption of the Report and Order in ET Docket No. 95–144.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–14959 Filed 6–12–96; 8:45 am]

BILLING CODE 6712–01–F

Renewal Application Designated for Hearing

1. The Assistant Chief, Audio Services Division, has before him the following application for renewal of broadcast license:

Licensee	City/State	File No.	MM docket No.
Family Broadcasting, Inc.	Christiansted, Virgin Isalnds	BRH–951204YE	96–123

(Seeking renewal of the license for WSTX(FM)).

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above application has been designated for hearing in a proceeding upon the following issues:

(a) To determine whether Family Broadcasting, Inc. has the capability and intent to expeditiously resume the broadcast operations of WSTX(FM), consistent with the Commission's Rules.

(b) To determine whether Family Broadcasting, Inc. has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the subject renewal of license application would service the public interest, convenience and necessity.

A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the dockets section of the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW, Suite 140, Washington, D.C. 20037 (telephone 202–857–3800).

Federal Communications Commission.

Stuart B. Bedell,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 96–14960 Filed 6–12–96; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Approved by Office of Management and Budget

June 4, 1996.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Pub. L. 96–511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Not withstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Dorothy Conway, Federal Communications Commission, (202) 418–0217.

Federal Communications Commission

OMB Control No.: 3060–0696.

Expiration Date: 4/30/99.

Title: Physically Handicapped Special Showing.

Form No.: N/A.

Estimated Annual Burden: 1 annual hour; average 5 minutes per respondent; 20 respondents.

Description: Section 90.38(b) provides that persons claiming eligibility in the Special Emergency Radio Service on the basis of being physically handicapped must present a physician's statement indicating that they are handicapped. Submissions of this information are necessary to ensure that frequencies are reserved for licensing to handicapped individuals. Commission personnel use the data to determine applicant eligibility.

OMB Control No.: 3060–0020.

Expiration Date: 5/31/99.

Title: Application for Ground Station Authorization in the Aviation Services.

Form No.: 406.

Estimated Annual Burden: 1,600 total annual hours; average 1 hour per respondent; 1,600 respondents.

Description: FCC rules require collecting this information for new, modified or renewal Aviation Ground Radio Station Authorizations. Data is used to update the existing database and make efficient use of the frequency spectrum. Data is also used by the Commission for enforcement and interference resolution.

OMB Control No.: 3060–0329.

Expiration Date: 4/30/99.

Title: Equipment Authorization/ Verification—Section 2.955

Form No.: N/A.

Estimated Annual Burden: 101,790 total annual hours; average 18 hours per respondent; 5,655 respondents.

Description: The Commission rules require verification of compliance to established technical standards for certain Part 15 and 18 devices. Technical data is gathered and retained by the equipment manufactures in order to verify compliance with these regulations. The information may be used to determine that the equipment marketed complies with the applicable Commission rules and that the operation of the equipment is consistent with the initially documented test results.

OMB Control No.: 3060–0436.

Expiration Date: 5/31/99.

Title: Equipment Authorization, Cordless Telephone Security Coding.

Form: N/A.

Estimated Annual Burden: 200 total annual hours; average 1 hour per respondent; 200 respondents.

Description: Cordless telephone security features protect the public switched telephone network from unintentional line seizure and telephone dialing. These features prevent unauthorized access to the telephone line, the dialing of calls in response to signals other than those from the owner's handset and the unintentional ringing of a cordless telephone handset. Use of the cordless telephone security features reduces the harm caused by some cordless telephones to the ''911'' Emergency Service Telephone System and the telephone network in general.

OMB Control No.: 3060–0223.

Expiration Date: 5/31/99.

Title: Supplemental Information Routinely Submitted with Applications, Non-Type Accepted Equipment - Section 90.129(b).

Form: N/A.

Estimated Annual Burden: 50 total annual hours; average 30 minutes per respondent; 100 respondents.

Description: Section 90.129(b) requires applicants using non type-accepted equipment to provide a description of the equipment. The information is used to evaluate the interference potential of the proposed operation.

OMB Control No.: 3060–0537.

Expiration Date: 5/31/99.

Title: Section 13.217 Records.

Form: N/A.

Estimated Annual Burden: 15 total annual hours; average 1 hour per respondent; 15 respondents.

Description: The recordkeeping requirement in section 13.217 is needed to assure that expenses and revenues collected by examination managers administering the commercial operators examinations are available if needed. If the information were not collected, it is conceivable that fraud and abuse could occur in the commercial radio examination program.

OMB Control No.: 3060–0290.
Expiration Date: 5/31/99.
Title: Report of Operation Section 90.517.
Form: N/A.
Estimated Annual Burden: 200 total annual hours; average 2 hours per respondent; 100 respondents.
Description: Section 90.517 requires developmental authorizations licensees to file a report indicating the usefulness of such developmental operations when requesting renewal or termination of developmental operations.

OMB Control No.: 3060–0692.
Expiration Date: 4/30/99.
Title: Disposition of Cable Home Wiring—Section 76.802
Form: N/A.
Estimated Annual Burden: 18,039 total annual hours; average 5 minutes per respondent; 183,000 responses.
Description: This information disclosure requirement ensures that consumers are informed of their cable home wiring purchase rights upon termination of their cable services, including information regarding the purchase of their home wiring in a single contact, and the use of wiring to connect to an alternative video programming service.

OMB Control No.: 3060–0402.
Expiration Date: 5/31/97.
Title: Application for a new or Modified Microwave Radio Station License Under Part 21.
Form: FCC 494.
Estimated Annual Burden: 19,400 total annual hours; average 2 hours per respondent; 9,700 respondents.
Description: The FCC 494 is used by telecommunications entities to apply for facility licenses in the services governed by 47 CFR Part 21. The data is used to determine whether the applicant is qualified legally, technically and financially to be licensed to use microwave radio frequencies.

OMB Control No.: 3060–0398.
Expiration Date: 4/30/99.
Title: Equipment Authorization Measurement Standards—Sections 2.948, 15.117(g)(2), 15.117(g)(3)
Form: N/A.
Estimated Annual Burden: 9,350 total annual hours; average 27.5 hours per respondent; 420 respondents.
Description: Compliance testing of equipment is required prior to authorization for marketing. To ensure that data gathered is valid, verification of certain measurement standards and practices, documentation of testing procedures, and data collection employed by the equipment manufacturers or his representatives are necessary.

OMB Control No.: 3060–0446.
Expiration Date: 9/30/98.
Title: Pioneer's Preference - Section 1.402.
Form: N/A.
Estimated Annual Burden: 1,120 total annual hours; average 500 hours per respondent to submit new applications, 10 hours per respondent to amend existing applications; 14 respondents.
Description: The information will be used to evaluation existing pioneer's preference request in proceedings in which tentative decisions have not been made, as well as any new pioneer's preference requests that may be received. The collection requires that an applicant submit a statement that a new allocation of spectrum is necessary for its innovation to be implemented. Further, if the applicant relied on experimental results to demonstrate the technical feasibility of its innovation, it must submit a summary of those results.

OMB Control No.: 3060–0434.
Expiration Date: 5/31/99.
Title: Stolen Vehicle Recovery System Requirements—Section 90.19.
Form: N/A.
Estimated Annual Burden: 80 total annual hours; average 1 hour per respondent; 80 respondents.
Description: Section 90.517 requires that applicants for stolen vehicle recovery systems perform an analysis for each base station to ensure that the system does not cause interference to TV channel 7.

OMB Control No.: 3060–0280.
Expiration Date: 5/31/99.
Title: Conventional Systems Loading Requirements, Wide Area Systems—Section 90.633 (f)(g).
Form: N/A.
Estimated Annual Burden: 10 total annual hours; average .5–1 hour per respondent; 15 respondents.
Description: The 800 and 900 MHz radio systems are normally licensed to cover a confined area of operation. However, these sections allow applicants who need specially configured wide area or ribbon systems to request authorization for such systems upon showing of need. The information is used by FCC licensing personnel to determine if such systems should be authorized.

OMB Control No.: 3060–0307.
Expiration Date: 4/30/99.
Title: Amendment to Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking
Form: N/A.
Estimated Annual Burden: 17,254 total annual hours; average .5 - 5 hours per respondent; 12,195 respondents.
Description: The FCC requires certain information from licensees in order to determine whether they should be granted or in the case of 800 MHz Specialized Mobile radio licensees retain authority for additional time to construct their radio facilities; it also requires information to determine how licensees' radio facilities have been modified; it also requires a demonstration that licensees have provided notification of intent to relate certain incumbent licensees; it requires information about prospective licensees in order to determine whether such licensees are entitled to special provisions as small businesses.

OMB Control No.: 3060–0243.
Expiration Date: 5/31/99.
Title: Section 74.551 Equipment Changes.
Form: N/A.
Estimated Annual Burden: 13 total annual hours; average .5–1 hour per respondent; 25 respondents.
Description: Section 74.551(b) requires licensees of aural broadcast studio transmitter link (STL) or intercity relay stations to notify the Commission in writing of minor equipment changes upon completion of such changes. Data is used by FCC staff to ensure that changes comply with the FCC rules and regulations.

OMB Control No.: 3060–0532.
Expiration Date: 5/31/99.
Title: Scanning Receiving Compliance Exhibit—Sections 2.975(a)(8) and 2.1033(b)(12).
Form: N/A.
Estimated Annual Burden: 40 total annual hours; average 1 hour per respondent; 40 respondents.
Description: An exhibit accompanying an FCC Form 731, Application for Equipment Authorization, determines the compliance with Congressionally mandated regulations of applicants requesting authorization to market scanning receivers and frequency converters. The regulations prohibit the marketing of radio scanners capable of intercepting, or being modified to intercept cellular telephone conversations.

OMB Control No.: 3060–0537.
Expiration Date: 5/31/99.
Title: On-Site Verification of Field Disturbance Sensors - Section 15.201(d).
Form: N/A.
Estimated Annual Burden: 3,600 total annual hours; average 18 hours per respondent; 200 respondents.
Description: In order to monitor non-licensed field disturbance sensors

operating in the low VHF television bands, equipment testing is required at each installation. Data is retained by the holder of the equipment authorized issued by the Commission and made available only at the request of the Commission.

OMB Control No.: 3060–0245.
Expiration Date: 5/31/99.
Title: Section 74.537 Temporary Authorization.
Form: N/A.
Estimated Annual Burden: 75 total annual hours; average 1–2 hours per respondent; 50 respondents.
Description: Section 74.537 requires licensees of aural broadcast studio transmitter link (STL) or intercity relay stations to file informal requests for special temporary authorizations for operations of a temporary nature. FCC staff uses the data to ensure that temporary operations will not cause interference to existing stations.

OMB Control No.: 3060–0572.
Expiration Date: 5/31/99.
Title: Filing Manual for Annual International Circuit Status Reports.
Form: N/A.
Estimated Annual Burden: 850 total annual hours; average 17 hours per respondent; 50 respondents.
Description: The information compiled in the Annual Circuit Status Report will be useful to current industry members, potential new entrants into the international telecommunications industry and the Commission. The reports will also serve as a database for determining and monitoring the payment of annual regulatory fees on active equivalent 64 Kb/s international circuits. The information will also allow the Commission to continue to identify use of facilities as it streamlines its facilities authorization procedures.

OMB Control No.: 3060–0105.
Expiration Date: 2/28/99.
Title: Licensee Qualifications Report.
Form: FCC 430.
Estimated Annual Burden: 3,800 total annual hours; average 2 hours per respondent; 1,900 respondents.
Description: FCC 430 is submitted by certain new applicants and by existing common carrier radio and satellite licensees and permittees annually if substantial changes occur in organization structure. FCC 430 is used by the Commission to evaluate the applicant's legal qualifications to become or remain a licensee.

OMB Control No.: 3060–0709.
Expiration Date: 7/31/96.
Title: Revision of Part 22 and Part 90 to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act.
Form: N/A.
Estimated Annual Burden: 160 total annual hours; average .08 hours per respondent; 2,000 respondents.
Description: On February 8, 1996, the Commission adopted a NPRM that examines ways to establish a comprehensive and consistent regulatory scheme that simplifies and streamlines licensing procedures and provides a flexible operating environment for both common carrier and private paging service. The notice imposed an interim across-the-board freeze on new paging applications. On April 22, 1996 the Commission adopted the First Report and Order that modified the interim freeze imposed in the Notice to allow the incumbents in the paging industry the flexibility needed to serve the public and upgrade to more spectrally effective equipment. This Order allows incumbent common carrier paging and private carrier paging licensees to expand their current paging system by applying for additional transmission sites on the same channel within 65 kilometers from their existing operating transmission sites. This modification of the interim rules is limited to incumbent licensees. Paging applicants must certify in writing that: (1) the applicant is an incumbent paging licensee, and (2) the proposed site is within 65 kilometers of an authorized transmission site that was licensed to the same applicant on the same channel on or before February 8, 1996 and which is operational as of the filing date of the application for the additional transmitter site.

OMB Control No.: 3060–0444.
Expiration Date: 5/31/99.
Title: 220 and 800 MHz Construction Letter.
Form: FCC 800A.
Estimated Annual Burden: 11,500 total annual hours; average 1 hour per respondent; 11,500 respondents.
Description: FCC 800A is sent to licensees as a method of verifying if the licensee has placed the station into operation in accordance with the Commission's Rules. These ensures efficient use of the spectrum.

OMB Control No.: 3060–0443.
Expiration Date: 5/31/99.
Title: Conditional Temporary Authorization to Operate a Part 90 Radio Station.
Form: FCC 572–C.
Estimated Annual Burden: 1,702 total annual hours; average 6 minutes per respondent; 17,023 respondents.
Description: Applicants eligible to hold a radio station authorization below 470 MHz or in the 929–930 MHz band in the Private Land Mobile Radio Service may use this form to acquire a temporary permit to operate their radio station during processing of an application for license grant.

OMB Control No.: 3060–0139.
Expiration Date: 6/30/98.
Title: Application for Antenna Structure Registration.
Form: FCC 854/854R.
Estimated Annual Burden: 21,500 total annual hours; average 30 minutes per respondent; 43,000 respondents.
Description: Data is collected from antenna structure owners for the purpose of registering antenna structures with the Commission which may pose a hazard to air navigation and require the assignment of painting and lighting.

OMB Control No.: 3060–0386.
Expiration Date: 5/31/99.
Title: Special Temporary Authorization (STA)—Section 73.1635.
Form: N/A.
Estimated Annual Burden: 4,740 total annual hours; average 1 –4 hours per respondent; 2,580 respondents.
Description: Section 73.1635 allows licensees/permittees of broadcast stations to file for special temporary authority to operate broadcast stations at specified variances from station authorizations not to exceed 180 days.

OMB Control No.: 3060–0009.
Expiration Date: 5/31/99.
Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License.
Form: FCC 316.
Estimated Annual Burden: 2,990 total annual hours; average 1–3 hours per respondent; 1,575 respondents.
Description: FCC 316 is required when applying for authority for a voluntary/involuntary assignment of a broadcast license or construction permit or transfer of control of corporation holding broadcast license or construction permit. Data is used by FCC staff to determine if applicant meets basic statutory requirements.

OMB Control No.: 3060–0134.
Expiration Date: 5/31/99.
Title: Application for renewal of Private Radio Station License.
Form: FCC 574–R.
Estimated Annual Burden: 27,720 total annual hours; average .33 hours per respondent; 84,000 respondents.
Description: This form is filed by applicants in the Private Land Mobile and General Mobile Radio Services for renewal of an existing authorization. The data is used to determine eligibility for a renewal and issue a radio station license.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–15014 Filed 6–12–96; 8:45 am]

BILLING CODE 6712–01–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 the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 17, 1996, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Rescission of the Statement of Policy on Time Limits for Filing Reports of Condition.

Memorandum and resolution re: Rescission of the Interagency Policy Statement Regarding Advertising of NOW Accounts.

Memorandum and resolution re: Amendments to the Statement of Policy Regarding Independent External Auditing Programs of State Nonmember Banks.

Memorandum and resolution re: Final amendment to 5 C.F.R. Part 3201, the Supplemental Standards of Ethical Conduct for Employees of the Federal Deposit Insurance Corporation.

Memorandum and resolution re: Amendment to the Corporation's rules and regulations in the form of a new Part 367, to be entitled ''Suspension and Exclusion of Contractors and Termination of Contracts,'' as an interim final rule while seeking comments.

Memorandum and resolution re: Rescission of Part 324 of the Corporation's rules and regulations, entitled ''Agricultural Loan Loss Amortization.''

Memorandum re: Quarterly Budget Variance Summary Report.

Memorandum re: The Financing Corporation (FICO) Assessment Request.

Discussion Agenda:

Memorandum and resolution re: Revision of the Statement of Policy on Assistance to Operating Insured Depository Institutions.

Memorandum and resolution re: Proposed amendments to Part 335 of the Corporation's rules and regulations, entitled ''Securities of Nonmember Insured Banks.''

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled ''Capital Maintenance.''

Memorandum and resolution re: Proposed amendment to Part 327—Assessment Provisions related to Adjusted Attributable Deposit Amount.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2449 (Voice); (202) 416–2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: June 10, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–15148 Filed 6–11–96; 10:31 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

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

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

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 27, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Robert H. Abplanalp Irrevocable Retained Annuity Trust, Bronxville, New York; to acquire a total of 16.3 percent of the voting shares of Hudson Valley Holdings Corp., Yonkers, New York, and thereby indirectly acquire Hudson Valley Bank, Yonkers, New York.

Board of Governors of the Federal Reserve System, June 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14998 Filed 6–12–96; 8:45 am]

BILLING CODE 6210-01-F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 8, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. ABC Bancorp, Moultrie, Georgia; to merge with First National Financial Corporation, Albany, Georgia, and thereby indirectly acquire First National Bank of South Georgia, Albany, Georgia.

Board of Governors of the Federal Reserve System, June 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14999 Filed 6–12–96; 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 27, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. North Fork Bancorporation, Inc., Mattituck, New York; to acquire Haven Bancorp, Inc., Woodhaven, New York, and thereby indirectly acquire Columbia Federal Savings Bank, Woodhaven, New York, and thereby engage in operating a federal savings and loan association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

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

1. Commercial Guaranty Bancshares, Inc., Shawnee Mission, Kansas; to engage *de novo* through its subsidiary, C.G. Capital Corporation, Overland Park, Kansas, in providing financial and investment advice, pursuant to § 225.25(b)(4) of the Board's Regulation Y; and in providing management consulting services to depository institutions, pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 7, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–15000 Filed 6–12–96; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[R–13]

Agency Information Collection Activities: Proposed Collection; Comment Request

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 summary of proposed collections for public comment. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Conditions of Coverage for Organ Procurement Organizations; *Form No.:* HCFA–R–13; *Use:* Organ procurement organizations are required to submit accurate data to HCFA concerning population and information on donors and organs on an annual basis in order to assure maximum effectiveness in the procurement and distribution of organs. *Frequency:* Annually; *Affected Public:* Not-for-profit institutions; *Number of Respondents:* 66; *Total Annual Responses:* 66; *Total Annual Hours Requested:* 1.

To request copies of the proposed paperwork collections referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Louis Blank, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: June 5, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources.

[FR Doc. 96–15003 Filed 6–12–96; 8:45 am]

BILLING CODE 4120–03–P

[HSQ–231–N]

Medicare, Medicaid, and CLIA Programs; Clinical Laboratory Improvement Amendments of 1988 Exemption of Laboratories in the State of Oregon

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: Section 353(p) of the Public Health Service Act provides for the exemption of laboratories from the requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA) when the State in which they are located has requirements equal to or more stringent than those of CLIA. This

notice grants exemption from CLIA requirements and is applicable only to laboratories located within the State of Oregon that possess a valid State license.

EFFECTIVE DATE: The provisions of this notice are effective on June 13, 1996, through December 31, 1999.

FOR FURTHER INFORMATION CALL: Val Coppola, (410) 786–3354.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

Section 353 of the Public Health Service Act, as amended by the Clinical Laboratory Improvement Amendments of 1988 (CLIA), requires any laboratory that performs tests on human specimens to meet the requirements established by the Department of Health and Human Services. Under the provisions of the sentence following section 1861(s)(14) and paragraph (s)(16) of the Social Security Act, any laboratory that also requests to be paid for services furnished to Medicare beneficiaries must meet the requirements of section 353 of the Public Health Service Act. Subject to specified exceptions, laboratories must have a current and valid CLIA certificate to test human specimens to be eligible for payment from the Medicare or Medicaid program. Regulations implementing section 353 of the Public Health Service Act are contained in 42 CFR part 493, Laboratory Requirements.

Section 353(p) of the Public Health Service Act provides for the exemption of laboratories from CLIA requirements in a State that applies requirements that are equal to or more stringent than those of CLIA. The statute does not specifically require the promulgation of criteria for the exemption of laboratories in a State. The decision to grant CLIA exemption to laboratories within a State is at HCFA's discretion, acting on behalf of the Secretary of Health and Human Services.

Part 493, subpart E, Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program implements section 353(p) of the Public Health Service Act. Section 493.513 provides that we may exempt from CLIA requirements, for a period not to exceed 6 years, State licensed or approved laboratories in a State if the State meets specified conditions. Section 493.513(k) provides that we will publish a notice in the Federal Register announcing the names and basis for exemption of States whose laboratories are exempt from meeting the requirements of part 493.

II. Notice of Approval of CLIA Exemption to Laboratories in the State of Oregon

In this notice, we grant CLIA exemption for all specialties and subspecialties to all laboratories located in the State of Oregon that possess a valid license to perform laboratory testing effective June 13, 1996, through December 31, 1999.

III. Evaluation of The Oregon State Laboratory Program

The following describes the process we used to determine whether we should grant exemption from CLIA requirements to licensed Oregon laboratories.

A. Requirements for Granting CLIA Exemption

To determine whether we should grant a CLIA exemption to all laboratories within the State of Oregon, we conducted a detailed and indepth comparison of Oregon State's requirements for its laboratories to those of CLIA and evaluated whether Oregon State's standards meet the requirements at § 493.513. In summary, we evaluated whether the State of Oregon—

- Has laws in effect that provide for requirements that are equal to or more stringent than CLIA requirements;
- Has an agency that licenses or approves laboratories meeting State requirements that also meet or exceed CLIA requirements, and would, therefore, meet the condition level requirements of the CLIA regulations;
- Demonstrates that it has enforcement authority and administrative structures and resources adequate to enforce its laboratory requirements;
- Permits us or our agents to inspect laboratories within the State;
- Requires laboratories within the State to submit to inspections by us or our agents as a condition of licensure;
- Agrees to pay the cost of the validation program administered by us and the cost of the State's pro rata share of the general overhead to develop and implement CLIA as specified in §§ 493.645(a) Fee(s) applicable to accredited laboratories/approved State licensure programs and 493.646(b) Payment of fees; and
- Takes appropriate enforcement action against laboratories found by us or our agents not to be in compliance with requirements comparable to condition level requirements.

We also evaluated whether the State of Oregon laboratory program meets the requirements and licenses laboratories in accordance with § 493.515, Federal review of laboratory requirements of State laboratory programs.

As specified in § 493.515, our review of a State laboratory program includes (but is not necessarily limited to) an evaluation of—

- Whether the State's requirements for laboratories are equivalent to or more stringent than the CLIA condition level requirements;
- The State's inspection process requirements to determine—

—The comparability of the full inspection and complaint inspection procedures to our procedures;

—The State's enforcement procedures for laboratories found to be out of compliance with its requirements; and

—The ability of the State to provide us with electronic data and reports with the adverse or corrective actions resulting from proficiency testing results that constitute unsuccessful participation in HCFA-approved proficiency testing programs and with other data we determine to be necessary for validation and assessment of the State's inspection process requirements;

- The State's agreement to—

—Notify us within 30 days of the action taken against any CLIA-exempt laboratory that has had its licensure or approval withdrawn or revoked or been in any way sanctioned;

—Notify us within 10 days of any deficiency identified in a CLIA-exempt laboratory in cases when the deficiency poses an immediate jeopardy to the laboratory's patients or a hazard to the general public;

—Notify each laboratory licensed by the State within 10 days of our withdrawal of the exemption;

—Provide us with written notification of any changes in its licensure (or approval) and inspection requirements;

—Disclose any laboratory's proficiency testing results in accordance with the State's confidentiality requirements;

—Take the appropriate enforcement action against laboratories we find not to be in compliance with requirements comparable to condition level requirements and report these enforcement actions to us;

—Notify us of all newly licensed laboratories, including the specialties and subspecialties for which any laboratory performs testing, within 30 days; and

—Provide to us, as requested, inspection schedules for validation purposes.

B. Evaluation of the Oregon State Request for CLIA Exemption

The State of Oregon has formally applied to us for an exemption from the CLIA requirements for laboratories located within the State that possess a valid State license.

We have evaluated the Oregon State's CLIA exemption application and all subsequent submissions for equivalency against the three major categories of CLIA rules: The implementing regulations, the enforcement regulations, and the deeming/exemption requirements. The statutory requirements pertaining to laboratories in Oregon are found at Chapter 438, Clinical Laboratories, in the Oregon Revised Statutes. We found the Laboratory Licensing Section of the Center for Public Health Laboratories, which issues, implements, and enforces regulations specified in the Oregon Administrative Rule, Division 24, Chapter 333, to administer a program that is equal to the CLIA program, taken as a whole. We performed an indepth evaluation of the Oregon application to verify the State's assurance of compliance with the following subparts of part 493.

Subpart E, Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

HCFA and the Centers for Disease Control and Prevention staff reviewers have examined the Oregon State application and all subsequent submissions against the exemption requirements that a State must meet in order to be granted CLIA-exempt status (§ 493.513 and the applicable parts of §§ 493.515, 493.517, 493.519, and 493.521, which concern General requirements for CLIA-exempt laboratories; Federal review of laboratory requirements of State laboratory programs; Validation inspections of CLIA-exempt laboratories; Continuing Federal oversight of an approved State laboratory program; and Removal of CLIA exemption and final determinations review). The State has complied with the applicable CLIA requirements for exemption under this subpart.

Subpart H, Participation in Proficiency Testing for Laboratories Performing Tests of Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

The Oregon Administrative Rule requires licensed laboratories within Oregon to enroll and participate in a HCFA-approved proficiency testing program for all tests listed in Subpart I of the CLIA regulations. Oregon has adopted the requirements of Subpart H, Participation in proficiency testing for laboratories performing tests of moderate complexity (including the subcategory), high complexity, or any combination of these tests.

Therefore, the proficiency testing requirements of Oregon are equivalent to those of CLIA.

Subpart J, Patient Test Management for Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

Oregon has modified its requirements for patient test management to be equal to those of the CLIA regulations.

Subpart K, Quality Control for Tests of Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

The Oregon Administrative Rule recognizes the CLIA categorization of tests and stipulates quality control requirements for moderate complexity (including the subcategory of provider performed microscopy), and high complexity tests that are equivalent to the respective CLIA requirements, taken as a whole.

Subpart M, Personnel for Moderate Complexity (Including the Subcategory) and High Complexity Testing

The personnel requirements of the Oregon Administrative Rule are equivalent to those of CLIA for all levels of testing complexity.

Subpart P, Quality Assurance for Moderate Complexity (Including the Subcategory) or High Complexity Testing, or Any Combination of These Tests

The applicable standards of the Oregon Administrative Rule are equal to the CLIA requirements at §§ 493.1701 through 493.1721, which address quality assurance.

Subpart Q, Inspection

Oregon laboratories that possess a license for moderate or high complexity testing are routinely inspected on-site, biennially. Routine inspections are usually announced. All complaint inspections are unannounced. The Oregon State Laboratory Licensing Section implements inspection requirements and policies that are equal to those of CLIA.

Subpart R, Enforcement Procedures

We have reviewed documentation of Oregon State's enforcement authority, its administrative structure and the resources used to enforce its standards. The State appropriately applies limitations and revocations of its licenses for laboratories as well as other categories of penalties. Dependent upon probable circumstances, Oregon may impose a directed plan of correction, it may refuse to issue a license or permit, or, if necessary, it could initiate criminal penalties.

The State of Oregon has provided us with the mechanism it currently uses to monitor the proficiency testing performance of its laboratories. The initial action taken by Oregon State for unsuccessful proficiency testing performance requires the laboratory to determine the cause of the failure, document corrective actions and provide an assurance that patient testing is correctly performed. If no response or an inadequate response is received, procedures to remove the analyte, subspecialty, or specialty from the laboratory's license will be initiated. The State may perform an on-site inspection due to unsuccessful proficiency testing performance.

The State of Oregon has provided appropriate documentation demonstrating that its enforcement policies and procedures are equivalent to those of CLIA.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of CLIA-exempt laboratories, as specified in § 493.517, will be conducted on a representative sample basis as well as in response to substantial allegations of noncompliance (complaint inspections). The outcome of those validation inspections will be our principal means for verifying the appropriateness of the exemption given to laboratories in Oregon. This Federal monitoring is an on-going process. The State of Oregon will provide us with survey findings for each laboratory selected for validation.

V. Removal of Approval of Oregon State Exemption

We will remove the CLIA exemption of laboratories located in the State of Oregon that possess a valid license if we determine the outcome and comparability review of validation inspections are not acceptable as described under § 493.521 or if the State fails to pay the required fee as stated under § 493.645(a).

VI. Laboratory Data

In accordance with § 493.513(d)(2)(iii), Oregon State will provide us with changes to a laboratory's specialties or subspecialties based on the State's survey and with changes in a laboratory's licensure status.

VII. Required Administrative Actions

CLIA is a user-fee funded program. The registration fee paid by the laboratories is used to cover the cost of the development and administration of the program. However, when a State's application for exemption is approved, we may not charge a fee to laboratories in the State that are covered by the exemption. The State's share of the costs associated with CLIA must be collected from the State. Section 493.645 specifies that Health and Human Services assesses fees that a State must pay for the following:

- Costs of Federal inspection of laboratories in the State to verify that standards are enforced in an appropriate manner. The average cost per validation survey nationally is multiplied by the number of surveys that will be conducted.
- Costs incurred for Federal investigations and surveys triggered by complaints that are substantiated. We bill the State for these costs. We anticipate that most of these surveys will be referred to the State and that there will be little Federal activity in this area.
- The State's proportionate share of general overhead costs for the items and services it benefits from and only for those paid for out of registration or certificate fees we collected.

In order to estimate Oregon State's proportionate share of the general overhead costs, we determined the ratio of laboratories in Oregon State to the total number of laboratories nationally. In that the general overhead costs apply equally to all laboratories, we determined the cumulative overhead costs that should be assumed by the State of Oregon.

The State of Oregon has agreed to pay us its pro rata share of the overhead costs and anticipated costs of actual validation and complaint investigation surveys. A final reconciliation for all laboratories and all expenses will be made. We will reimburse the State for any overpayment or bill it for any balance.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

Authority: Section 353 of the Public Health Service Act (42 U.S.C. 263a).

Dated: May 13, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 96–14969 Filed 6–12–96; 8:45 am]

BILLING CODE 4120–01–P

Health Resources and Services Administration

Availability of Funds for the Community Scholarship Programs

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of available funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces the availability of approximately $100,000 under section 338L of the Public Health Service (PHS) Act for competing and project period renewal Grants to States for Community Scholarship Programs (CSP).

The purpose of the CSP is to enable States to increase the availability of primary health care in urban and rural federally designated health professional shortage areas (HPSAs) by assisting community organizations to provide scholarships for the education of individuals to serve as health professionals in these communities.

The PHS is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2000*, a PHS-led national activity. This grant program is related to the objectives of improving access to and availability of primary health care services for all Americans, especially the underserved populations. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report: Stock No. 017–001–00474–0) or *Healthy People 2000* (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (telephone number 202–783–3238).

PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

DATES: Applications are due July 15, 1996. Applications will be considered to have met the deadline if they are (1) received on or before the deadline date; or (2) postmarked on or before the established deadline date and received in time for orderly processing. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a receipt from a commercial carrier. Private metered postmarks will not be acceptable as proof of timely mailing. Late applications not accepted for processing will be returned to the applicant.

ADDRESSES: Application materials may be obtained from, and completed applications should be returned to: Ms. Alice H. Thomas, Grants Management Officer, Bureau of Primary Health Care (BPHC), 4350 East-West Highway, 11th Floor, Bethesda, Maryland 20814, (301) 594–4250. The Grants Management staff is available to provide assistance on business management issues. Applications for these grants will be made on PHS Form 5161–1 with revised face sheet DHHS Form 424, as approved by the Office of Management and Budget (OMB) under control number 0937–0189.

FOR FURTHER INFORMATION CONTACT: For general program information and technical assistance, please contact Sharley L. Chen, Division of Scholarships and Loan Repayments, BPHC, HRSA, 4350 East-West Highway, 10th Floor, Bethesda, Maryland 20814, at (301) 594–4400.

SUPPLEMENTARY INFORMATION: In FY 1996, approximately $100,000 will be awarded for 3–5 new and project period renewal grants ranging from $5,000 to $75,000 for a 12-month budget period and up to a 3-year project period. Under this program, States enter into agreements with public or private nonprofit community organizations located in federally designated HPSAs. These organizations will recruit qualified residents of their communities and provide scholarships to them to become physicians, certified nurse practitioners, certified nurse midwives, or physician assistants based on the needs of the communities.

This grant program is intended to be consistent with the efforts of the National Health Service Corps (NHSC) Scholarship Program, NHSC Loan Repayment Program and NHSC State

Loan Repayment Program to meet the needs of underserved populations in federally designated HPSAs through the placement of primary care practitioners. For purposes of this program, the term ''primary health care'' means health services regarding family medicine, general internal medicine, general pediatrics, or obstetrics and gynecology, that are provided by physicians, certified nurse practitioners, certified nurse midwives, or physician assistants. The Secretary is required by statute [Section 338L(l)(3) of the PHS Act] to ensure that, to the extent practicable, not less than 50 percent of the amount appropriated will be in the aggregate expended by the States for making grants to community organizations that are located in rural federally designated HPSAs.

Eligibility Requirements

In order for a State to receive a grant under this program, the State must:

1. Receive funding for at least one grant, cooperative agreement, or contract under any provisions of the PHS Act other than section 338L for the fiscal year for which the State is applying;

2. Agree that the grant program will be administered directly by a single State agency;

3. Agree to make grants to community organizations located in federally designated HPSAs in order to assist those community organizations in providing scholarships to individuals enrolled or accepted for enrollment as full-time students in health professions schools accredited by a body or bodies recognized for accreditation purposes by the Secretary of Education;

4. Agree that 40 percent of the total costs of the scholarships will be paid from the Federal grant made to the State; and

5. Agree that 60 percent of the total costs of the scholarships will be paid from non-Federal contributions made in cash by the State and the community organization through which the scholarship is provided.

a. The State must make available through these cash contributions not less than 15 percent nor more than 25 percent of the scholarship costs.

b. The community organization must make available through these cash contributions not less than 35 percent nor more than 45 percent of the scholarship costs.

c. Non-Federal contributions provided in cash by the State and community organization (as described in a and b above) may not include any amounts provided by the Federal Government to the State, or community organization involved, or to any other entity. Non-Federal contributions required may be provided directly by the State and community organization involved, and may be provided through donations from public and private entities. States should be aware, however, that donations from providers may be subject to provisions of Public Law 102–234, the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.

Scholarship Requirement

To receive a grant, the State must agree that it will award a grant to a community organization for scholarships only if:

1. The individual who is to receive the scholarship under a contract is a resident of a federally designated HPSA in which the community organization is located and will provide primary health care services for:

a. A number of years equal to the number of years for which the scholarship is provided, or for a period of 2 years, whichever period is greater; or

b. Such greater period of time as the individual and the community organization may agree.

2. The individual agrees, while enrolled in a health professions school, to maintain an acceptable level of academic standing (as determined by the school) at the school as a full-time student in accordance with regulation issued by the Secretary pursuant to Section 338A (f)(1)(B) (iii) of the PHS Act;

3. The individual and the community organization agree that the scholarship:

a. Will be expended only for tuition expenses, other reasonable educational expenses, reasonable living expenses incurred while in attendance at the school, and/or payment to the individual of a monthly stipend of not more than the amount authorized for NHSC scholarship recipients under Section 338A(g)(1)(B) of the PHS Act; and

b. Will not, for any year of such attendance for which the scholarship is provided, be in an amount exceeding the total amount required for the year for the purposes indicated in paragraph (a) above.

4. The individual agrees to meet the educational and certification or licensure requirements necessary to become a primary care physician, certified nurse practitioner, certified nurse midwife, or physician assistant in the State in which the individual is to practice under the contract; and,

5. The individual agrees that, in providing primary health care pursuant to the scholarship, he/she:

a. Will not, in the case of an individual seeking care, discriminate on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to the programs established in Titles XVIII (Medicare) or XIX (Medicaid) of the Social Security Act; and,

b. Will accept assignment under Section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under Part B of Title XVIII, and will enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under Title XIX to provide service to individuals entitled to medical assistance under the plan.

Evaluation Criteria

For new and competing continuation grants the following criteria will be used to evaluate applications: (a) The magnitude and extent of the need for the grant to provide primary health care, as described in the proposal; (b) The extent to which the applicant's and community's recruitment plans are consistent with the State's plans for meeting the needs of the community's primary care system; (c) The adequacy of the methodology for selecting community organizations, and for monitoring and evaluating the community organization's compliance with the terms and conditions of the grant; (d) The degree of documented community commitment to and involvement with the grant; (e) The appropriateness of the proposed plan to administer and manage the grant; and (f) The soundness of the budget and the budget justification for assuring effective utilization of grant funds. For competing continuation applications, evaluation will also be made of program outcomes and the degree to which stated goals and objectives were achieved.

Other Grant Information

The CSP is subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application package for this program will include a list of States with review systems and the single point of contact (SPOC) in each State for the review. Applicants (other than federally-recognized Indian tribal governments)

should contact their State SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline. The BPHC does not guarantee that it will accommodate or explain its response to State process recommendations received after that date. Grants will be administered in accordance with HHS regulations in 45 CFR Part 92. The OMB Catalog of Federal Domestic Assistance number for this program is 93.931.

Dated: June 7, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–15024 Filed 6–12–96; 8:45 am]

BILLING CODE 4160–15–P

Project Grants for Renovation or Construction of Non-Acute Health Care Facilities

AGENCY: Health Resources and Services Administration.

ACTION: Notice of availability of funds.

SUMMARY: The Bureau of Health Resources Development (BHRD), Health Resources and Services Administration (HRSA), announces that fiscal year (FY) 1996 funds are available for project grants for the construction or renovation of health facilities. Funds were appropriated for these purposes by the Balanced Budget Downpayment Act, II, Pub. L. 104–134, for FY 1996, under the authority of Section 1610 of the Public Health Service (PHS) Act. The categories for funds are: A—Women's Health Care, B—Rural Health Care, and C—Oral Health Care.

DATES: To receive consideration, applications for the renovation or construction of facilities must be received by the close of business July 29, 1996 by the Grants Management Officer, Ms. Glenna Wilcom, at the address below. Applications will meet the deadline if they are either: (1) Received on or before the deadline date; or (2) postmarked on or before the deadline date. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted instead of a postmark.

Private metered postmarks will not be acceptable as proof of timely mailing. Hand delivered applications must be received by 5 p.m. July 29, 1996. Grant applications that are received after the deadline date will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: Additional information related to technical and program issues may be obtained from Mrs. Charlotte G. Pascoe, Director, Division of Facilities Compliance and Recovery, Bureau of Health Resources Development, Health Resources and Services Administration, Parklawn Building, Room 7–47, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4303. Grant applications and additional information regarding business, administrative or fiscal issues related to the awarding of grants under this Notice may be requested from Ms. Glenna Wilcom, Grants Management Officer, Bureau of Health Resources Development, Health Resources and Services Administration, Parklawn Building, Room 7–27, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2280. Applicants for grants will use Form PHS 5161–1, approved under OMB Control Number 0937–0189.

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Pub. L. 104–134 provides funds for grants under the authority of Section 1610 of the PHS Act. Section 1610(b) provides that the amount of any grant may not exceed 80 percent of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the grant may cover up to 100 percent of such costs. (Urban or rural poverty area is defined as a medically underserved area designated by the Secretary (42 CFR 51c.102).) To determine if the proposed project location is in a medically underserved area, the applicant may contact the Analysis and Reporting Branch, Division of Facilities Compliance and Recovery, (301) 443–4303. However, before a determination can be made, the census tract of the facility must be known. Appendix III provides the telephone numbers for regional offices of the Census Bureau. The regional offices can provide information about census tracts.

Availability of Funds

A total of $10,000,000 is available in FY 1996 to be awarded in the following categories:

A—Health Care for Women

Construction or modernization of an outpatient medical facility located apart from a hospital or conversion of an existing facility to an outpatient facility which will provide services for women with diverse socioeconomic and medical needs and which serves medically underserved populations. Approximately $3.3 million is available to fund between one and six projects in this category.

B—Rural Health Care

Construction or modernization of an outpatient medical facility located apart from a hospital or conversion of an existing facility to an outpatient facility which will serve medically underserved populations and will improve rural health care access. Approximately $3.3 million is available to fund between one and six projects in this category.

C—Oral Health Care

Construction or modernization of an oral health care facility located apart from a hospital or conversion of an existing facility to an oral health care facility providing dental services to medically and dentally underserved populations, which also conducts oral health services research. Approximately $3.3 million is available to fund between one and six projects in this category.

Eligible Applicants

To be eligible, an applicant must:

(1) Be a public or private non-profit entity;

(2) Have a source of funding to meet the non-Federal portion of the eligible construction cost; and

(3) Have title to a building site or have a lease which includes the time of construction plus 20 years of operation, or have a written commitment to acquire such title or lease within 3 months from the date of the grant award.

In addition to the above general eligibility criteria, the following applies to specific categories:

A—Women's Health Care

The applicant must serve a socio-economically diverse population of women with diverse health needs.

B—Rural Health Care

The applicant must meet one of the three requirements stated below.

(1) The proposed project is *NOT* located in a Metropolitan Statistical Area as defined by the Office of Management and Budget. A list of the cities and counties that are designated as Metropolitan Statistical Areas is included in Appendix I. IF THE PROPOSED PROJECT IS LOCATED IN ONE OF THESE AREAS, IT IS NOT ELIGIBLE FOR THE PROGRAM *unless* it meets one of the other two criteria listed below.

(2) Some Metropolitan Statistical Areas on the list are extremely large. Therefore, these areas have been divided into rural and urban census tracts. Included in Appendix II is a list of these Metropolitan Statistical Areas and the rural census tracts in each area. IF THE PROPOSED PROJECT IS LOCATED WITHIN ONE OF THESE CENSUS TRACTS, IT *IS* ELIGIBLE FOR THE PROGRAM.

(IF THE APPLICANT IS ELIGIBLE UNDER THIS CRITERION, THE COUNTY AND CENSUS TRACT MUST BE LISTED UNDER ITEM #5 ON THE FACE PAGE OF THE APPLICATION OR THE APPLICATION WILL BE RETURNED. Appendix III provides the telephone numbers for regional offices of the Census Bureau. The appropriate office can provide information about census tracts.)

(3) The proposed project will be constituted to exclusively provide services to migrant and seasonal farmworkers in rural areas and is supported under Section 329 of the Public Health Service Act. These projects are eligible regardless of the urban or rural location.

C—Oral Health Care

(1) The applicant must be a dental school, post-graduate training (residency) institution, a local health department clinic, or a community based care organization;

(2) The applicant must operate an ongoing program of oral health services research; and

(3) The proposed project must result in the provision of outpatient oral health services needed by a medically and dentally underserved population.

APPLICANTS MAY ONLY REQUEST FUNDING FOR *ONE* CATEGORY. Further, applicants must agree in writing to provide:

(1) An assurance (referred to as the community services assurance) that, at all times after such application is approved, the facility or portion thereof to be constructed or renovated will be made available to persons residing or employed in the area served by the facility who need the services offered by the facility, in accordance with 42 CFR Part 124, Subpart G; and

(2) An assurance (referred to as the uncompensated services assurance) that a reasonable volume of services will be available to persons unable to pay for care in the facility or the portion thereof which is to be constructed or renovated, in accordance with 42 CFR Part 124, Subpart F (OMB Clearance Number 0915–0077). THIS OBLIGATION CONTINUES IN *PERPETUITY*.

In addition, before grant funds can be released, the grantee must:

(1) Record the notice of the Federal interest and grant recovery rights as described in section 1622 of the PHS Act at its local land records office; and

(2) Obtain a statement from the lessor (if the property is to be leased) that it is understood that there will be a notice of the Federal interest and grant recovery rights at the local land records office.

Evaluation Criteria

Applicants must meet the following criteria. Projects will be reviewed on a competitive basis by an objective review committee based on an assessment of how well applicants meet the evaluation criteria:

(1) Clarity of defined service program goals and objectives; degree to which the specific activities required to accomplish the service goals of the proposed project are defined;

(2) Degree to which the needs assessment justifies the scope of services proposed by the project, including the number of persons to be served. Adequacy of documentation that the proposed project will result in the provision of services to a population that is medically underserved (and, for Oral Health Care projects, dentally underserved);

(3) Adequacy of the description of the quality and scope of medical care (or, for Oral Health Care projects, dental care); strength of the qualifications of the staff to ensure appropriate care of patients;

(4) Degree to which (a) needs of racial and ethnic minorities have been considered, and (b) efforts will be made to meet such needs;

(5) Strength of documentation that services to be provided will be accessible and available to the target population; criteria include proximate location of the project to the target population; local transportation availability and assistance; hours of operation; and outreach activities;

(6) The appropriateness of the project design, facility construction/renovation plans and schematic drawings, and timeframes for initiation through completion of the project;

(7) The reasonableness and justification for the itemized costs in the construction budget;

(8) The ability of the applicant to provide more than the minimally required matching amount of the cost for the construction project;

(9) Adequacy of reimbursement sources and other funding sources sufficient to support program operations and to maintain the ongoing financial viability of the project after the construction has been completed;

(10) Strength of demonstration of the applicant's intent to maintain the portion of the facility receiving this Federal assistance for the purpose of the grant for a period of at least 20 years; and

(11) Degree to which the applicant qualifies for one of the three categories designated in ''Availability of Funds.''

In addition to the above general evaluation criteria, the applicant will be evaluated on the following specific criteria:

A—Women's Health Care

(1) Degree to which the project will provide services to low income population minority groups such as, African Americans, Hispanics, Native Americans, Alaskan Natives, and Asian and Pacific Islanders and will serve a diverse socio-economic group including elderly women, homeless women, and adolescent women.

(2) Appropriateness of how the diverse health needs of women will be met, including HIV disease, mental health, maternal health, heart disease, diabetes, cancers, substance abuse, and violence related health needs.

B—Rural Health Care

No specific criteria, the applicant should respond to the 11 general evaluation criteria.

C—Oral Health Clinic

(1) Adequacy of assurances which enhance coordination and continuity of care for the target population through collaboration and affiliation with providers of primary health care and other supportive services, and with specialty and inpatient dental and medical service providers. Degree to which special efforts to establish collaborations and affiliations with community-based organizations are reflected.

(2) Adequacy of the documentation that the training program is accredited by the American Dental Association; and adequacy of a supervision strategy (including strength of supervisory qualifications), if services are to be provided by dental students or residents.

(3) Adequacy of description of the oral health services research activities (i.e., research focused on cost, quality, effectiveness of care, or access to care) which are to be conducted in the facility to be renovated/constructed describing the purposes, objectives, methods, and timeframe for completion.

Allowable Costs

A successful applicant under this Notice must spend funds it receives according to the approved application and budget; the authorizing legislation; terms and conditions of the grant award; the regulations of the Department and PHS applicable to grants; the applicable Office of Management and Budget (OMB) circular for public and private non-profit grantees; and Appendix II of the PHS Grants Policy Statement applicable to construction.

State Offices of Rural Health

Category B applicants should notify their State Office of Rural Health of their intent to apply for this grant program. The State Office can provide information on rural health care needs within the State.

Other Award Information

Grants awarded under this notice are subject to the provisions of Executive Order 12372, as implemented under 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications within their States for assistance under certain Federal programs. The application packages to be made available by HRSA will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for the review. Applicants (other than Federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline date for new and competing awards. The HRSA does not guarantee that it will accommodate or explain its responses to State process recommendations received after the due date.

PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The program announcement, ''Project Grants for Renovation or Construction of Non-Acute Health Care Facilities,'' is related to the priority areas of maternal health, oral health, and services to underserved populations. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report: Stock No. 017–001–00474–0) or *Healthy People 2000* (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Use of metric units in application plans, design, and project construction

Per Executive Order 12770, July 1991, all construction projects funded in whole or in part with Federal funds must use System International (SI) Metric Units. Usage shall conform to Federal Standard 376B, *Preferred Metric Units for General Use by the Federal Government.* Applicants must use this system (SI) for planning, estimating, design and construction phases of Federally supported projects.

(OMB Catalog of Federal Domestic Assistance number for Section 1610(b) is 93.887)

Dated: June 7, 1996.

Ciro V. Sumaya,

Administrator.

Appendix I—Metropolitan Areas, by State and County [1] as Designated by OMB—June 30, 1990

Alabama

Autauga County
**Baldwin County
Blount County
Calhoun County
Colbert County
Dale County
Elmore County
Etowah County
Houston County
Jefferson County
Lauderdale County
Lawrence County
Madison County
**Mobile County
Montgomery County
Morgan County
Russell County
St. Clair County
Shelby County
**Tuscaloosa County
Walker County

Alaska

Anchorage Borough

Arizona

**Maricopa County
**Pima County
Yuma County

Arkansas

Crawford County
Crittenden County
Faulkner County
Jefferson County
Lonoke County
Miller County
Pulaski County
Saline County
Sebastian County
Washington County

California

Alameda County
**Butte County
Contra Costa County
**El Dorado County
**Fresno County
**Kern County
**Los Angeles County
Marin County
Merced County
**Monterey County
Napa County
Orange County
**Placer County
**Riverside County
Sacramento County
**San Bernardino County
**San Diego County
San Francisco County
**San Joaquin County
San Mateo County
**Santa Barbara County
**Santa Clara County
Santa Cruz County
**Shasta County
Solano County
**Sonoma County
**Stanislaus County
Sutter County
**Tulare County
**Ventura County
Yolo County
Yuba County

Colorado

**Adams County
Arapahoe County
Boulder County
Denver County
Douglas County
El Paso County
Jefferson County
**Larimer County
**Pueblo County
*Weld County

Connecticut

Fairfield County
Bethel town
Bridgeport town/city
Brookfield town
Danbury town/city
Darien town
Easton town
Fairfield town
Greenwich town
Monroe town
New Canaan town
New Fairfield town
Newtown town
Norwalk town/city
Redding town
Ridgefield town
Shelton town/city
Sherman town
Stamford town/city
Stratford town

Trumbull town
Weston town
Westport town
Wilton town
Hartford County (part)
Avon town
Berlin town
Bloomfield town
Bristol town/city
Burlington town
Canton town
East Granby town
East Hartford town
East Windsor town
Enfield town
Farmington town
Glastonbury town
Granby town
Hartford town/city
Manchester town
Marlborough town
New Britain town/city
Newington town
Plainville town
Rocky Hill town
Simsbury town
Southington town
South Windsor town
Suffield town
West Hartford town
Wethersfield town
Windsor town
Windsor Locks town
Litchfield County (part)
Barkhamsted town
Bethlehem town
Bridgewater town
New Hartford town
New Milford town
Plymouth town
Thomaston town
Watertown town
Woodbury town
Middlesex County (part)
Clinton town
Cromwell town
Durham town
East Haddam town
East Hampton town
Haddam town
Killingworth town
Middlefield town
Middletown town/city
Portland town
New Haven County
Ansonia town/city
Beacon Falls town
Bethany town
Branford town
Cheshire town
Derby town/city
East Haven town
Guilford town
Hamden town
Madison town
Meriden town/city
Middlebury town
Milford town/city
Naugatuck town/borough
New Haven town/city
North Branford town
North Haven town
Orange town
Oxford town
Prospect town
Seymour town
Southbury town
Wallingford town
Waterbury town/city
West Haven town/city
Wolcott town
Woodbridge town
New London County (part)
Bozrah town
Colchester town
East Lyme town
Franklin town
Griswold town
Groton town
Ledyard town
Lisbon town
Montville town
New London town/city
North Stonington town
Norwich town/city
Old Lyme town
Preston town
Salem town
Sprague town
Stonington town
Waterford town
Tolland County (part)
Andover town
Bolton town
Columbia town
Coventry town
Ellington town
Hebron town
Somers town
Stafford town
Tolland town
Vernon town
Willington town
Windham County (part)
Canterbury town

Delaware

New Castle County

District of Columbia

District of Columbia

Florida

Alachua County
Bay County
Bradford County
Brevard County
Broward County
Clay County
**Collier County
**Dade County
Duval County
Escambia County
Gadsden County
Hernando County
Hillsborough County
Lee County
Leon County
Manatee County
**Marion County
Martin County
Nassau County
Okaloosa County
Orange County
**Osceola County
**Palm Beach County
Pasco County
Pinellas County
**Polk County
St. Johns County
St. Lucie County
Santa Rosa County
Sarasota County
Seminole County
Volusia County

Georgia

Barrow County
Bibb County
Butts County
Catoosa County
Chatham County
Chattahoochee County
Cherokee County
Clarke County
Clayton County
Cobb County
Columbia County
Coweta County
Dade County
DeKalb County
Dougherty County
Douglas County
Effingham County
Fayette County
Forsyth County
Fulton County
Gwinnett County
Henry County
Houston County
Jackson County
Jones County
Lee County
McDuffie County
Madison County
Muscogee County
Newton County
Oconee County
Paulding County
Peach County
Richmond County
Rockdale County
Spalding County
Walker County
Walton County

Hawaii

Honolulu County

Idaho

Ada County

Illinois

Boone County
Champaign County
Clinton County
Cook County
DuPage County
Grundy County
Henry County
Jersey County
Kane County
Kankakee County
Kendall County
Lake County
McHenry County
McLean County
Macon County
Madison County
Menard County
Monroe County
Peoria County
Rock Island County
St. Clair County
Sangamon County
Tazewell County
Will County
Winnebago County
Woodford County

Indiana

Allen County
Boone County
Clark County
Clay County
Dearborn County
De Kalb County
Delaware County
Elkhart County
Floyd County
Hamilton County
Hancock County
Harrison County
Hendricks County
Howard County
Johnson County
Lake County
Madison County
Marion County
Monroe County
Morgan County
Porter County
Posey County
St. Joseph County
Shelby County
Tippecanoe County
Tipton County
Vanderburgh County
Vigo County
Warrick County
Whitley County

Iowa

Black Hawk County
Bremer County
Dubuque County
Johnson County
Linn County
Polk County
Pottawattamie County
Scott County
Warren County
Woodbury County

Kansas

**Butler County
Douglas County
Harvey County
Johnson County
Leavenworth County
Miami County
Sedgwick County
Shawnee County
Wyandotte County

Kentucky

Boone County
Bourbon County
Boyd County
Bullitt County
Campbell County
Carter County
Christian County
Clark County
Daviess County
Fayette County
Greenup County
Henderson County
Jefferson County
Jessamine County
Kenton County
Oldham County
Scott County
Shelby County
Woodford County

LOUISIANA

Ascension Parish
Bossier Parish
Caddo Parish
Calcasieu Parish
East Baton Rouge Parish
Jefferson Parish
Lafayette Parish
Lafourche Parish
Livingston Parish
Orleans Parish
Ouachita Parish
**Rapides Parish
St. Bernard Parish
St. Charles Parish
St. John the Baptist Parish
St. Martin Parish
St. Tammany Parish
**Terrebonne Parish
West Baton Rouge Parish

Maine

Androscoggin County (part)
Auburn city
Greene town
Lewiston city
Lisbon town
Mechanic Falls town
Poland town
Sabattus town
Cumberland County (part)
Cape Elizabeth town
Cumberland town
Falmouth town
Freeport town
Gorham town
Gray town
North Yarmouth town
Portland city
Raymond town
Scarborough town
South Portland city
Standish town
Westbrook city
Windham town
Yarmouth town
Penobscot County (part)
Bangor city
Brewer city
Eddington town
Glenburn town
Hampden town
Hermon town
Holden town
Kenduskeag town
Old Town city
Orono town
Orrington town
Penobscot Indian Island Indian Reservation
Veazie town
Waldo County (part)
Winterport town
York County (part)
Berwick town
Buxton town
Eliot town
Hollis town
Kittery town
North Berwick town
Ogunquit town
Old Orchard Beach town
South Berwick town
Wells town
York town

Maryland

Allegany County
Anne Arundel County
Baltimore city
Baltimore County
Calvert County
Carroll County
Cecil County
Charles County
Frederick County
Harford County
Howard County
Montgomery County
Prince George's County
Queen Anne's County
Washington County

Massachusetts

Berkshire County (part)
Cheshire town
Dalton town
Hinsdale town
Lanesborough town
Lee town
Lenox town
Pittsfield city
Richmond town
Stockbridge town
Bristol County (part)
Acushnet town
Attleboro city
Dartmouth town
Easton town
Fairhaven town
Fall River city
Freetown town
Mansfield town
New Bedford city
North Attleborough town
Norton town
Raynham town
Rehoboth town
Seekonk town
Somerset town
Swansea town
Westport town
Essex County
Amesbury town
Andover town
Beverly city
Boxford town
Danvers town
Essex town
Georgetown town
Gloucester city
Groveland town
Hamilton town
Haverhill city
Ipswich town
Lawrence city
Lynn city
Lynnfield town
Manchester town
Marblehead town
Merrimac town
Methuen town
Middleton town
Nahant town
Newbury town
Newburyport city
North Andover town
Peabody city
Rockport town
Rowley town
Salem city
Salisbury town
Saugus town
Swampscott town

Topsfield town
Wenham town
West Newbury town
Hampden County (part)
Agawam town
Chicopee city
East Longmeadow town
Hampden town
Holyoke city
Longmeadow town
Ludlow town
Monson town
Montgomery town
Palmer town
Russell town
Southwick town
Springfield city
Westfield city
West Springfield town
Wilbraham town
Hampshire County (part)
Belchertown town
Easthampton town
Granby town
Huntington town
Northampton city
Southampton town
South Hadley town
Middlesex County
Acton town
Arlington town
Ashby town
Ashland town
Ayer town
Bedford town
Belmont town
Billerica town
Boxborough town
Burlington town
Cambridge city
Carlisle town
Chelmsford town
Concord town
Dracut town
Dunstable town
Everett city
Framingham town
Groton town
Holliston town
Hopkinton town
Hudson town
Lexington town
Lincoln town
Littleton town
Lowell city
Malden city
Marlborough city
Maynard town
Medford city
Melrose city
Natick town
Newton city
North Reading town
Pepperell town
Reading town
Sherborn town
Shirley town
Somerville city
Stoneham town
Stow town
Sudbury town
Tewksbury town
Townsend town
Tyngsborough town
Wakefield town
Waltham city
Watertown town
Wayland town
Westford town
Weston town
Wilmington town
Winchester town
Woburn city
Norfolk County
Avon town
Bellingham town
Braintree town
Brookline town
Canton town
Cohasset town
Dedham town
Dover town
Foxborough town
Franklin town
Holbrook town
Medfield town
Medway town
Millis town
Milton town
Needham town
Norfolk town
Norwood town
Plainville town
Quincy city
Randolph town
Sharon town
Stoughton town
Walpole town
Wellesley town
Westwood town
Weymouth town
Wrentham town
Plymouth County (part)
Abington town
Bridgewater town
Brockton city
Carver town
Duxbury town
East Bridgewater town
Halifax town
Hanover town
Hanson town
Hingham town
Hull town
Kingston town
Lakeville town
Marion town
Marshfield town
Mattapoisett town
Middleborough town
Norwell town
Pembroke town
Plymouth town
Plympton town
Rochester town
Rockland town
Scituate town
West Bridgewater town
Whitman town
Suffolk County
Boston city
Chelsea city
Revere city
Winthrop town
Worcester County (part)
Ashburnham town
Auburn town
Barre town
Berlin town
Blackstone town
Bolton town
Boylston town
Brookfield town
Charlton town
Clinton town
Douglas town
Dudley town
East Brookfield town
Fitchburg city
Grafton town
Harvard town
Holden town
Hopedale town
Lancaster town
Leicester town
Leominster city
Lunenburg town
Mendon town
Milford town
Millbury town
Millville town
Northborough town
Northbridge town
North Brookfield town
Oxford town
Paxton town
Princeton town
Rutland town
Shrewsbury town
Southborough town
Spencer town
Sterling town
Sutton town
Upton town
Uxbridge town
Webster town
Westborough town
West Boylston town
Westminster town
Worcester city

Michigan

Bay County
Berrien County
Calhoun County
Clinton County
Eaton County
Genesee County
Ingham County
Jackson County
Kalamazoo County
Kent County
Lapeer County
Livingston County
Macomb County
Midland County
Monroe County
Muskegon County
Oakland County
Ottawa County
Saginaw County
St. Clair County
Washtenaw County
Wayne County

Minnesota

Anoka County
Benton County
Carver County
Chisago County
Clay County
Dakota County
Hennepin County
Isanti County
Olmsted County
Ramsey County
**St. Louis County
Scott County

Sherburne County
**Stearns County
Washington County
Wright County

Mississippi

DeSoto County
Hancock County
Harrison County
Hinds County
Jackson County
Madison County
Rankin County

Missouri

Boone County
Buchanan County
Cass County
Christian County
Clay County
Crawford County (part)
Sullivan city
Franklin County
Greene County
Jackson County
Jasper County
Jefferson County
Lafayette County
Newton County
Platte County
Ray County
St. Charles County
St. Louis City
St. Louis County

Montana

**Cascade County
**Yellowstone County

Nebraska

Dakota County
Douglas County
Lancaster County
Sarpy County
Washington County

Nevada

**Clark County
**Washoe County

New Hampshire

Hillsborough County (part)
Amherst town
Bedford town
Brookline town
Goffstown town
Hollis town
Hudson town
Litchfield town
Manchester city
Merrimack town
Milford town
Mont Vernon town
Nashua city
Pelham town
Wilton town
Merrimack County (part)
Allenstown town
Hooksett town
Rockingham County (part)
Atkinson town
Auburn town
Brentwood town
Candia town
Danville town
Derry town
East Kingston town
Exeter town
Greenland town
Hampstead town
Hampton town
Kingston town
Londonderry town
New Castle town
Newfields town
Newington town
Newmarket town
Newton town
North Hampton town
Plaistow town
Portsmouth city
Rye town
Salem town
Sandown town
Seabrook town
Stratham town
Windham town
Strafford County (part)
Barrington town
Dover city
Durham town
Farmington town
Lee town
Madbury town
Milton town
Rochester city
Rollinsford town
Somersworth city

New Jersey

Atlantic County
Bergen County
Burlington County
Camden County
Cape May County
Cumberland County
Essex County
Gloucester County
Hudson County
Hunterdon County
Mercer County
Middlesex County
Monmouth County
Morris County
Ocean County
Passaic County
Salem County
Somerset County
Sussex County
Union County
Warren County

New Mexico

Bernalillo County
**Santa Fe County
**Dona Ana County
Los Alamos County

New York

Albany County
Bronx County
Broome County
Chautauqua County
Chemung County
Dutchess County
Erie County
Greene County
**Herkimer County
Kings County
Livingston County
Madison County
Monroe County
Montgomery County
Nassau County
New York County
Niagara County
Oneida County
Onondaga County
Ontario County
Orange County
Orleans County
Oswego County
Putnam County
Queens County
Rensselaer County
Richmond County
Rockland County
Saratoga County
Schenectady County
Suffolk County
Tioga County
Warren County
Washington County
Wayne County
Westchester County

North Carolina

Alamance County
Alexander County
Buncombe County
Burke County
Cabarrus County
Catawba County
Cumberland County
Davidson County
Davie County
Durham County
Forsyth County
Franklin County
Gaston County
Guilford County
Lincoln County
Mecklenburg County
New Hanover County
Onslow County
Orange County
Randolph County
Rowan County
Stokes County
Union County
Wake County
Yadkin County

North Dakota

**Burleigh County
Cass County
**Grand Forks County
**Morton County

Ohio

Allen County
Auglaize County
Belmont County
Butler County
Carroll County
Clark County
Clermont County
Cuyahoga County
Delaware County
Fairfield County
Franklin County
Fulton County
Geauga County
Greene County
Hamilton County
Jefferson County
Lake County
Lawrence County
Licking County
Lorain County
Lucas County

Madison County
Mahoning County
Medina County
Miami County
Montgomery County
Pickaway County
Portage County
Richland County
Stark County
Summit County
Trumbull County
Union County
Warren County
Washington County
Wood County

Oklahoma

Canadian County
Cleveland County
Comanche County
Creek County
Garfield County
Logan County
McClain County
Oklahoma County
**Osage County
Pottawatomie County
Rogers County
Sequoyah County
Tulsa County
Wagoner County

Oregon

**Clackamas County
**Jackson County
**Lane County
Marion County
Multnomah County
Polk County
Washington County
Yamhill County

Pennsylvania

Adams County
Allegheny County
Beaver County
Berks County
Blair County
Bucks County
Cambria County
Carbon County
Centre County
Chester County
Columbia County
Cumberland County
Dauphin County
Delaware County
Erie County
Fayette County
Lackawanna County
Lancaster County
Lebanon County
Lehigh County
Luzerne County
**Lycoming County
Mercer County
Monroe County
Montgomery County
Northampton County
Perry County
Philadelphia County
Somerset County
Washington County
Westmoreland County
Wyoming County
York County

Rhode Island

Bristol County
Barrington town
Bristol town
Warren town
Kent County (part)
Coventry town
East Greenwich town
Warwick city
West Warwick town
Newport County (part)
Jamestown town
Little Compton town
Tiverton town
Providence County
Burrillville town
Central Falls city
Cranston city
Cumberland town
East Providence city
Foster town
Glocester town
Johnston town
Lincoln town
North Providence town
North Smithfield town
Pawtucket city
Providence city
Scituate town
Smithfield town
Woonsocket city
Washington County (part)
Exeter town
Hopkinton town
Narragansett town
North Kingstown town
Richmond town
South Kingstown town
Westerly town

South Carolina

Aiken County
Anderson County
Berkeley County
Charleston County
Dorchester County
Florence County
Greenville County
Lexington County
Pickens County
Richland County
Spartanburg County
York County

South Dakota

Minnehaha County
*Pennington County

Tennessee

Anderson County
Blount County
Carter County
Cheatham County
Davidson County
Dickson County
Grainger County
Hamilton County
Hawkins County
Jefferson County
Knox County
Madison County
Marion County
Montgomery County
Robertson County
Rutherford County
Sequatchie County
Sevier County
Shelby County
Sullivan County
Sumner County
Tipton County
Unicoi County
Union County
Washington County
Williamson County
Wilson County

Texas

Bell County
**Bexar County
Bowie County
**Brazoria County
Brazos County
Cameron County
Collin County
Comal County
Coryell County
Dallas County
Denton County
Ector County
Ellis County
El Paso County
Fort Bend County
Galveston County
Grayson County
Gregg County
Guadalupe County
Hardin County
**Harris County
Harrison County
Hays County
**Hidalgo County
Jefferson County
Johnson County
Kaufman County
Liberty County
Lubbock County
McLennan County
Midland County
Montgomery County
Nueces County
Orange County
Parker County
Potter County
Randall County
Rockwall County
San Patricio County
Smith County
Tarrant County
Taylor County
Tom Green County
Travis County
Victoria County
Waller County
Webb County
Wichita County
Williamson County

Utah

Davis County
Salt Lake County
Utah County
Weber County

Vermont

Chittenden County (part)
Burlington city
Charlotte town
Colchester town
Essex town
Hinesburg town
Jericho town
Milton town
Richmond town

St. George town
Shelburne town
South Burlington city
Williston town
Winooski city
Franklin County (part)
Georgia town
Grand Isle County (part)
Grand Isle town
South Hero town

Virginia

Albemarle County
Alexandria city
Amherst County
Arlington County
Bristol city
Botetourt County
Campbell County
Charles City County
Charlottesville city
Chesapeake city
Chesterfield County
Colonial Heights city
Danville city
Dinwiddie County
Fairfax city
Fairfax County
Falls Church city
Fluvanna County
Gloucester County
Goochland County
Greene County
Hampton city
Hanover County
Henrico County
Hopewell city
James City County
Loudoun County
Lynchburg city
Manassas city
Manassas Park city
New Kent County
Newport News city
Norfolk city
Petersburg city
Pittsylvania County
Poquoson city
Portsmouth city
Powhatan County
Prince George County
Prince William County
Richmond city
Roanoke city
Roanoke County
Salem city
Scott County
Stafford County
Suffolk city
Virginia Beach city
Washington County
York County

Washington

**Benton County
Clark County
**Franklin County
King County
Kitsap County
Pierce County
**Snohomish County
**Spokane County
Thurston County
**Whatcom County
**Yakima County

West Virginia

Brooke County
Cabell County
Hancock County
Kanawha County
Marshall County
Mineral County
Ohio County
Putnam County
Wayne County
Wood County

Wisconsin

Brown County
Calumet County
Chippewa County
Dane County
**Douglas County
Eau Claire County
Kenosha County
La Crosse County
**Marathon County
Milwaukee County
Outagamie County
Ozaukee County
Racine County
Rock County
St. Croix County
Sheboygan County
Washington County
Waukesha County
Winnebago County

Wyoming

**Laramie County
Natrona County

Puerto Rico

Aguada Municipio
Aguadilla Municipio
Aguas Buenas Municipio
Anasco Municipio
Arecibo Municipio
Barceloneta Municipio
Bayamon Municipio
Cabo Rojo Municipio
Caguas Municipio
Camuy Municipio
Canovanas Municipio
Carolina Municipio
Catano Municipio
Cayey Municipio
Cidra Municipio
Corozal Municipio
Dorado Municipio
Fajardo Municipio
Florida Municipio
Guaynabo Municipio
Gurabo Municipio
Hatillo Municipio
Hormigueros Municipio
Humacao Municipio
Isabela Municipio
Juana Diaz Municipio
Juncos Municipio
Las Piedras Municipio

* The list includes minor civil divisions (MCDs) and places independent of MCDs (treated as pseudo-MCDs by the Bureau of the Census for statistical purposes) in New England, and areas treated by the Bureau of the Census as the equivalents of counties for statistical purposes.

** Denotes counties that have eligible Census Tracts—see Appendix II.

Appendix II

* Census tract numbers are shown *below each* county name.

State

County

Tract Number

Alabama

Baldwin

0101
0102
0106
0110
0114
0115
0116

Mobile

0059
0062
0066
0072.02

Tuscaloosa

0107

Arizona

Maricopa

0101
0405.02
0507
0611
0822.02
5228
7233

Pima

0044.05
0048
0049

California

Butte

0024
0025
0026
0027
0028
0029
0030
0031
0032
0033
0034
0035
0036

El Dorado

0301.01
0301.02
0302
0303
0304.01
0304.02
0305.01
0305.02
0305.03
0306
0310
0311
0312
0313
0314
0315

Fresno

0040
0063
0064.01
0064.03
0065
0066
0067
0068
0071
0072
0073
0074
0077
0078
0079
0080
0081
0082
0083
0084.01
0084.02

Kern

0033.01
0033.02
0034
0035
0036
0037
0040
0041
0042
0043
0044
0045
0046
0047
0048
0049
0050
0051.01
0052
0053
0054
0055.01
0055.02
0056
0057
0058
0059
0060
0061
0063

Los Angeles

5990
5991
9001
9002
9004
9012.02
9100
9101
9108.02
9109
9110
9200.01
9201
9202
9203.03
9301

Monterey

0109
0112
0113
0114.01
0114.02
0115

Placer

0201.01
0201.02
0202
0203
0204
0216
0217
0219
0220

Riverside

0421
0427.02
0427.03
0429
0430
0431
0432
0444
0452.02
0453
0454
0455
0456.01
0456.02
0457.01
0457.02
0458
0459
0460
0461
0462

San Bernardino

0089.01
0089.02
0090.01
0090.02
0091.01
0091.02
0093
0094
0095
0096.01
0096.02
0096.03
0097.01
0097.03
0097.04
0098
0099
0100.01
0100.02
0102.01
0102.02
0103
0104.01
0104.02
0104.03
0105
0106
0107

San Diego

0189.01
0189.02
0190
0191.01
0208
0209.01
0209.02
0210
0212.01
0212.02
0213

San Joaquin

0040
0044
0045
0052.01
0052.02
0053.02
0053.03
0053.04
0054
0055

Santa Barbara

0018
0019.03

Santa Clara

5117.04
5118
5125.01
5127

Shasta

0126
0127
1504

Sonoma

1506.04
1537.01
1541
1542
1543

Stanislaus

0001
0002.01
0032
0033
0034
0035
0036.05
0037
0038
0039.01
0039.02

Tulare

0002
0003
0004
0005
0006
0007
0026
0028
0040
0043
0044

Ventura

0001
0002
0046
0075.01

Colorado

Adams

0084
0085.13
0087.01

El Paso

0038
0039.01
0046

Larimer

0014
0017.02
0019.02
0020.01
0022

Pueblo

0028.04
0032
0034

Weld

0019.02
0020
0024
0025.01
0025.02

Florida

Collier

0111
0112
0113
0114

Dade

0115

Marion

0002
0004
0005
0027

Osceola

0401.01
0401.02
0402.01
0402.02
0403.01
0403.02
0404
0405.01
0405.02
0405.03
0405.05
0406

Palm Beach

0079.01
0079.02
0080.01
0080.02
0081.01
0081.02
0082.01
0082.02
0082.03
0083.01
0083.02

Polk

0125
0126
0127
0142
0143
0144
0152
0154
0155
0156
0157
0158
0159
0160
0161

Kansas

Butler

0201
0203
0204
0205
0209

Louisiana

Rapides

0106
0135
0136

Terrebonne

0122
0123

Minnesota

St. Louis

0105
0112
0113
0114
0121
0122
0123
0124
0125
0126
0127
0128
0129
0130
0131
0132
0133
0134
0135
0137.01
0137.02
0138
0139
0141
0151
0152
0153
0154
0155

Stearns

0103
0105
0106
0107
0108
0109
0110
0111

Montana

Cascade

0105

Yellowstone

0015
0016
0019

Nevada

Clark

0057
0058
0059

Washoe

0031.04
0032
0033.01
0033.02
0033.03
0033.04
0034

New Mexico

Dona Ana

0014
0019

Santa Fe

0101
0102
0103.01

New York

Herkimer

0101
0105.02
0107
0108
0109
0110.01
0110.02
0111
0112
0113.01

North Dakota

Burleigh

0114
0115

Grand Forks

0114
0115
0116
0118

Morton

0205

Oklahoma

Osage

0103
0104
0105
0106
0107
0108

Oregon

Clackamas

0235
0236
0239
0240
0241
0243

Jackson

0024

0027

Lane

0001
0005
0007.01
0007.02
0008
0013
0014
0015
0016

Pennsylvania

Lycoming

0101
0102

South Dakota

Pennington

0116
0117

Texas

Bexar

1720
1821
1916

Brazoria

0606
0609
0610
0611
0612
0613
0614
0615
0616
0617
0618
0619
0620.01
0620.02
0621
0622
0623
0624
0625.01
0625.02
0625.03
0626.01
0626.02
0627
0628
0629
0630
0631
0632

Harris

0354
0544
0546

Hidalgo

0223
0224
0225
0226
0227
0228
0230
0231
0243

Washington

Benton

0116
0117
0118
0119
0120

Franklin

0208

King

0327
0328
0330
0331

Snohomish

0532
0536
0537
0538

Spokane

0101
0102
0103.01
0103.02
0133
0138
0143

Whatcom

0110

Yakima

0018
0019
0020
0021
0022
0023
0024
0025
0026

Wisconsin

Douglas

0303

Marathon

0017
0018
0020
0021
0022
0023

Wyoming

Laramie

0016
0017
0018

Appendix III—Bureau of the Census Regional Information Service

Atlanta, GA—404–730–3957
Alabama, Florida, Georgia
Boston, MA—617–424–0501
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Upstate New York
Charlotte, NC—704–344–6142
Kentucky, North Carolina, South Carolina, Tennessee, Virginia
Chicago, IL—708–562–1350
Illinois, Indiana, Wisconsin
Dallas, TX—214–767–7500
Louisiana, Mississippi, Texas
Denver, CO—303–969–6750
Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, Wyoming
Detroit, MI—313–259–0056
Michigan, Ohio, West Virginia
Kansas City, KS—913–551–6728
Arkansas, Iowa, Kansas, Missouri, New Mexico, Oklahoma
Los Angeles, CA—818–904–6339
California
Philadelphia, PA—215–597–8313
Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania
Seattle, WA—206–728–5314
Idaho, Montana, Nevada, Oregon, Washington

[FR Doc. 96–15023 Filed 6–12–96; 8:45 am]

BILLING CODE 4160–15–P

Indian Health Service

Reimbursement Rates for Calendar Year 1996

Notice is given that the Director of Indian Health Service, under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248(a) and 249(b)) and section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1601), has approved the following reimbursement rates for inpatient and outpatient medical care in facilities operated by the Indian Health Service for Calendar Year 1996: Medicare, and Medicaid Beneficiaries and Beneficiaries of other Federal Agencies. Alternatively, with respect to Medicaid rates, Indian Health Service Facilities may elect to receive payments as set forth under an approved State Medicaid plan.

Inpatient Hospital Per Diem Rate (Medicaid Only)

$736 (Lower 48)
$930 (Alaska)

Part B Inpatient Ancillary Per Diem (Medicare Only)

$405 (Lower 48)
$512 (Alaska)

Outpatient Per Visit Rate (Medicare and Medicaid)

$147 (Lower 48)
$233 (Alaska)

Outpatient Surgery (Medicare Only)

Established rates for freestanding Ambulatory Surgery Centers

Consistent with previous annual rate revisions, these rates will be effective for services provided on/or after January 1, 1996.

Dated: March 25, 1996.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 96–14952 Filed 6–12–96; 8:45 am]

BILLING CODE 4160–16–M

National Institutes of Health

Proposed Collection; Comment Request; Agricultural Health Study—A Prospective Cohort Study of Cancer and Other Diseases Among Men and Women in Agriculture

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* Agricultural Health Study—A Prospective Cohort Study of Cancer and Other Diseases Among Men and Women in Agriculture. *Type of Information Collection Request:* Revision (0925–0406, expiration 8/31/96). *Need and Use of Information Collection:* The Agricultural Health Study is in its third year of data collection on a prospective cohort of 75,000 farmers, their spouses, and commercial applicators of pesticides from Iowa and North Carolina. Baseline questionnaires have been completed by these applicators and by spouses of the farmer applicators.

These questionnaires collected information about demographics, occupational history, medical history and family medical history. *Frequency of Response:* Single time reporting. *Affected Public:* Individuals or households, Farms. *Type of Respondents:* Private pesticide applicators and their spouses. The annual reporting burden is as follows: *Estimated Number of Respondents:* 13,590; *Estimated Number of Responses per Respondent:* 1.0; *Average Burden Hours Per Response:* .6143; and, *Estimated Total Annual Burden Hours Requested:* 8,348. The annualized cost to respondents is estimated at: $83,480. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Michael C.R. Alavanja, Dr. P.H., Epidemiology and Biostatistics Program, Division of Cancer Etiology, National Cancer Institute, EPN 430, 6130 Executive Boulevard, Rockville, MD 20852, or call (310) 496–9093, or E-mail your request, including your address to: alavanjamepndce.nci.nih.gov.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received by no later than August 12, 1996.

Dated: May 31, 1996.

Philip D. Amoruso,

NCI Executive Director.

[FR Doc. 96–15057 Filed 6–12–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Sickle Cell Disease Therapy.

Date: June 20–21, 1996.

Time: 7:30 p.m.

Place: Holiday Inn, Chevy Chase, 5522 Wisconsin Avenue, Chevy Chase, Maryland 20815.

Contact Person: Ivan Baines, Ph.D., Two Rockledge Center, Room 7184, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0277.

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/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance 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: June 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–15056 Filed 6–12–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: Environmental Health Sciences Review Committee.

Date: July 29–30, 1996.

Time: 8:30 a.m. to Adjournment.

Place: National Institute of Environmental Health Sciences, Building 101, Conference Rooms A and B, South Campus, Research Triangle Park, North Carolina.

Contact Person: Dr. Ethel Jackson, Scientific Review Administrator, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–7826.

Purpose: 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 Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Estimation; 93.894, Research and Manpower Development, National Institutes of Health)

Dated: June 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–15053 Filed 6–12–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.
Committee Name: National Institute of Mental Health Special Emphasis Panel.
Date: July 1, 1996.
Time: 11 a.m.
Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.
Date: July 2, 1996.
Time: 4 p.m.
Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: Angela L. Redlingshafer, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–1367.

Committee Name: National Institute of Mental Health Special Emphasis Panel.
Date: July 3, 1996.
Time: 11:30 a.m.
Place: Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.
Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–6470.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: June 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–15054 Filed 6–12–96; 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: Clinical Sciences.
Date: June 19–21, 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.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Purpose/Agenda: To review Small Business Innovation Research.
Name of SEP: Multidisciplinary Sciences.
Date: July 3, 1996.
Time: 12:00 p.m.
Place: NIH, Rockledge 2, Room 5116, Telephone Conference.
Contact Person: Dr. Lee Rosen, Scientific Review Administrator, 6701 Rockledge Drive, Room 5116, Bethesda, Maryland 20892, (301) 435–1171.

Name of SEP: Clinical Sciences.
Date: July 9–10, 1996.
Time: 8:30 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435–1173.

Name of SEP: Multidisciplinary Sciences.
Date: July 25–27, 1996.
Time: 6:30 p.m.
Place: Marriott Hotel, BWI Airport, Baltimore, MD.
Contact Person: Dr. Bill Bunnag, Scientific Review Administrator, 6701 Rockledge Drive, Room 5212, Bethesda, Maryland 20892, (301) 435–1177.

Name of SEP: Biological and Physiological Sciences.
Date: July 26, 1996.
Time: 9:00 a.m.
Place: Washington/Dulles Airport Marriott Hotel, Chantilly, VA.
Contact Person: Dr. Harish Chopra, Scientific Review Administrator, 6701 Rockledge Drive, Room 5112, Bethesda, Maryland 20892, (301) 435–1169.

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)

Dated: July 10, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–15055 Filed 6–12–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary; Water and Science

Central Utah Project Completion Act; Wasatch County Water Efficiency Project and Daniel Replacement Project

AGENCIES: The Department of the Interior (Department); the Utah Reclamation Mitigation and Conservation Commission (Commission); and the Central Utah Water Conservancy District (District).

ACTION: Notice of availability of the Draft Environmental Impact Statement (DEIS):

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department, Commission, and the District have issued a joint Draft Environmental Impact Statement (DEIS) for the Wasatch County Water Efficiency Project and Daniel Replacement Project (WCWEP & DRP). The DEIS analyzes alternatives and impacts associated with efficiency improvements in the management, delivery, and treatment of water in Wasatch County. The project includes the conversion of some open irrigation systems to pressurized pipeline systems, thus conserving water and making sprinkler irrigation possible. Conserved water would be provided to the Daniel Irrigation Company as a replacement supply for the terminated transbasin diversions from the Strawberry River, located in the Colorado River Basin. With the termination of the diversions from the Strawberry River, natural stream flows would be re-established in the upper Strawberry River, thus completing a major mitigation commitment associated with the Strawberry Aqueduct and Collection System of the Bonneville Unit. Colorado River Storage Project power would be used, as part of the WCWEP & DRP project, to conserve water, improve efficiencies, and provide a replacement water supply.

Public participation has occurred throughout the EIS process. A Notice of Intent was filed in the Federal Register in December 1992. Since that time, open houses, public meetings, and mail-outs have been conducted to solicit comments and ideas. Any comments

received throughout the process have been considered.

DATES: Written comments on the DEIS must be submitted or postmarked no later than August 13, 1996. Comments on the DEIS may also be presented verbally or submitted in writing at the public hearings to be held at the following times and locations:

- 6:00 p.m., July 16, 1996; Wasatch County Middle School, 800 South 200 East, Heber City, Utah
- 6:30 p.m., July 17, 1996; Salt Lake County Commission Chambers, 2001 South State, Salt Lake City, Utah

The public hearings are being held to address two separate actions: (1) The Wasatch County Water Efficiency Project and Daniel Replacement Project, and (2) the Provo River Restoration Project. Each action should be addressed separately. Testimony may be given on each of the two actions but should be made and identified as two separate presentations. In order to be included as part of the hearing record, written testimony must be submitted at the time of the hearing. Verbal testimony will be limited to 5 minutes for each DEIS. Those wishing to give testimony at a hearing should submit a registration form, included at the end of the DEIS, to the address listed below by July 15, 1996.

ADDRESSES: Comments on the DEIS should be addressed to: Karen Ricks, Project Manager, Central Utah Water Conservancy District, 355 West 1300 South, Orem, Utah 84058.

FOR FURTHER INFORMATION: Additional copies of the DEIS, copies of the resources technical reports, or information on matters related to this notice can be obtained on request from: Ms. Nancy Hardman, Central Utah Water Conservancy District, 355 West 1300 South, Orem, Utah 84058, Telephone: (801) 226–7187, Fax: (801) 226–7150.

Copies are also available for inspection at:

Central Utah Water Conservancy District 355 West 1300 South, Orem, Utah 84058

Utah Reclamation Mitigation and Conservation Commission, 111 East Broadway, Suite 310, Salt Lake City, Utah 84111

Department of the Interior, Natural Resource Library, Serials Branch, 18th and C Streets, NW, Washington, D.C. 20240

Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606.

Dated: June 10, 1996.

Ronald Johnston,

CUPCA Program Director, Department of the Interior.

[FR Doc. 96–15008 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–RK–P

Bureau of Land Management

[NV–030–96–1990–02, N36–96–001P]

Notice of Intent To Prepare an Environmental Impact Statement on a Plan of Operations for Alta Gold Company in Washoe County, Nevada; and Notice of Scoping Period and Public Meeting

AGENCY: Bureau of Land Management, Carson City District Office.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and 43 CFR Part 3809, the Bureau of Land Management will be directing the preparation of an Environmental Impact Statement to be produced by a third-party contractor on the impacts of a proposed Plan of Operations for development of the Olinghouse Gold Mine, an open pit, cyanide heap leach gold mine operated by Alta Gold Company, in Washoe County, Nevada. The Bureau invites comments on the scope of the analysis.

EFFECTIVE DATES: An open-house meeting will be held July 3, 1996, from 5 p.m. to 8 p.m., at the Washoe County Commissioners Chambers, 1001 E. Ninth Street, Reno to allow the public an opportunity to identify issues and concerns to be addressed in the Environmental Impact Statement. This meeting will be a joint effort by the Bureau and Washoe County. Representatives of Alta Gold Company will be available to answer questions about the Plan of Operations. Additional scoping meetings may be held as appropriate. Written comments on the Plan of Operations and the scope of the Environmental Impact Statement will be accepted until July 19, 1996.

A Draft Environmental Impact Statement is expected to be completed by November 1996 and made available for public review and comment. At that time a Notice of Availability of the Draft Environmental Impact Statement will be published in the Federal Register. The comment period on the Draft Environmental Impact Statement will be 60 days from the date the Notice of Availability is published.

FOR FURTHER INFORMATION CONTACT: Scoping comments may be sent to: District Manager, Bureau of Land Management, 1535 Hot Springs Road, Carson City, NV 89706. ATTN: Olinghouse Environmental Impact Statement Project Manager.

For additional information, write to the above address or call Terri Knutson at (702) 885–6156.

SUPPLEMENTARY INFORMATION: Alta Gold Company has submitted a Plan of Operations for development of their Olinghouse Gold Mine located approximately six miles west of Wadsworth, Nevada in Washoe County. The proposed operation includes; development and condemnation drilling necessary for development of future operations; construction of an open pit and associated overburden and interburden disposal areas; construction of a heap leach pad for ore processing; construction of recirculation and pregnant solution ponds; and construction of mine facilities. There are approximately 4300 acres within the proposed project area and 465 acres within the actual area of disturbance on the proposed mine site.

The Environmental Impact Statement will address: surface and groundwater quantity and quality; geology and minerals; air quality; vegetation resources; soils; wildlife; threatened, endangered, or candidate animal and plant species; range resources; land uses and access; recreation; social and economic values; cultural resources; reclamation; hazardous materials; and cumulative impacts. These topics will be evaluated by an interdisciplinary team and will include review of the Plan of Operations as well as other pertinent environmental documents and studies. A range of alternatives (including but not limited to alternative reclamation measures and the no-action alternative), as well as mitigating measures, will be considered to evaluate and minimize environmental impacts and to assure that the proposed action does not result in undue or unnecessary degradation of public lands.

Federal, state, and local agencies and other individuals or organizations who may be interested in or affected by the Bureau's decision on the Plan of Operations are invited to participate in the scoping process with respect to this environmental analysis. These entities and individuals are also invited to submit comments on the Draft Environmental Impact Statement.

It is important that those interested in the proposal participate in the scoping and commenting processes. Comments should be as specific as possible.

The tentative project schedule is as follows:

Begin Public Comment Period: June 1996.

Issuance of Draft Environmental Impact Statement: November 1996.

File Final Environmental Impact Statement: February 1997.

Record of Decision: April 1997.

Begin Expansion of Operation: Spring of 1997.

The Bureau of Land Management's scoping process for the Environmental Impact Statement will include: (1) Identification of issues to be addressed; (2) Identification of viable alternatives; (3) Notification of interested groups, individuals, and agencies so that additional information concerning these issues, or other additional issues, can be obtained.

Dated: June 6, 1996.

Karl Kipping,

Associate District Manager, Carson City District.

[FR Doc. 96–14956 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–HC–P

[OR–050–1020–00: GP6–0183]

Notice of Meeting of John Day-Snake Resource Advisory Council

AGENCY: Bureau of Land Management, Prineville District.

ACTION: Meeting of John Day-Snake Resource Advisory Council; Lewiston, Idaho; July 22–24, 1996.

SUMMARY: A meeting of the John Day-Snake Resource Advisory Council will be held on July 22, 1996, from 1 p.m. to 5 p.m. and on July 24, 1996 from 8 a.m. to 12:00 noon at the Ramada Inn, 621 21st Street, Lewiston, Idaho 83501. Public comments will be received from 4 p.m. to 5 p.m. on Monday, July 22, 1996. Topics to be discussed are the Interior Columbia Basin Ecosystem Management Project and standards for rangeland health and guidelines for livestock grazing on the public lands. On July 23, the council will view noxious weed infestations on public and private land in the Snake River Canyon. The entire meeting is open to the public; however, transportation into the Snake River Canyon will not be provided to the public.

FOR FURTHER INFORMATION, CONTACT: James L. Hancock, Bureau of Land Management, Prineville District Office, 3050 NE Third Street, Prineville, Oregon 97754 or call 541–416–6700.

Dated: June 4, 1996.

James L. Hancock,

District Manager.

[FR Doc. 96–15004 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–33–M

[NV–930–5700–10; N–60819]

Notice of Realty Action; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following land in Elko County, Nevada has been examined and identified as suitable for disposal by direct sale, including the mineral estate with no known value, under Section 203 and Section 209 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1713 and 1719) at no less than fair market value:

Mount Diablo Meridian, Nevada

T. 47 N., R. 64 E.,
Sec. 12, NE¼NE¼SW¼, NW¼NE¼SW¼, NE¼NW¼SW¼.

Comprising 30.0 acres, more or less.

The above described land is being offered as a direct sale to Elko County. The land will not be offered for sale until at least 60 days after the date of publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this action is available for review at the Bureau of Land Management, 3900 E. Idaho Street, Elko, Nevada.

SUPPLEMENTARY INFORMATION: The land has been identified as suitable for disposal by the Wells Resource Management Plan. The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. The proposal has been reviewed and approved by the Elko County Planning Commission.

The mineral estate, which has been found to have no known value, will be conveyed simultaneously with the sale of the surface estate. Acceptance of the direct sale offer will constitute an application to purchase the mineral estate having no known value. A nonrefundable fee of $50.00 will be required with the purchase money. Failure to submit the purchase money and the nonrefundable filing fee for the mineral estate within the time frame specified by the authorized officer will result in cancellation of the sale.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, (43 U.S.C. 945). And will be subject to:

Nev–050805, a powerline right-of-way grant held by Idaho Power Company.
N–60489, an access road right-of-way grant held by Elko County.

For a period of 45 days from the date of publication in the Federal Register, interested parties may submit comments to the Elko District Office, Bureau of Land Management, 3900 E. Idaho St., Elko, NV 89801. Any adverse comments will be evaluated by the State Director, who may sustain, vacate or modify this realty action and issue a final determination. In the absence of timely filed objections, this realty action will become a final determination of the Department of the Interior.

Dated: May 31, 1996.

Helen Hankins,

District Manager.

[FR Doc. 96–15005 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–HC–P

[NV–930–1990–01; NV–37171]

Notice of Addition of Lands to Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy has filed a request to add approximately 3,010 acres to their withdrawal application for the Fallon Range Training Complex of the Naval Air Station, Fallon, Nevada (formerly known as the Master Land Withdrawal). The original Notice of Proposed Withdrawal was published in the Federal Register, 47 FR 46892, October 21, 1982, and amended by 57 FR 43468, September 21, 1992, and 61 FR 2261, January 25, 1996.

DATE: Comments should be received on or before September 11, 1996.

ADDRESS: Comments should be sent to the Nevada State Director, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, 702–785–6507.

SUPPLEMENTARY INFORMATION: On May 24, 1996, the Department of the Navy filed a request to add certain lands to their existing withdrawal application. These lands are in addition to those published in the Federal Register, 47 FR 46892, October 21, 1982, 57 FR 43468, September 21, 1992, and 61 FR 2261, January 25, 1996. The following described public lands are to be withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian, Nevada

T. 16 N., R. 27 E.,

Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 11; N½;
Sec. 12, lots 1 and 2, W½NE¼, and NW¼.
T. 16 N., R. 28 E.,
Sec. 5, lots 1 to 4, inclusive, and S½N½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 and 2, E½NW¼, and NE¼.

The area contains 3,010.48 acres in Churchill County.

The additional lands are needed to change the approach to the Bravo 16 bombing range. The withdrawal would establish a safety buffer for armed overflights.

This withdrawal will be authorized under the Act of February 28, 1958, 43 U.S.C 155–158, and requires legislative action by Congress.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the addition of the 3,010 acres to the proposed withdrawal may present their views in writing to the Nevada State Director of the Bureau of Land Management.

Notice is hereby given that an open house meeting in connection with the proposed withdrawal of the 3,010 acres identified in this notice and the 7,584 acres identified in the notice in 61 FR 2261, January 25, 1996, will be held on July 17, 1996, at the BLM Carson City District Office, 1535 Hot Springs Road, Carson City, Nevada, from 4:00 p.m. to 6:00 p.m. The purpose of the open house meeting is to provide an opportunity for public involvement regarding the addition of these lands to the application.

For a period of 2 years from the date of publication of this notice in the Federal Register, the additional described lands will be segregated, as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are rights-of-way, leases, permits, or discretionary land use authorizations that do not significantly disturb the surface of the land or impair values of the resources.

The temporary segregation of the additional land in connection with the withdrawal application shall not affect administrative jurisdiction over the land, and the segregation shall not have the effect of authorizing any use of the land by the Department of the Navy.

Dated: June 6, 1996.

William K. Stowers,

Lands Team Lead.

[FR Doc. 96–14955 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–HC–P

Fish and Wildlife Service

North American Wetlands Conservation Council; Meeting Announcement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet on July 10 to review proposals for funding submitted pursuant to the North American Wetlands Conservation Act. Upon completion of the Council's review, proposals will be submitted to the Migratory Bird Conservation Commission with recommendations for funding. The meeting is open to the public.

DATES: July 10, 1996, 9:30 a.m.

ADDRESSES: The meeting will be held at the Hampton Inn, 3985 Bennet Drive, Hospitality Suite, Bellingham, Washington. The North American Wetlands Conservation Council Coordinator is located at Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT:

Bryon Kenneth Williams, Coordinator, North American Wetlands Conservation Council, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with the North American Wetlands Conservation Act (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the North American Wetlands Conservation Council is a Federal-State-private body which meets to consider wetlands acquisition, restoration, enhancement and management projects for recommendation to and final approval by the Migratory Bird Conservation Commission. Proposals from State, Federal, and private sponsors require a minimum of 50 percent non-Federal matching funds.

Dated: June 4, 1996.

John G. Rogers,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 96–15011 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Publication of Revised Outer Continental Shelf Protraction Diagrams.

SUMMARY: Notice is hereby given that effective with this publication, the following OCS Official Protraction Diagrams, last revised on the date indicated, are on file and available for information only, in the Gulf of Mexico OCS Regional Office, New Orleans, Louisiana. In accordance with Title 43, Code of Federal Regulations, these Official Protraction Diagrams are the basic record for the description of mineral and oil and gas lease sales in the geographic areas they represent.

REVISED MAPS*

Description	Latest revision date
Mississippi Canyon, NH16–10.	May 1, 1996.

*Change includes the addition of block label 363A.

FOR FURTHER INFORMATION: Copies of these Official Protraction Diagrams may be purchased for $2.00 each from the Public Information Unit (MS 5034), Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394 or by telephone at (504) 736–2519.

SUPPLEMENTARY INFORMATION: Technical comments or questions pertaining to these maps should be directed to the Office of Leasing and Environment, Supervisor, Sales and Support Unit at (504) 736–2768.

Dated: June 3, 1996.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 96–15006 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

30 Day Notice of Submission to OMB; Opportunity for Public Comment

AGENCY: National Park Service, Department of Interior.

ACTION: Notice of submission to OMB and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995

(Public Law 104–13, 44 U.S.C., Chapter 3507 (a)(1)((D)) the National Park Service invites public comments on a proposed information collection request (ICR), which has been submitted to OMB for approval. Comments are invited on: (1) the need for the information including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including use of automated collection techniques or other forms of information technology.

THE PRIMARY PURPOSE OF THE PROPOSED ICR: To identify characteristics, use patterns, perceptions and preferences of visitors at Isle Royale National Park. Results will be used by managers in ongoing planning and management to improve services, protect resources and better serve the visitors.

DATES: Public comments will be accepted for thirty days from the date listed at the top of this page in the Federal Register.

ADDRESSES: Send comments to David W. Lime, Ph.D., Senior Research Associate, Cooperative Park Studies Unit, Department of Forest Resources, University of Minnesota, 115 Green Hall 1530 N. Cleveland Ave., St. Paul, MN 55108.

All responses to this notice will be summarized and given to OMB. All comments will become a matter of public record. Copies of the proposed ICR requirement can be obtained from David W. Lime, Ph.D., Senior Research Associate, Cooperative Park Studies Unit, Department of Forest Resources, University of Minnesota, 115 Green Hall 1530 N. Cleveland Ave., St. Paul, MN 55108.

For further information contact Dave Lime, 612–624–2250.

SUPPLEMENTARY INFORMATION:

Title: Isle Royale National Park Visitor Use Study.

Form: none.

OMB Number:

Expiration date:

Type of request: visitor use survey.

Description of need: for Park planning and management.

Description of respondents: Individuals who visit Isle Royale National Park.

Estimated annual reporting burden: 187 burden hours.

Estimated average burden hours per questionnaire: 20 minutes.

Estimated average burden hours per onsite interview: 4 minutes (for half study population).

Estimted average number of respondents: 500.

Estimated frequency of response: once.

Dated: June 4, 1996.

Terry N. Tesar,

Information Collection Clearance Officer, Audit and Accountability Team Office, National Park Service.

[FR Doc. 96–14951 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–70–M

Delaware and Lehigh Navigation Canal National Heritage Corridor Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

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

Meeting Date and Time: Wednesday, June 19, 1996; 1:30 p.m. until 4:30 p.m.

Address: Commission Offices, 10 E. Church Street, Bethlehem, PA 18018.

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

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

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

Dated: May 22, 1996.

David B. Witwer,

Deputy Director, Delaware and Lehigh Navigation Canal, NHC Commission.

[FR Doc. 96–15075 Filed 6–12–96; 8:45 am]

BILLING CODE 6820–PE–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Housig Guaranty Program; Notice of Investment Opportunity

The U.S. Agency for International Development (USAID) has authorized the guaranty of a loan to Fonds d'Equipment Communal (FEC) (''Borrower'') guarantied by the Government of the Kingdom of Morocco as part of USAID's development assistance program. The proceeds of this loan will be to provide infrastructure and environmental services for shelter projects for the benefit of low-income families in Morocco. At this time, the Borrower has authorized USAID to request proposals from eligible lenders for a loan under this program of $15 Million U.S. Dollars (US$15,000,000). The name and address of the Borrower's representative to be contacted by interested U.S. lenders or investment bankers, and the amount of the loan and project number are indicated below:

Fonds d'Equipment Communal (FEC) (Kingdom of Morocco)

Project No.: 608–HG–004.

Housing Guaranty Loan No.: 608–HG–007 A01.

Amount: U.S. $15,000,000.

Attention: Mr. Abdelghani Guezzar, Directeur Financier du FEC, Fonds d'Equipement Communal.

Mailing address: Fonds d'Equipement Communal BP 8020, Rabat, Morocco.

Telex No.: 212–7–365–81.

Telefax No: 212–7–77–80–95 (preferred communication).

Telephone No.: 212–777–8055 and 212–7–77–80–91.

Interested lenders should contact the Borrower as soon as possible and indicate their interest in providing financing for the Housing Guaranty Program. Interested lenders should submit their bids to the Borrower's representative by *Tuesday, June 25, 1996, 12:00 noon Eastern Daylight Time.* Bids should be open for a period of 48 hours from the bid closing date. Copies of all bids should be simultaneously sent to the following: Ms. Erna Kerst, Housing and Urban Development Office, RHO USAID/Rabat, Morocco, c/o American Embassy, PSC 74, Box 022, APO AE 09718, (Street address: USAID/Rabat, 137 Avenue Allal Ben Abdellah, B.P. 120, Rabat, Morocco.

Telex No: 31005M.

Telefax No: 212–7–70–79–30 (preferred communication).

Telephone No.: 212–7–76–22–65, ext. 2346.

Address: Mr. Peter Pirnie, U.S. Agency for International Development,

Office of Environment and Urban Programs, G/ENV/UP, Room 409, SA–18, Washington, D.C. 20523–1822.

Telex No: 892703 AID WSA.

Telefax No: (703) 875–4639 or (703) 875–4384 (preferred communication).

Telephone No: (703) 875–4300 or (703) 875–4510.

For your information the Borrower is currently considering the following terms:

(1) *Amount:* U.S. $15 million.

(2) *Term:* 30 years.

(3) *Grace Period:* Ten years grace on repayment of principal. (During grace period, semi-annual payments of interest only). If *variable* interest rate, repayment of principal to amortize in equal, semi-annual installments over the remaining 20-year life of the loan. If *fixed* interest rate, semi-annual level payments of principal and interest over the remaining 20-year life of the loan.

(4) *Interest Rate:* Alternatives of both fixed and variable rates, are requested.

(a) *Fixed Interest Rate:* If rates are to be quoted based on a spread over an index, the lender should use as its index a long bond, specifically the 6% U.S. Treasury Bond due February 15, 2026. Such rate is to be set at the time of acceptance.

(b) *Variable Interest Rate:* To be based on the six-month British Bankers Association LIBOR, preferably with terms relating to Borrower's right to convert to fixed. The rate should be adjusted weekly.

(5) *Prepayment:*

(a) Offers should include any options for prepayment and mention prepayment premiums, if any, and specify the earliest date the option can be exercised without penalty.

(b) Only in an extraordinary event to assure compliance with statutes binding USAID, USAID reserves the right to accelerate the loan (it should be noted that since the inception of the USAID Housing Guaranty Program in 1962, USAID has not exercised its right of acceleration).

(6) *Fees:* Offers should specify the placement fees and other expenses, including USAID fees and Paying and Transfer Agent fees. Lenders are requested to include all legal fees and out-of-pocket expenses in their placement fee. Such fees and expenses shall be payable at closing from the proceeds of the loan. *All fees should be clearly specified in the offer.*

(7) *Closing Date:* As early as practicable, but not to exceed 60 days from date of selection of lender.

Selection of investment bankers and/or lenders and the terms of the loan are initially subject to the individual discretion of the Borrower, and thereafter, subject to approval by USAID. Disbursements under the loan will be subject to certain conditions required of the Borrower by USAID as set forth in agreements between USAID and the Borrower.

The full repayment of the loans will be guaranteed by USAID. The USAID guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the ''Act'').

Lenders eligible to receive the USAID guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for the USAID guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by USAID.

Information as to the eligibility of investors and other aspects of the USAID housing guaranty program can be obtained from: Ms. Viviann Gary, Director, Office of Environment and Urban Programs, U.S. Agency for International Development, Room 409, SA–18, Washington, D.C. 20523–1822. Fax Nos: (703) 875–4384 or 875–4639. Telephone: (703) 875–4300.

Dated: June 10, 1996.

Michael G. Kitay,

Assistant General Counsel, Bureau for Global Programs, Field Support and Research, U.S. Agency for International Development.

[FR Doc. 96–15029 Filed 6–12–96; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; FY 1996 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services (''COPS'') announces the availability of grants to fund resources that enhance a community's ability to do creative problem solving through partnerships between policing agencies and community-based entities under COPS innovative community policing (ICOP). Eligible applicants for Problem-Solving Partnerships are all state, local, Indian Tribal, and other public law enforcement agencies committed to the philosophy of community policing.

DATES: Problem-Solving Partnerships applications will be available mid June, 1996. Completed proposals postmarked on or before July 22, 1996 will be considered under Round I. Proposals postmarked after July 22, 1996, but postmarked on or before August 15, 1996, will be considered under Round II.

ADDRESSES: Problem-Solving Partnerships Application Kits and the companion guide, ''Problem-Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships'' will be mailed to all current COPS grantees, or my be obtained by calling the Department of Justice Response Center, (202) 307–1480 of 1–800–421–6770, or the full application and guide is also available on the COPS Office web site at: http://www.usdoj.gov/cops/. Completed applications should be sent to Problem-Solving partnerships, COPS Office, 1100 Vermont Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Crime Bill Response Center, (202) 307–1480 or 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322) authorizes the Department of Justice to make grants to increase deployment of law enforcement officers devoted to community policing on the streets and rural routes in this nation. Problem-Solving Partnerships is designed to provide policing agencies and community based entities with a unique opportunity to work together to address persistent crime and disorder problems through innovative community policing

Problem-Solving Partnerships grants will permit eligible agencies to fund resources that enhance a community's ability to do creative problem solving. These resources may include computer technology, such as geographic information systems/mapping, crime analysis personnel, subject matter experts, neighborhood and environmental surveys, victim/offender interviews, community organizers, and training and technical assistance in collaborative problem solving. Applications will be available in mid

June, 1996. Applications for consideration under Round I must be postmarked on or before July 22, 1996. Applications postmarked after July 22, 1996, but postmarked on or before August 15, 1996, will be considered under Round II.

Applicants are required to focus on one specific crime or disorder problem. These include: residential or commercial burglary; auto theft; larceny; homicide; assault; rape/sexual assault; alcohol-related problems; street-level drug dealing or drug-related problems; vandalism, prostitution or other disorder problems. Applicants will conduct an in-depth inquiry into the causes of the problem, develop tailor-made responses to it, and assess the impact of those responses.

Problem-Solving Partnerships is expected to be a very competitive grant program. Up to $40,000,000 in Problem-Solving partnership grants will be awarded. No local match is required, but applicants are encouraged to contribute cash or in-kind resources to their proposed projects. A minimum of 5 percent of the grant award must be used to evaluate the impact of the problem-solving effort on the targeted crime or disorder problem. Grant funds must be used to supplement, and not supplant, state or local funds that otherwise would be devoted to public safety activities.

Law enforcement agencies generally must partner with a non-profit, community-based entity or municipal agency. Such a partnership must be outlined in a collaboration agreement that accompanies the application. Law enforcement agencies (primary applicants) only may submit one application. Community-based entities (secondary applicants) may partner with one or more law enforcement agencies and, therefore, may appear in more than one application.

An award under the Problem-Solving Partnerships grant program will not affect the eligibility of an agency to receive awards under any other COPS program.

Dated: Dated June 6, 1996.

Joseph E. Brann,

Director.

[FR Doc. 96–14973 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree was lodged in *U.S.* v. *Chevron U.S.A. Inc. and Chevron Pipe Line Company,* Civil Action No. C 96–2082 (N.D. Cal.) on June 5, 1996, with the United States District Court for the Northern District of California. The case is a civil action under Section 113(b) of the Clean Air Act (''Act''), 42 U.S.C. 7413(b), for violations of provisions of the Act and of the regulations for New Source Performance Standards (''NSPS'') in subparts Ka and Kb of Part 60 of 40 CFR that require all openings in the roofs of petroleum storage tanks that are subject to the regulations to be sealed or covered.

The violations of the NSPS regulations involved Chevron's Richmond Refinery in Richmond, California and Chevron's pipeline transfer station in La Mirada, California. Petroleum storage tanks at these facilities have ''guideposts'' that pass through the roofs of the storage tanks. The complaint alleges that the defendant's use of ''slotted'' guidepoles—guidepoles perforated by a series of slots along the length of the pole—violate NSPS that require all openings in the roofs of petroleum storage tanks to be sealed or covered. The complaint seeks injunctive relief to ensure future compliance with the NSPS regulations. Under the consent decree, Chevron Richmond will retofit a total of 18 tanks with agreed upon emission control equipment and Chevron La Mirada will retrofit one tank. After retrofitting the specified tanks, the defendant is required to operate the emissions control equipment specified by its consent decree in compliance with the Clean Air Act and its consent decree.

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 copied to Helen Kang, Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105, and should refer to *U.S.* v. *Chevron U.S.A. Inc. and Chevron Pipe Line Company,* DOJ Nos. 90–11–3–1398 and 90–5–2–1–1965.

The proposed Chevron consent decree may be examined at the office of the United States Attorney, Northern District of California, 450 Golden Gate Avenue, San Francisco, California 94102; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; 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. To request a copy of the consent decree in *United States* v. *Chevron U.S.A. Inc. and Chevron Pipe Line Company,* please refer to that case and DOJ Nos. 90–5–2–1–1965 and 90–11–3–1398 and enclose a check for the amount of $4.50. Your check should be payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14978 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree was lodged in *U.S.* v. *Mobil Oil Corp.,* Civil Action No. CV 96–3981–RSWL (SHx) (C.D. Cal.) on June 5, 1996, with the United States District court for the Central District of California. The case is a civil action under Section 113(b) of the Clean Air Act (''Act''), 42 U.S.C. § 7413(b), for violations of provisions of the Act and of the regulations for New Source Performance Standards (''NSPS'') in subparts Ka and Kb of Part 60 of 40 CFR that require all openings in the roofs of petroleum storage tanks that are subject to the regulations to be sealed or covered.

The violations of the NSPS regulations involved Mobil's Torrance Refinery, located in Los Angeles County, California. Petroleum storage tanks at this facility have ''guidepoles'' that pass through the roofs of the storage tanks. The complaint alleges that the defendant's use of ''slotted'' guidepoles—guidepoles perforated by a series of slots along the length of the pole—violate NSPS that require all openings in the roofs of petroleum storage tanks to be sealed or covered. The complaint seeks injunctive relief to ensure future compliance with the NSPS regulations. Under the consent decree, Mobil will retrofit a total of 20 tanks with agreed upon emission control equipment. After retrofitting the specified tanks, the defendant is required to operate the emissions control equipment specified by its consent decree in compliance with the Clean Air Act and its consent decree.

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 copied to Richard L. Beal, Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105, and should refer to *U.S.* v. *Mobil Oil Corp.*, DOJ No. 90–5–2–1–1994.

The proposed Mobil consent decree may be examined at the office of the United States Attorney, Central District of California, 1100 United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and 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. To request a copy of the consent decree in *United States* v. *Mobile Oil Corp.*, please refer to that case and DOJ No. 90–5–2–1–1994 and enclose a check in the amount of $4.25. Your check should be payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14979 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR § 50.7, and 42 U.S.C. 9622(d)(2)(B), notice is hereby given that four consent decrees were lodged in *United States* v. *Montrose Chemical Corporation of California,* consolidated with *Levin Metals Corp.* v. *Parr-Richmond Terminal Company,* Civil Action No. C 96–02103 MEJ (N.D. Cal.), on June 6, 1996, with the United States District Court for the Northern District of California. The complaint in that action alleges that defendants are liable under the Comprehensive Environmental Response, Compensation and Liability Act for cleanup and cost recovery at the United Heckathorn National Priorities List Superfund Site in Richmond, California (''Site''). The complaint also alleges that defendants are liable for damages for injury to, destruction of, and loss of natural resources at or using the Site.

Pursuant to the consent decrees, sixteen settling parties, including two agencies of the United States, will pay approximately $6.656 million to resolve their liability for the performance of remedial actions at the Site, and for reimbursement of costs incurred by the United States at the Site. Some of those parties will also perform the remedial actions selected by the United States Environmental Protection Agency for the Site. The actions include capping an area where a pesticide formulation facility was once located and dredging sediments from two nearby harbor areas. The four decrees also provide for the payment of $400,000 to the federal natural resource trustees, the Department of the Interior and the National Oceanic and Atmospheric Administration, as damages for natural resource injuries and in reimbursement of damage assessment costs.

As provided in 28 CFR 50.7 and consistent with 42 U.S.C. 9622(d)(2)(B), the Department of Justice will, for a period of thirty (30) days from the date of this publication, receive comments from persons who are not named as parties to this action relating to the proposed Consent Decrees for a period of thirty days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530. All comments should refer to *United States* v. *Montrose Chemical Corporation of California,* D.J. Ref. 90–11–3–598.

The proposed consent decrees may be examined at the office of the United States Attorney, Northern District of California, 450 Golden Gate Avenue, San Francisco, California 94102; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. Copies of the proposed consent decrees 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 $154.75 (25 cents per page reproduction costs) for all four consent decrees with all exhibits, and $56.50, for all four consent decrees without exhibits, payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14981 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree was lodged in U.S. versus Ultramar Inc., Civil Action No. CV 96–3983–GHK (ASWx) (C.D. Cal.), on June 5, 1996, with the United States District Court for the Central District of California. The case is a civil action under Section 113(b) of the Clean Air Act (''Act''), 42 U.S.C. 7413(b), for violations of provisions of the act and of the regulations for New Source Performance Standards (''NSPS'') in subpart Ka of Part 60 of 40 C.F.R. that require all openings in the roofs of petroleum storage tanks that are subject to the regulations to be sealed or covered.

The violations of the NSPS regulations involved Ultramar Inc.'s (''Ultramar's'') Wilmington Refinery, which is located in Wilmington, California, Los Angeles County, California. A petroleum storage tank at this facility has a ''guidepole'' that passes through the roof of the storage tank. The complaint alleges that the defendant's use of a ''drilled'' guidepole—a guidepole perforated by a series of holes along the length of the pole—violates NSPS that require all openings in the roofs of petroleum storage tanks to be sealed or covered.

The complaint seeks injunctive relief to ensure future compliance with the NSPS regulations. Under the consent decree, Ultramar will retrofit the tank with agreed upon emission control equipment. After retrofitting the tank, the defendant is required to operate the emissions control equipment specified by its consent decrees in compliance with the Clean Air Act and its consent decree.

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 copied to Robert R. Klotz, Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105, and should refer to *United States* v. *Ultramar Inc.*, DOJ No. 90–5–2–1–2002.

The proposed Ultramar consent decree may be examined at the office of the United States Attorney, Central District of California, 1100 United States Courthouse, 312 North Spring Street, Los Angeles, California 90012, or at the

Region IX Office of the Environmental Protection Agency, 75 Hawthrone Street, San Francisco, California 94105; 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 of the consent decree in United States versus Ultramar Inc., please refer to that case and DOJ No. 90–5–2–1–2002 and enclose a check in the amount of $4.50 (25 cents per page reproduction costs). Your check should be payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14980 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree was lodged in *U.S.* v. *Union Oil Company of California*, Civil Action No. CV 96–3980–WMB (RMCx) (C.D. Cal.), on June 5, 1996, with the United States District Court for the Central District of California. The case is a civil action under Section 113(b) of the Clean Air Act (''Act''), 42 U.S.C. 7413(b), for violations of provisions of the Act and of the regulations for New Source Performance Standards (''NSPS'') in suparts Ka and Kb of Part 60 of 40 C.F.R. that require all openings in the roofs of petroleum storage tanks that are subject to the regulations to be sealed or covered.

The violations of the NSPS regulations involved Union Oil Company of California's (Unocal's) Los Angeles Refinery, located in Los Angeles County, California, and Unocal's Santa Maria Refinery, located in the San Luis Obispo County, California. Petroleum storage tanks at these facilities have ''guidepoles'' that pass through the roofs of the storage tanks. The complaint alleges that the defendant's use of ''slotted'' guidepoles—guidepoles perforated by a series of slots along the length of the pole—violate NSPS that require all openings in the roofs of petroleum storage tanks to be sealed or covered. The complaint seeks injunctive relief to ensure future compliance with the NSPS regulations. Under the consent decree, Unocal will retrofit a total of 7 tanks with agreed upon emission control equipment. After retrofitting the specified tanks, the defendant is required to operate the emissions control equipment specified by its consent decree in compliance with the Clean Air Act and its consent decree.

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 copied to Robert R. Klotz, Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105, and should refer to *U.S.* v. *Union Oil Company of California,* DOJ No. 90–5–2–1–2017.

The proposed Unocal consent decree may be examined at the office of the United States Attorney, Central District of California, 1100 United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; at the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; 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. To request a copy of the consent decree in *United States* v. *Union Oil Company of California,* please refer to that case and DOJ No. 90–5–2–1–2017 and enclose a check in the amount of $4.25. Your check should be payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14977 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Embedded Mass Formed Passives Consortium—USAF Wright Laboratory

Notice is hereby given that, on May 7, 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 Embedded Mass Formed Passives Consortium has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Motorola, Inc., Schaumburg, IL; the Boeing Company, Seattle, WA; Georgia Tech Research Corporation, Atlanta; GA; North Carolina State University, Raleigh, NC; and PolyMore Circuit Technologies, L.P., Maryville, TN.

The objective of the Consortium is to develop low cost passive components which can be integrated into electronic packages, and to demonstrate this technology for both military and commercial applications.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–14974 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice pursuant to the National Cooperative Research and Production Act of 1993; National Industrial Information Infrastructure Protocols Solutions for Manufacturing—Adaptable Replacable Technology

Notice is hereby given that, on May 1, 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 National Industrial Information Infrastructure Protocols Solutions for Manufacturing-Adaptable Replicable Technology (''NIIIP–SMART'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the act, the identities of the parties are: IBM-Manufacturing Industry Solutions, Charlotte, NC; IBM Software Solutions Division, Somers, NY; General Motors Corporation, Warren, MI; STEP TOOLS, Inc., Troy, NY; UES Inc., Dublin, OH; University of Florida, Gainesville, FL; AMP incorporated, Harrisburg, PA; International TechneGroup Inc., Milford, OH; Mesa International, Inc., Pittsburgh, PA; Applied Automation Techneques, Inc., Miami Lakes, FL; Consilium, Mountain View, CA; Industrial Computer Corporation, Atlanta, GA; FACT, Inc., Norcross, GA; FASTech Integrations,

Inc., Lincoln, MA; Promis Systems Corporation, Toronto, Ontario, CANADA; and NIIIP Project Office, Stamford, CT.

NIIIP's area of planned activity is development of open industry software protocols that will integrate computing environments across the U.S. manufacturing base.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–14976 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; X Consortium, Inc.

Notice is hereby given that, on May 29, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the X 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: Draper Laboratory, Arlington, VA; Smithsonian Astrophysical Observatory, Cambridge, MA; and TriTeal Corp., Carlsbad, CA have been added to the venture. AT&T Global Information Solutions, West Columbia, SC; Compagnie Europeene des Techniques de l'Ingeniere Assistee, Toulon, FRANCE; O'Reilly & Associates, Inc., Cambridge, MA; Tatung Science and Technology, Milpitas, CA; and Visual Information Technologies, Inc., Richardson, TX have withdrawn from the venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the X Consortium, Inc., intends to file additional written notifications disclosing all changes in membership.

On September 15, 1993, the X Consortium, Inc., 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 November 10, 1993 (58 FR 59737).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–14975 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 94–26]

Nestor A. Garcia, M.D.; Grant of Restricted Registration

On February 18, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Nestor A. Garcia, M.D., (Respondent) of North Miami, Florida, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged in substance that: (1) Between April and August of 1990, the Respondent entered three separate addiction programs for treatment of his abuse of Demerol, a Schedule II controlled substance. (2) On February 13, 1991, the Florida Department of Professional Regulation (DPR) issued an emergency order suspending his state medical license, but on July 27, 1992, ordered the reinstatement of his state license subject to certain limitations. However, there were three actions pending against his license. (3) On February 28, 1991, after the suspension, the Respondent submitted DEA Form 222 to a pharmacy to order meperidine, a Schedule II controlled substance. (4) On November 5, 1991, the Respondent surrendered his DEA Certificate of Registration, AG2355370.

On March 22, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Miami, Florida, on March 29, 1995, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify, and the Government introduced documentary evidence. After the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On December 5, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application for registration be granted only as to controlled substances in Schedules IV and V, with specifically enumerated restrictions. Neither party filed exceptions to her decision, and on January 16, 1996, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

Specifically, the Deputy Administrator finds that the parties have stipulated that Demerol is a Schedule II controlled substance pursuant to 21 CFR 1308.12. the Deputy Administrator also finds that Valium is the brand name for diazepam, a Schedule IV controlled substance pursuant to 21 CFR 1308.14.

The Respondent is a physician who specializes in psychiatry. On January 26, 1993, he completed an Application for Registration under the Controlled Substances Act, requesting DEA register him as a practitioner and authorize him to handle Schedule II nonnarcotic substances, both narcotic and nonnarcotic Schedule III substances, Schedule IV substances, and Schedule V substances. The Respondent also disclosed on the form that his medical license had been suspended on or about February 25, 1990, but had been reinstated on December 8, 1992.

A detective from the Broward County, Florida, Sheriff's Department (Detective) testified at the hearing before Judge Bittner, stating that in late 1988, the Respondent was arrested and charged with sexual activity, while in custodial and familial authority, with a sixteen-year-old girl, LW. The Detective testified that LW told him that in November of 1988, while she was a patient at South Florida State Hospital, she had developed a relationship with the Respondent, her treating psychiatrist. She told the Detective that she had been transferred to the psychiatric unit of Hollywood Memorial Hospital, had escaped from that hospital, and had lived with the Respondent in a motel room across the street from the hospital where he worked. LW told the Detective that she had maintained a sexual relationship with the Respondent. The Detective testified that he was able to verify some of the information provided by LW, specifically that the Respondent had rented the motel room. However, the charges were eventually dropped.

The Respondent did not testify before Judge Bittner. However, Dr. Goetz, the director of the Physicians' Recovery Network (PRN) testified, stating that he had visited the Respondent on April 5, 1990, and on that same day the Respondent was admitted to the Chemical Dependency Unit of the Mt. Sinai Medical Center in Miami. There, a urine sample tested positive for

meperidine and benzodiazepine, and the Respondent was diagnosed as having advanced chemical dependency to intravenous and intramuscular Demerol. The Respondent admitted that he had self-prescribed and self-injected Demerol and Valium.

During the course of the Respondent's treatment, he was transferred to the Talbott Recovery Center in Atlanta, Georgia, then to the Parkside Recovery Center in Illinois, but he did not complete the treatment program at either location. After his discharge from Parkside, the Respondent returned to Talbott for reassessment, and on August 27, 1990, the medical directors of Talbott and Parkside recommended to the PRN that the Respondent refrain from practicing medicine for one year, allowing him time to focus on his recovery.

In October of 1990, Dr. Goetz wrote to the Florida Department of Professional Regulation (DPR), recommending that the Respondent's license be suspended because he had not progressed satisfactorily in his recovery program, and because he was still exhibiting drug-seeking behavior. On December 13, 1990, the DPR ordered the Respondent to submit to mental and physical examinations, and the physician who conducted the mental examination concluded that the Respondent's chemical dependency and sociopathic personality traits ''could impair his ability to practice medicine with reasonable skill and safety.''

As a result, on February 13, 1991, the DPR issued an emergency suspension order, suspending the Respondent's state medical license on the grounds that he had violated Florida Statute section 458.331(1)(s) by ''being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of materials or as a result of any mental or physical condition,'' and based upon a finding that the Respondent's continued practice of medicine ''constitutes an immediate and serious danger to the health, safety and welfare of the public.'' Yet on February 25, 1991, the Respondent used a DEA Form 222 to order meperidine.

After a formal hearing,on September 23, 1991, the DPR's Board of Medicine (Medical Board) issued a final order suspending the Respondent's medical license for one year, ''or until he appears before the Board and exhibits his ability to practice with skill and safety.'' The Medical Board found that the Respondent was impaired as a consequence of drug dependency, that the dependency rendered him unable to practice medicine with reasonable skill and safety to his patients, that his dependency was a chronic condition that tends to relapse, and that he had failed to establish that he had recovered from his impaired condition. On November 5, 1991, the Respondent voluntarily surrendered his DEA Certificate of Registration. Subsequently, on July 27, 1992, the Medical Board granted the Respondent's petition for reinstatement, ''contingent on his appearance before the Probation Committee with a current psychiatric evaluation by a psychiatrist approved by the Board and a very stringent proposed practice plan.''

Dr. Goetz further testified before Judge Bittner that, when he first met the Respondent in April of 1990, the Respondent was addicted to Demerol. He opined that addicts commonly engage in the type of behavior displayed by the Respondent, for drug addiction changes the addict's ''emotional responses,'' affects sexual behavior, and distorts the addict's perceptions of reality and his value system. However, he also testified that once an individual had been out of treatment, drug-free, and in recovery for a few years, he typically is able to return to work. Dr. Goetz stated that ''[a]ll of our records indicate that [the Respondent] is in compliance, that he's been able to function well since he's been relicensed by the Board of Medicine, and I think it's fair to say that he is in early recovery.''

Dr. Goetz also recalled that he had previously testified before the Medical Board, stating that the Respondent was in a state of recovery and no longer posed a threat to the public interest. He also opined before Judge Bittner that the Medical Board's decision to reinstate the Respondent's license represented a finding that the Respondent was fit to practice medicine. He concluded that the public interest would be served if the Respondent were to receive a DEA registration.

However, Judge Bittner noted in her opinion that Dr. Goetz did not testify as to any firsthand knowledge of the Respondent's condition or state of recovery, ''but rather about addiction in general and about what he had learned of Respondent's recovery from examining the PRN's records.'' Also, on cross-examination, Dr. Goetz agreed that an addict can have relapses even after years of sobriety, that a psychiatrist can practice without a Schedule II registration, and that physicians with self-abuse problems are particularly hard to treat because they can so easily obtain controlled substances. He also stated that, as of the date of the hearing before Judge Bittner, the Respondent was still on probation with the Medical Board. However, since September of 1991, the Respondent had complied with the PRN requirements, including submitting to random urine tests.

Dr. Jules Trop, a specialist in addictionology, also testified before Judge Bittner, stating that he had treated approximately 10,000 addicts and alcoholics in his practice, and that, since August of 1991, he had been the Respondent's ''monitoring physician'', the physician who maintains contact with the Respondent on behalf of the PRN and reports to the PRN about his progress. However, Dr. Trop testified that, beginning in approximately June of 1994, he had ceased directly observing the Respondent, who had been assigned to a small group for treatment. Yet Dr. Trop stated that he received reports from the Respondent's therapist, and that ''all reports are that [the Respondent's] attendance has been regular. His cooperation has continued. His recovery is ongoing. His urines have been negative. That's essentially it.''

Dr. Trop also testified that an addict typically loses his or her moral and ethical standards, and that recovery is dependent upon regaining those standards and behaviors. He observed that he had seen change in the Respondent and believed that he is now in ''progressive recovery.'' On cross-examination, Dr. Trop acknowledged that the term ''progressive recovery'' implies that recovery is never complete, and that it is always possible that an addict will relapse. Like Dr. Goetz, Dr. Trop also testified that physicians were particularly susceptible to addiction because their work was high-stress, and because physicians had money and access to controlled substances. However, Dr. Trop also opined that a physician who was being monitored by the PRN was less likely to relapse, with the monitoring serving as a deterrent. Dr. Trop also agreed with Dr. Goetz, stating that it would not be against the public interest to grant the Respondent's DEA application.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for registration as a practitioner, if he determines that granting the registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

Noting the absence of any conviction record, the Deputy Administrator finds factors one, two, four, and five relevant in determining whether the Respondent's registration would be inconsistent with the public interest. As to factor one, ''recommendation of the appropriate State licensing board,'' the Florida DPR suspended the Respondent's medical license in 1991, and reinstated the license in July of 1992, under probationary conditions that remain in effect through September of 1996. The Deputy Administrator concurs with Judge Bittner's analysis of the State licensing board's actions. By reinstating the Respondent's medical license, the DPR indicated that it viewed the Respondent's condition as less threatening to the public's interest than in 1991. However, by levying probationary conditions upon his practice of medicine, the DPR asserted that the Respondent's conduct continued to require scrutiny for the protection of the public.

Although the Government placed into the record two outstanding administrative complaints, pending before the DPR since 1992, the Deputy Administrator agrees with Judge Bittner's evaluation of these complaints. She wrote:

> I conclude that it would be inappropriate to rely on the unresolved administrative complaints in deciding the issues before me, for they are merely allegations, analogous to complaints in indictments, and do not prove the violations alleged therein by a preponderance of the evidence. Cf. Alra Lab., Inc., No. 92–42, 59 Fed. Reg. 50620, 50620 (DEA 1994) (allegations contained in an indictment should not be considered because there was nothing on the record tending to prove or disprove them).

As to factor two, the Respondent's ''experience in dispensing * * * controlled substances,'' and factor four, the Respondent's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances,'' the Deputy Administrator finds significant the Respondent's history of self-prescribing and self-injecting of Demerol and Valium, leading to his self-professed addiction to Demerol. As Judge Bittner wrote, ''[the] Respondent's self-prescribing of Demerol to maintain his addiction was not for a legitimate medical purpose and was therefore not a lawful prescription within the meaning of 21 CFR 1306.04.''

Further, in February of 1991, after his medical license had been suspended, the Respondent used a DEA Form 222 to order meperidine, when he no longer was authorized to so act. The Deputy Administrator agrees with Judge Bittner's finding that such unauthorized ordering of Demerol violated applicable state and federal law.

As to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' the Respondent's actions documented in the record pertaining to LW in 1988 cause the Deputy Administrator concern. Specifically, the Detective's testimony concerning the Respondent's actions with a sixteen-year-old patient who had escaped from a custodial psychiatric treatment setting remains unrebutted in the record. The Respondent's defense, that such actions were a result of his drug addiction, does little to alleviate the concern raised by his unprofessional conduct, especially given the Respondent's failure in the drug rehabilitation treatment programs at Talbott and Parkside. The Deputy Administrator also finds it significant that both Dr. Goetz and Dr. Trop agreed that physicians were particularly susceptible to addiction because of their access to controlled substances.

However, as to the Government's offer of proof concerning more recent acts involving the Respondent and LW, the Deputy Administrator concurs with Judge Bittner's ruling concerning the offered evidence. The Deputy Administrator finds that, under the circumstances, due process requires that he not consider the offered evidence in reaching a determination in this matter, and, accordingly, he has not considered the Detective's testimony concerning the Respondent's conduct with LW in 1990.

The Deputy Administrator also finds that the Respondent provided mitigating evidence through the testimony of Dr. Goetz and Dr. Trop. Specifically, both doctors noted that the Respondent remained in compliance with the conditions of his probation. Further, the Medical Board has found the Respondent fit to practice medicine, although also finding it necessary to reinstate his license on probationary terms. The Respondent has continued to successfully participate in a drug rehabilitation program of counselling and urinalysis testing as monitored by the PRN. Although both Dr. Goetz and Dr. Trop testified that the Respondent was in ''early recovery,'' or that his recovery was ''ongoing,'' the Deputy Administrator concurs with Judge Bittner's conclusion that ''the evidence that [the] Respondent remained drug-free for three-and-one-half-years prior to the hearing weighs in favor of granting his application.''

Therefore, after reviewing the record, the Deputy Administrator agrees with Judge Bittner's recommendation and finds that the public interest is best served by granting the Respondent a restricted registration. Specifically, that portion of the Respondent's application to handle controlled substances in Schedule II, nonnarcotic, and Schedule III, is denied. However, the portion of his application to handle controlled substances in Schedules IV and V is granted, with the following restrictions and conditions: (1) The Respondent's controlled substances-handling authority is limited to the writing of prescriptions only. He shall not be authorized to dispense, possess, or store any controlled substances, except that he may administer controlled substances in a hospoital setting, and he may possess controlled substances that are medically necessary for his own use and have been obtained pursuant to a valid prescription issued by another practitioner. (2) The Respondent is not authorized to prescribe any controlled substances for his own use. (3) For two years from the effective date of this order, the Respondent shall, every calendar quarter, submit a log to the Special Agent in charge of the nearest DEA office or his designee. The log shall contain a list of all prescriptions for controlled substances the Respondent has written during the previous quarter, to include the date of each prescription, the patient's name, the name and amount of the controlled substance(s) prescribed, and the pathology for which the prescription was written.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 CFR 0.100(b) and 0.104, hereby orders that the pending application of Nestor A. Garcia, M.D., for a DEA Certificate of Registration for a practitioner be, and it hereby is, denied in part and granted in part, subject to the limitations enumerated above. This order is effective July 15, 1996.

Dated: June 7, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–14953 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–09–M

National Institute of Corrections

Advisory Board Meeting

Time and Date: 12:30 p.m., Monday, June 24, 1996.

Place: Ramada Inn, 1117 Williston Road, Burlington, Vermont.

Status: Open.

Matters To Be Considered: Update on the reimbursement plan for NIC services, Office of Justice Programs' update on the Violent Offender and Truth In Sentencing Grant Program, update on the District of Columbia Department of Corrections Study, progress report from the task force on prison construction standardization and techniques, update on the NIC Executive Excellence Program, status of the final report on the mental health in jails survey, status report on the positional asphyxia video proposal, and the FY 1997 program plan recommendations.

Contact Person for More Information: Larry Solomon, Deputy Director, (202) 307–3106, ext. 155.

Morris L. Thigpen,

Deputy Director.

[FR Doc. 96–15009 Filed 6–12–96; 8:45 am]

BILLING CODE 4410–36–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

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

Name: Special Emphasis Panel in Chemistry (#1191).

Date and Time: July 1–2, 1996, 8:00 am to 5:00 pm.

Place: University of Texas, Austin, TX.

Type of Meeting: Closed.

Contact Person: Karolyn K. Eisenstein, Program Director, Office of Special Projects, Chemistry Division, Room 1055, National Science Foundation, 4201 Wilson Blvd. Arlington, VA 22230, Telephone: (703) 306–1850.

Purpose of Meeting: To review the renewal proposal, evaluate the Science and Technology Center, and make a recommendation concerning future funding of the Science and Technology Center.

Agenda: To evaluate: (a) the research program; (b) educational and outreach activities; and (3) the knowledge transfer activities and the management of the STC. To make a recommendation on the future funding of the STC.

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

Dated: June 10, 1996.

[FR Doc. 96–15012 Filed 6–12–96; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing in Maryland: Railroad Accident

In connection with its investigation of the collision and derailment of a MARC commuter passenger train with AMTRAK Train 29, The Capitol Limited, near Silver Spring, Maryland, on February 16, 1996, the National Transportation Safety Board will convene a public hearing at 9:00 a.m. (local time), on June 26, 1996, at the DoubleTree Hotel, 1750 Rockville Pike (Route 355), Rockville, Maryland 20852. For more information, contact Pat Cariseo, Office of Public Affairs, Washington, D.C. 20594, telephone (202) 382–0660.

Dated: June 7, 1996.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 96–14997 Filed 6–12–96; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

Carolina Power & Light Company, H.B. Robinson Steam Electric Plant, Unit No. 2; Exemption

I

Carolina Power and Light Company (CP&L or the licensee) is the holder of Facility Operating License No. DPR–23, which authorizes operation of the H.B. Robinson Steam Electric Plant, Unit No. 2 (HBR), at steady-state reactor power level not in excess of 2300 megawatts thermal. The facility consists of one pressurized water reactor located at the licensee's site in Darlington County, South Carolina. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II

Section III.J of Appendix R to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) requires that emergency lighting units with at least an 8-hour battery power supply be provided in all areas needed for operation of post-fire safe shutdown equipment and in access and egress routes thereto. The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Special circumstances exist whenever, according to 10 CFR 50.12(a)(2)(ii), ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule * * *.''

III

By letters dated February 2, 1995, May 15, 1995, and September 29, 1995, Carolina Power & Light Company (the licensee), requested an exemption from certain technical requirements of Section III.J of Appendix R to 10 CFR Part 50 for HBR. Section III.J of Appendix R requires that emergency lighting units with at least an 8-hour battery power supply be provided in all areas needed for operation of post-fire safe shutdown equipment and in access and egress routes thereto. The licensee plans to implement procedure enhancements to its post-accident safe shutdown procedure that would require manual operation of certain valves. The licensee proposed to use the diesel-backed security lighting system for access and egress to, and operation of, auxiliary feedwater (AFW) valves AFW–1 and AFW–104 and instrument air (IA) valve IA–297, stating that the use of the diesel-backed security lighting system will provide an equivalent level of fire safety to that achieved by compliance with Section III.J of Appendix R to 10 CFR Part 50 for access and egress to, and operation of, valves AFW–1 and AFW–104, located in fire zone 33, and valve IA–297, located in fire zone 25.

IV

Valves AFW–1, AFW–104, and IA–297 are located in outdoor areas within the protected area. These areas and the access and egress paths do not have 8-hour fixed battery-operated emergency

lighting as required by Section III.J of Appendix R to 10 CFR Part 50.

Valves AFW–1 and AFW–104 are located in fire zone 33 at the bottom of the condensate storage tank (CST). Failure to manually isolate valves AFW–1 and AFW–104 could result in overfilling the CST with service water after switchover of the AFW cooling source from the CST to the service water system. These AFW valves are located in outdoor areas within the protected area and are provided with lighting from the security lighting system. However, the licensee may need to manually operate these valves during the hours of darkness. Because the security lighting system is also backed by a standby diesel generator, the licensee would like to rely on the security lighting system with its standby diesel generator as an acceptable alternative fire protection configuration equivalent to that achieved by conformance with the requirements of 10 CFR Part 50, Appendix R, Section III.J.

Valve IA–297 is located in an outdoor area within the protected area near the southeast corner of the turbine mezzanine in fire zone 25 next to the steam dump accumulator. The HBR safe shutdown analysis takes credit for the availability of the main steam safety valves. The use of the nitrogen backup to the main steam power-operated relief valves is a contingency evolution for coping with a fire in the charging pump room. The licensee has already committed to provide emergency lighting with at least an 8-hour battery power supply for the main steam isolation and relief valve area, also in the southeast corner of the turbine building mezzanine. The licensee would rely on that planned emergency lighting in the vicinity of IA–197 as well as the security lighting system with its backup diesel generator to ensure the light necessary to take the actions described by the licensee.

The manual actions would be limited to operating valves AFW–1, AFW–104, and IA–297 over their full travel, with no requirement to partially open or close a valve, by relying on instruments, or other means, to determine valve travel.

In the licensee's submittal of September 29, 1995, the licensee confirmed that a walkdown was conducted in the areas for which the exemption was requested. With the normal lighting turned off, the light provided solely by the security lighting system was adequate for access and egress to, and operation of, valves AFW–1, AFW–104, and IA–297. During a telephone conference call on December 1, 1995, the licensee confirmed that postulated fires requiring the operators to travel to and operate valves AFW–1, AFW–104, and IA–297 would not affect the security lighting system. In addition, the security lighting system is backed by a standby diesel generator that has been very reliable; records indicate only two failures in 250 surveillance starts. However, none of the failures were failures to start but, rather, failures to come up to rated speed within the prescribed time of 10 seconds. Should the diesel fail to start, procedure OP–926, ''TSC/ EOF/ PAT Diesel Generator,'' provides instruction for manually starting the diesel, and such an action would be initiated by a call to the control room operators. Therefore, in the event of a fire that requires manual operation of valves AFW–1, AFW–104, and IA–297, or in the event of a loss of offsite power, there is reasonable assurance that the security lighting system will be available and will provide the light necessary to take the actions described above.

On the basis of this evaluation, the NRC staff has concluded that the use of the diesel-backed security lighting system will provide an equivalent level of fire safety to that achieved by compliance with Section III.J of Appendix R to 10 CFR Part 50 for access and egress to, and operation of, valves AFW–1 and AFW–104, located in fire zone 33, and valve IA–297, located in fire zone 25.

The Commission, thus, has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letters dated February 2, 1995, May 15, 1995, and September 29, 1995, as discussed above, is authorized by law and will not endanger life or property and is otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances as set forth in 10 CFR 50.12(a)(ii) are present and applicable in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

The Commission hereby grants an exemption from the technical requirements of 10 CFR Part 50, Appendix R, Section III.J, for the use of the diesel-backed security lighting system for access and egress to, and operation of, valves AFW–1 and AFW–104 and IA–297.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (61 FR 6044). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 3rd day of June 1996.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–15017 Filed 6–12–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–219]

GPU Nuclear Corporation; Notice of Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by GPU Nuclear Corporation, (licensee) for an amendment to Facility Operating License No. DPR–16 issued to the licensee for operation of the Oyster Creek Nuclear Generating Station, located in Forked River, New Jersey. Notice of Consideration of Issuance of this amendment was published in the Federal Register on December 7, 1995, (60 FR 62895).

The purpose of the licensee's amendment request was to modify the License Condition 2.C(5) to utilize a visual inspection technique in accordance with the American Society of Mechanical Engineers (ASME) Code, Section XI, and to eliminate the requirements to docket inspection results and the need to obtain NRC restart authorization for each refueling outage.

The NRC staff has concluded that the licensee's request cannot be granted and has advised the licensee that the proposed amendment is denied because the licensee has not provided adequate justification to resolve the staff's concern over the long-term behavior of the core spray sparger system. The licensee was notified of the Commission's denial of the proposed change by a letter dated June 7, 1996.

By July 15, 1996, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

For further details with respect to this action, see (1) The application for amendment dated October 26, 1995, and (2) the Commission's letter to the licensee dated June 7, 1996.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Tom's River, NJ 08753.

Dated at Rockville, Maryland, this 7th day of June 1996.

For the Nuclear Regulatory Commission.

Donald S. Brinkman,

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

[FR Doc. 96–15016 Filed 6–12–96; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

Sunshine Act Meeting; Washington, D.C. 20268–0001

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: 10:00 a.m. on July 9, 1996.

PLACE: Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket No. MC96–2, Mail Classification Schedule, 1996—Classification Reform II (Nonprofit Mail).

CONTACT PERSON FOR MORE INFORMATION: Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268–0001, Telephone (202) 789–6840.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 96–15167 Filed 6–11–96; 12:20 pm]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

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

Summary of Proposal(s)

(1) *Collection title:* Annual Earnings Questionnaire for Annuitants in Last Pre-Retirement Non-Railroad Employment.

(2) *Form(s) submitted:* G–19L.

(3) *OMB Number:* 3220–0179.

(4) *Expiration date of current OMB clearance:* July 31, 1996.

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

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 6,000.

(8) *Total annual responses:* 6,000.

(9) *Total annual reporting hours:* 3,000.

(10) *Collection description:* Under Section 2(e)(3) of the Railroad Retirement Act, an annuity is not payable or is reduced for any month in which the beneficiary works for a railroad or earns more than the prescribed amounts. The collection obtains earnings information needed by the Railroad Retirement Board to determine possible reductions in annuities because of LPE earnings.

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

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 96–15030 Filed 6–12–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

The Home Link Corporation; File No. 500–1; Order of Suspension of Trading

June 10, 1996.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of The Home Link Corporation (''Home Link'') in documents sent to and statements made by Home Link and by others to market-makers of the stock of Home Link, other broker-dealers, and to investors concerning, among other things, the number of shares of common stock of the company currently outstanding, the current capitalization of the company, whether the company is in fact pursuing a NASDAQ listing, and the future business prospects of the company.

The commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EDT, June 10, 1996 through 11:59 p.m. EDT, on June 21, 1996.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–15107 Filed 6–10–96; 4:25 pm]

BILLING CODE 8010–01–M

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of June 17, 1996.

A closed meeting will be held on Wednesday, June 19, 1996, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, June 19, 1996, at 10:00 a.m., will be:

Institution and settlement of administrative proceedings of an enforcement nature.

Institution and settlement of an injunctive action.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: June 11, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–15184 Filed 6–11–96; 2:21 pm]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST–95–418]

Application of Florida West International Airways, Inc. for Transfer of Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 96–6–19).

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Florida West International Airways, Inc., fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail, and transferring to it certificates of public convenience and necessity and other operating authority currently held by Florida West Gateway, Inc. d/b/a Florida West Airlines, Inc.

DATES: Persons wishing to file objections should do so no later than June 25, 1996.

ADDRESSES: Objections and answers to objections should be filed in Dockets OST–95–418 and addressed to the Documentary Services Division (C–55, Room PL–401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Delores King, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2343.

Dated: June 10, 1996.

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–15071 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement and To Hold Environmental Scoping Meetings for Runway Extension, Air Cargo Area, and Related Development at New Bedford Municipal Airport, New Bedford, MA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public environmental scoping meetings.

SUMMARY: The Federal Aviation Administration (FAA) is issuing notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposal by the City of New Bedford to extend the primary runway and runway safety area, develop an air cargo area and adjacent taxiway, and related development at New Bedford Municipal Airport. To ensure that all significant issues related to the proposed action are identified, public scoping meetings will be held.

FOR FURTHER INFORMATION CONTACT: John Silva, Manager, Environmental Programs, Airports Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone number: 617–238–7602.

SUPPLEMENTARY INFORMATION: The City of New Bedford is conducting an Airport Master Plan to determine future development needs. This Plan has progressed to the point of determining the need to accommodate future air cargo activity. Due primarily to the potential for significant adverse wetlands impacts and associated water quality issues, FAA has decided to prepare an Environmental Impact Statement (EIS).

FAA has conducted several meetings toward developing a Draft Scope of Work for the EIS. Since the EIS will be prepared as a joint Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act, additional meetings have been held to address EIR requirements. Comments and suggestions are presently invited from federal, state, and local agencies, and other interested parties, in order to ensure that a full range of issues related to the proposed projects are identified and addressed in a final Scope of Work for the EIS. A copy of the Draft Scope of Work may be obtained from FAA at the above address or telephone number. Comments and suggestions should be addressed to FAA at the above address and mailed not later than July 19.

PUBLIC SCOPING MEETINGS: In order to provide public input, a scoping meeting for federal, state, local, and non-governmental agencies will be held on Tuesday, July 9, 1996, at 1:30 pm at the maintenance building adjacent to the terminal building at New Bedford Municipal Airport, 1569 Airport Road, New Bedford, Massachusetts. An additional meeting to receive public input will be held on July 9 at 7:00 pm at the same location. These meetings will be preceded by a field tour of the EIS project area at 10:00 am on the same day, for individuals who have not yet done so. The tour will commence from the entrance to the terminal building.

Federal, state, local, and non-governmental agency representatives are encouraged to attend both scoping meetings. Additional information may be obtained by contacting FAA at the above address or telephone number.

Issued in Burlington, Massachusetts, on May 31, 1996.

Vincent A. Scarano,

Manager, Airports Division, FAA, New England Region.

[FR Doc. 96–15064 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In May 1996, there were 11 applications approved. Additionally, three approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103–272) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Texas A&M University, College Station, Texas.

Application Number: 96–01–C–00–CLL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in This Application: $458,595.

Estimated Charge Effective Date: July 1, 1996.

Estimated Charge Expiration Date: August 1, 1998.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Master Plan update, Passenger lift device, Airfield safety improvements: Overlay a portion of runway 10/28 and taxiway B including safety area grading; installation of medium intensity runway lights and upgrading of airfield guidance signs, Upgrade pilot guidance signage, Storm drainage renovation, Airport perimeter fencing, Avigation easement reimbursement, Seal coat portions of runways 16/34, 10/28, 4/22, and selected taxiways, PFC application, Safety equipment—runway sweeper.

Decision Date: May 1, 1996.

FOR FURTHER INFORMATION CONTACT: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

Public Agency: Laramie Regional Airport Board, Laramie, Wyoming.

Application Number: 96–01–C–00–LAR.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue: $126,457.

Earliest Charge Effective Date: August 1, 1996.

Estimated Charge Expiration Date: October 1, 2000.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Project Approved for Collection and Use: Terminal building remodel.

Date: May 3, 1996.

FOR FURTHER INFORMATION CONTACT: Barbara Johnson, Denver Airports District Office, (303) 286–5533.

Public Agency: City of Los Angeles Department of Airports, Los Angeles, California.

Application Number: 96–02–U–00–LAX.

Application Type: Use PFC revenue.

PFC Level: $3.00.

PFC Revenue Approved for Use in This Application: $116,109,000.

Charge Effective Date: June 1, 1993.

Charge Expiration Date: January 1, 1996.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Project Approved For Use: Ontario International Airport terminal development program.

Decision Date: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: John P. Milligan, Western Pacific Region Airports Division, (310) 725–3621.

Public Agency: City of Chico, California.

Application Number: 96–02–C–00–CIC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $77,000.

Estimated Charge Effective Date: June 1, 1997.

Estimated Charge Expiration Date: November 1, 1999.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Project Approved for Concurrent Authority to Impose and use: Terminal building remodel.

Decision Date: May 10, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriguez, San Francisco Airports District Office, (415) 876–2805.

Public Agency: City of Los Angeles Department of Airports, Los Angeles, California.

Application Number: 96–03–C–00–LAX.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

PFC Revenue Approved for Use in this Application: $59,902,000.

Charge Effective Date: June 1, 1993.

Charge Expiration Date: January 1, 1996.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection at Los Angeles International Airport (LAX) and Use at Ontario International Airport: Airport Drive—west end, Transmitter receiver relocation, Access control monitoring systems (phase 1), Taxiway N—westerly extension.

Brief Description of Projects Approved for Collection and Use at LAX: Taxiway C easterly extension—phase II, Remote aircraft gates boarding facilities and special equipment, Interline baggage remodel—Tom Bradley International Terminal (TBIT), Approach lighting for runway 6R, Southside taxiways WF, WG, N and extensions S and Q, Runway 24R stopway, Hi-speed taxiway 85V.

Brief Description of Project in Part for Collection and Use at LAX: TBIT improvements.

Determination: Approved in part. The proposed project included five elements. One of these elements, the second level structure, was disapproved because the structure, as described in the application, was not proposed to contain any uses which would make the structure eligible under Airport Improvement Program or PFC criteria.

Decision Date: May 10, 1996.

FOR FURTHER INFORMATION CONTACT: John P. Milligan, Western Pacific Region Airports Division, (310) 725–3621.

Public Agency: Memphis-Shelby County Airport Authority, Memphis, Tennessee.

Application Number: 96–03–U–00–MEM.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue Approved for Use in this Application: $85,954,000.

Charge Effective Date: August 1, 1992.

Estimated Charge Expiration Date: November 1, 2003.

Class of Air Carriers not Required to Collect PFC's: No change from previous approvals.

Brief Description of Projects Approved for Use: Reconstruction of runway 18L/36R, Extension of runway 18L/36R.

Decision Date: May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Jerry O. Bowers, Memphis Airports District Office, (901) 544–3495.

Public Agency: Memphis-Shelby County Airport Authority, Memphis, Tennessee.

Application Number: 96–04–C–00–MEM.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Application: $15,847,000.

Estimated Charge Effective Date: November 1, 2003.

Estimated Charge Expiration Date: February 1, 2005.

Classes of Air Carriers not Required to collect PFC's: (A) On-demand air taxi/commercial operators that do not enplane passengers at the airport's main terminal buildings; and, (b) any air carrier that enplanes less than 500 passengers per year at Memphis International Airport (MEM).

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at MEM.

Brief Description of Projects Approved for Collection and Use: Rehabilitation of taxiway N, Slab and joint seal replacement program.

Decision Date: May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Jerry O. Bowers, Memphis Airports District Office, (901) 544–3495.

Public Agency: County of Emmet, Pellston, Michigan.

Application Number: 96–03–U–00–PLN.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue for Use in this Application: $28,157.

Charge Effective Date: March 1, 1993.

Estimated Charge Expiration Date: November 1, 1996.

Class of Air Carriers not Required to Collect PFC's: No change from previous approvals.

Brief Description of Projects Approved for Use: Rehabilitate taxiway A,

Rehabilitate medium intensity runway lighting runway 5/23.

Brief Description of Project Approved in Part for Use: Purchase snow removal equipment (broom).

Determination: Partially approved. The snow plow blade, salt spreader, and box have been determined not to be eligible accessories for a broom truck. The carrier vehicle and small swath broom must meet the requirements of Advisory Circular 150/5220, change 1 to retain this eligibility determination.

Decision Date: May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Jon B. Gilbert, Detroit Airports District Office, (313) 487–7281.

Public Agency: County of Emmet, Pelleston, Michigan.

Application Number: 96–04–C–00–PLN.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Application: $27,600.

Estimated Charge Effective Date: November 1, 1996.

Estimated Charge Expiration Date: January 1, 1998.

Class of Air Carriers not Required to Collect PFC's: Air taxi/charter operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Pellston Regional Airport of Emmet County.

Brief Description of Projects Approved for Collection and Use: Expand auto parking lot, Rehabilitate existing parking lot, Rehabilitate taxiway B, Installation of chain link fencing.

Decision Date: May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Jon B. Gilbert, Detroit Airports District Office, (313) 487–7281.

Public Agency: City of Wendover, Utah.

Application Number: 96–01–I–00–ENV.

Application Type: Impose a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $10,101,700.

Earliest Charge Effective Date: August 1, 1996.

Estimated Charge Expiration Date: January 1, 2026.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection: Environmental assessment for new runway 8/26, update airport layout plan, Bond preparation work (financial, market study), Partially refurbish aircraft rescue and firefighting building, Acquire land for new runway 8/26, Design and construct new runway 8/26, Construct medium intensity approach lighting system with runway alignment indicator lights on runway 26, Relocate west perimeter road, Construct connecting taxiway to runway 8.

Decision Date: May 17, 1996.

FOR FURTHER INFORMATION CONTACT: Chris Schaffer, Denver Airports District Office, (303) 286–5525.

Public Agency: Charlottesville-Albemarle Airport Authority, Charlottesville, Virginia.

Application Number: 96–08–C–00–CHO.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $1,366,139.

Estimated Charge Effective Date: February 1, 2002.

Estimated Charge Expiration Date: October 1, 2004.

Classes of Air Carriers not Required to Collect PFC's: (1) Air taxi/commercial operators filing FAA Form 1800–31; and (2) foreign air carriers.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at Charlottesville-Albemarle Airport.

Brief Description of Projects Approved for Collection and Use: Terminal building construction and related debt service expenses, PFC administrative expenses (96–08–C–00–CHO application), PFC administrative expenses (94–05–I–00–CHO application).

Decision Date: May 29, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Mendez, Washington Airports District Office, (703) 285–2570.

Amendments to PFC Approvals

Amendment No. city, state	Amendment approved date	Amended approved net PFC revenue	Previous approved net PFC revenue	Previous estimated charge exp. date	Amended estimated charge exp. date
93–01–C–02–MFR Medford, OR.	05/15/96	$546,814	$882,999	11/01/95	01/01/95
92–01–I–03–MEM Memphis, TN.	05/15/96	62,529,000	73,474,000	07/01/03	11/01/03
93–02–C–02–MEM Memphis, TN.	05/15/96	68,877,000	55,169,000	07/01/03	11/01/03

Issued in Washington, DC on June 6, 1996.

Kendall Ball,

Acting Manager, Passenger Facility Charge Branch.

[FR Doc. 96–15065 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

[Docket No. 28567]

A Call for the Development of Prototype(s) for a Global Analysis and Information Network (GAIN)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice; extension of comment period.

SUMMARY: This notice announces an extension of time to submit comments concerning the notice entitled, ''A Call for the Development of Prototype(s) for a Global Analysis and Information Network (GAIN).'' The FAA proposed GAIN to facilitate the collection, analysis, and dissemination of aviation safety information to help the industry reach Zero Accidents. Due to considerable interest in GAIN, the FAA is extending the comment period to July 19, 1996, to facilitate the preparation of comprehensive comments concerning the GAIN concept.

DATE: The comment period is extended until July 19, 1996.

ADDRESSES: It is requested that *all* comments be submitted via the Internet by sending an e-mail message with your comments (plain text preferred, no graphics please) to: concept__paper@asyweb01.nasdac.faa.gov.

Please include your name and organization. Comments must also be mailed in hard-copy (two copies) via regular mail to: Federal Aviation Administration, 800 Independence Ave., SW., Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28567, Washington, DC 20591.

All comments must be marked: ''Docket No. 28567.'' Commenters wishing the FAA to acknowledge receipt of their comments must include

a pre-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 28567.'' The postcard will be date stamped and mailed to the commenter.

Comments submitted about this Notice may be examined at the FAA at the above address in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, commenters will be able to review all other comments by Internet. Your submission should not contain any proprietary or other information that you do not want to be made available to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. Chuck Fluet, Manager, Safety Analysis Division, Office of Aviation Safety, ASY–200, Federal Aviation Administration, 400 7th Street, SW., Washington, DC 20590, telephone 202–267–GAIN (202–267–4246).

SUPPLEMENTARY INFORMATION: On May 10, 1996, the Federal Aviation Administration (FAA) issued a notice [Notice] entitled, ''A Call for the Development of Prototype(s) for a Global Analysis and Information Network (GAIN)'' (61 FR 21522). The Notice solicited comments from all interested parties on the GAIN concept and implementation strategy for collecting and analyzing aviation safety data, and invited participation in the development of proof-of-concept prototypes. The comment period for this Notice was originally scheduled to end June 14, 1996.

However, in order to give interested parties sufficient time to prepare comprehensive comments concerning the issues raised in the May 10, 1996, Notice, the FAA has determined that it is in the public interest to extend the comment period. In light of considerable interest in the GAIN concept, this extension will allow commenters additional time to submit information. The additional time should result in more comprehensive comments, which in turn will facilitate more productive communications between commenters and more fruitful exploration of potential joint ventures prior to the FAA hosting a conference to discuss refinements of the GAIN concept and prototype(s) development.

Accordingly, the comment period will close on July 19, 1996.

Issued in Washington, DC on June 11, 1996.

Christopher A. Hart,

Assistant Administrator for System Safety.

[FR Doc. 96–15174 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–13–M

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT), Maritime Administration (MARAD).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted 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 cost and burden. The Federal Register notice with a 60-day comment period soliciting comments on the following collection of information was published on March 7, 1996 [FR 61, page 9223].

DATES: Comments must be submitted on or before July 8, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph Freeman, (202) 366–6057, and refer to the OMB Control Number.

SUPPLEMENTARY INFORMATION:

Title: Applications and Amendments for Participant Under Section 651, Subtitle B, Merchant Marine Act, 1936, as Amended.

OMB Control Number: 2133–0525.

Abstract: The Maritime Security Bill provides for the acceptance of applications for enrollment in the Maritime Security Fleet. Because each vessel accepted as a participant in the Maritime Security Fleet will receive support payments for up to ten years, the information submitted on the application must be certified to be true and correct.

The information collected will form the pool of vessels from which the Maritime Security Fleet will be selected.

The information collected is intended for: the initial application for participation in the Maritime Security Fleet, and amendments for additional vessels or changes to existing vessels or status of the applicant.

Respondents: The respondents are carrier desiring to enroll their vessels in the Maritime Security Program Fleet.

Annual Reporting and Recordkeeping Burden: The number of respondents are approximately 10. The total annual responses are 10. The total annual burden hours are 80.

Frequency: Reporting is one-time.

Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Issued in Washington, DC, on June 6, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–14982 Filed 6–12–96; 8:45 am]

BILLING CODE 4910–18–P

Surface Transportation Board [1]

[STB Finance Docket No. 32973]

Consolidated Rail Corporation—Trackage Rights Exemption—Grand Trunk Western Railroad, Inc.

Grand Trunk Western Railroad, Inc. (GTW) has agreed to grant overhead trackage rights to Consolidated Rail Corporation (Conrail) over rail lines located on the GTW River Subdivision in Trenton, MI, beginning at milepost 10.23 at Quarry Road, extending southerly to and including the crossover tracks and rail connections at FN Interlocker at milepost 10.99, continuing south through FN Interlocker to West Road at milepost 11.86; and the sidetrack at milepost 11.26 and its associated run-around track up to but not extending beyond King Road or the GTW property line. The trackage rights agreement restricts Conrail to using the trackage for purposes of serving the Trenton Steel Warehouse in the city of Trenton. The trackage rights were to become effective on or after June 5, 1996.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32973, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423 and served on: David C. Ziccardi, Associate General Counsel, Consolidated Rail Corporation, 2001 Market Street, 16A, P. O. Box 41416, Philadelphia, PA 19101–1416.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,*

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–24.

354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: June 6, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–15047 Filed 6–12–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 32972]

K & E Railway Company—Acquisition and Operation Exemption—The Atchison, Topeka and Santa Fe Railway Company

K & E Railway Company, a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate over approximately 57.69 miles of rail lines of The Atchison, Topeka and Santa Fe Railway Company as follows: (i) Between milepost 0.6, at or near Kiowa, KS, and milepost 56.98, at or near Blanton, OK; and (ii) between mileposts 299.88 and 301.19 near Cherokee, OK.

The transaction was expected to be consummated on or after May 30, 1996.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32972, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Karl Morell, Ball, Janik & Novack, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Decided: June 6, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–15048 Filed 6–12–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

UNITED STATES INFORMATION AGENCY

Hubert H. Humphrey Fellowship Program

ACTION: Notice; request for proposals.

SUMMARY: The Office of Academic Programs of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award. Washington-based public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)–1 may apply to assist USIA in the administration of the Hubert H. Humphrey Fellowship Program Washington Workshop. The organization will plan and implement a conference up to four days for approximately 117 mid-career professionals from developing countries, Central/Eastern Europe, and the NIS between the dates of May 3 to May 21, 1997 (final dates to be determined).

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT TITLE AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number *E/ASU–96–05.*

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Thursday, July 11, 1996. Faxed documents will not be accepted, nor will documents postmarked July 11 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. Grant should begin on or about September 16, 1996.

FOR FURTHER INFORMATION CONTACT:

Ms. Leigh Rieder, Specialized Programs Unit, E/ASU, Room 349, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, telephone: (202) 619–5289, fax: (202) 401–1433, Internet address: lrieder@usia.gov, to request a Solicitation Package containing more detailed award criteria, required application forms, and standard guidelines for preparing proposals, including specific criteria for preparation of the proposal budget.

To Download a Solicitation Package via Internet

The Solicitation Package may be downloaded from USIA's website at http://www.usia.gov/ or from the Internet Gopher at gopher.usia.gov. Under the heading ''International Exchange/Training,'' select ''Request for Proposals.'' Please read ''About the Following RFPs'' before downloading.

Please specify USIA Program Officer Leigh Rieder on all inquiries and correspondences. Interested applicants should read the complete Federal Register announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions

Applicants must follow all instructions given in the Solicitation Package. The original and six copies of the proposal should be sent to: U.S. Information Agency, Ref.: E/ASU–96–05, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC 20547.

Diversity Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal.

Overview

The Hubert H. Humphrey Fellowship Program provides a year of non-degree, graduate level study and related professional experiences to mid-level professionals from developing countries, Central/Eastern Europe, and the NIS. Fellowships are granted competitively to public and private sector candidates with a commitment to public service in the fields of natural resources/environmental management, public policy analysis/administration, economic development, agricultural development/economics, finance/banking, human resource management/personnel, urban and regional planning, public health policy/management, technology policy/management, educational planning, and communications/journalism. Fellows are placed by professional field in groups of seven to 13 at one of 11 participating host universities around the country. The Agency is assisted in the administration of the program by the Institute of International Education (IIE) under a cooperative agreement with the Agency. Fellows are nominated for the program by USIA overseas posts or Fulbright commissions based on their potential for national leadership, commitment to public service, and professional and academic qualifications. By providing these future leaders with exposure to U.S. society, and to current U.S. approaches to the fields in which they work, the program provides a basis for establishing lasting ties among U.S. citizens and their professional counterparts in other countries.

The objectives of the workshop are to:

- Enhance fellows' understanding of U.S. social, cultural, and political processes and institutions, including the unique political environment of Washington, D.C.
- Emphasize opportunities for regional and professional networking among fellows.
- Highlight fellows' contributions to U.S. communities with U.S. decision makers.

Guidelines

Non-profit organizations with key program staff based in the Washington, D.C. metropolitan area and available for frequent meetings with USIA staff are invited to submit proposals.

Organizations also must have experience in conference management, professional exchanges, and international exchanges. Only organizations with at least four years of experience in international exchange activities are eligible to apply for this award.

The Agency encourages proposals from organizations whose staffs reflect a broad variety of ethnic backgrounds, whose programs encompass a range of diversity interests, and/or whose mission includes furthering the interest of traditionally under-represented groups.

The recipient organization will be responsible for most arrangements associated with this workshop. These include organizing a coherent schedule of activities, making lodging and transportation arrangements for participants, preparing all necessary support materials, working with Humphrey Coordinators from host universities and IIE staff to achieve maximum workshop effectiveness, conducting a final evaluation, and other details which are outlined in the solicitation package. Drafts of all printed materials developed for the workshop should be submitted to the Agency for review and approval. All official documents should highlight the U.S. Government's role as program director and funding source. Please refer to program guidelines in the solicitation package for further details.

Proposed Budget

The award for this project may not exceed $158,000, and cost sharing is strongly encouraged. Applicants must submit a comprehensive, line-item budget for the entire workshop. There must be a summary budget as well as separate break downs of administrative and program costs. Please refer to the solicitation package for complete budget guidelines and formatting instructions.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the solicitation package. All eligible proposals will be reviewed by the program office and forwarded to a panel of USIA officers for advisory review. Proposals may be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered, and all carry equal weight in the proposal evaluation:

1. *Quality/responsiveness of the program idea.* Proposals should exhibit originality, substance, precision, cultural sensitivity and responsiveness to the material set forth herein and in the solicitation package. Proposals should clearly demonstrate how the institution will meet the workshop's objectives.

2. *Multiplier effect/impact.* Proposed program should strengthen long-term mutual understanding and encourage collaboration among fellows after the fellowship year.

3. *Support of diversity.* Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity.

4. *Institutional Capacity.* Proposed personnel and institutional resources should be adequate and appropriate to achieve the workshop's goals.

5. *Institution's Record/Ability.* Proposals should demonstrate past success in administering workshops for international professional participants. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Project Evaluation.* Proposals should include a plan to evaluate the workshop's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to link outcomes to original workshop objectives is recommended.

7. *Cost-effectiveness.* Staff salaries, levels of staff support, and overhead should be kept as low as possible. The proposal will be judged on its responsiveness to achieving effective administration at reduced funding levels.

8. *Cost-sharing.* Proposals should maximize cost-sharing through other private sector support and institutional direct funding contributions.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been allocated and committed through internal USIA procedures.

Dated: June 5, 1996.

Dell Pendergrast,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 96–14728 Filed 6–12–96; 8:45 am]

BILLING CODE 8230–01–M

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

Provo River Restoration Project

AGENCIES: The Utah Reclamation Mitigation and Conservation Commission (Commission) and the Department of the Interior (Department).

ACTION: Notice of availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Commission and the Department have issued a joint Draft Environmental Impact Statement (DEIS) for the Provo River Restoration Project (PRRP). The DEIS analyzes alternatives and impacts associated with measures to restore and improve the fish habitat, riparian habitat, and natural functioning of the Provo River between Jordanelle Dam and Deer Creek Reservoir, Wasatch County, Utah. These measures are required by the 1988 Aquatic Mitigation Plan for the Strawberry Aqueduct and Collection System (SACS) of the Bonneville Unit of CUP as partial mitigation for past impacts of the CUP to this and other reaches of the Provo River and to other streams within the Bonneville Unit area. The Central Utah Project Completion Act (CUPCA) also authorizes additional fish habitat improvements, riparian habitat rehabilitation, and recreational facilities on the Provo River. The Provo River Restoration Project plan presents three action alternatives which meet, to a greater or lesser degree depending on the alternative selected, the Commission's habitat restoration and improvement mitigation and conservation responsibilities associated with the Provo River corridor in Heber Valley.

Public participation has occurred throughout the EIS process. A Notice of Intent was filed in the Federal Register in December 1992. Since that time, open houses, public meetings, and mail-outs have been conducted to solicit comments and ideas. Any comments received throughout the process have been considered.

DATES: Written comments on the DEIS must be submitted or postmarked no later than August 13, 1996. Comments on the DEIS may also be presented verbally or submitted in writing at the public hearings to be held at the following times and locations:

- 6:00 p.m., July 16, 1996; Wasatch County Middle School, 800 South 200 East, Heber City, Utah
- 6:30 p.m., July 17, 1996; Salt Lake County Commission Chambers, 2001 South State, Salt Lake City, Utah

The public hearings are being held to address two separate actions: (1) The Wasatch County Water Efficiency Project and Daniel Replacement Project, and (2) the Provo River Restoration Project. Each action should be addressed separately. Testimony may be given on each of the two actions but should be made and identified as two separate presentations. In order to be included as part of the hearing record, written testimony must be submitted at the time of the hearing. Verbal testimony will be limited to 5 minutes for each DEIS. Those wishing to give testimony at a hearing should submit a registration form, included at the end of the DEIS, to the address listed below by July 15, 1996.

ADDRESSES: Comments on the DEIS should be addressed to: Michael C. Weland, Executive Director, Utah Reclamation Mitigation and Conservation Commission, 355 West 1300 South, Orem, Utah 84058.

FOR FURTHER INFORMATION: Additional copies of the DEIS, copies of the resources technical reports, or information on matters related to this notice can be obtained on request from: Ms. Nancy Hardman, Central Utah Water Conservancy District, 355 West 1300 South, Orem, Utah 84058, Telephone: (801) 226–7187, Fax: (801) 226–7150.

Copies are also available for inspection at:

Central Utah Water Conservancy District, 355 West 1300 South, Orem, Utah 84058.

Utah Reclamation Mitigation and Conservation Commission, 111 East Broadway, Suite 310, Salt Lake City, Utah 84111.

Department of the Interior, Natural Resource Library, Serials Branch, 18th and C Streets, NW, Washington, D.C. 20240.

Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606.

Dated: June 10, 1996.

Michael C. Weland,

Executive Director, Utah Reclamation Mitigation and Conservation Commission.

[FR Doc. 96–15007 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF VETERANS AFFAIRS

A Child Development Center at the VAMC, Reno, NV

AGENCY: Veterans Affairs.

ACTION: Notice of designation.

SUMMARY: The Secretary of the Department of Veterans Affairs is designating the Reno, NV, Department of Veterans Affairs Medical Center (VAMC) for Enhanced-Use development. The Department intends to enter into a long-term lease of real property with the developer whose proposal will provide the best quality child development and care at the greatest economic advantage for children of VAMC employees. The developer will be responsible for all aspects of construction, ownership, maintenance, and operation of the Child Development Center.

FOR FURTHER INFORMATION CONTACT: Brian A. McDaniel, Office of Asset and Enterprise Development (189), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–4307.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 8161 *et seq.*, specifically provides that the Secretary may enter into an Enhanced-Use lease, if the Secretary determines that at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department; the lease will not be inconsistent with and will not adversely affect the mission of the Department; and the lease will enhance the property. This project meets these requirements.

Approved: May 10, 1996.

Jesse Brown,

Secretary, Veterans Affairs.

[FR Doc. 96–14983 Filed 6–12–96; 8:45 am]

BILLING CODE 8310–01–M

federal register

Thursday
June 13, 1996

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN: 1018-AD69

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 1996–97 hunting season. This supplement to the proposed rule provides the regulatory schedule, announces the Service Migratory Bird Regulations Committee and Flyway Councils meetings, and describes proposed changes from 1995–96 hunting regulations.

DATES: The Service Migratory Bird Regulations Committee will consider and develop proposed regulations for early-season migratory bird hunting on June 25, 26, and 27, and for late-season migratory bird hunting on July 31, August 1, and 2. The Service will hold public hearings on proposed early- and late-season frameworks at 9:00 a.m. on June 27 and August 2, 1996, respectively. The comment period for proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons will end on July 25, 1996. The comment period for late-season proposals will end on September 3, 1996.

ADDRESSES: The Service Migratory Bird Regulations Committee will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The Service will hold public hearings in the Auditorium of the Department of the Interior Building, 1849 C Street, NW., Washington, DC. Parties should submit written comments on the proposals and/or a notice of intent to participate in either hearing to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240. The public may inspect comments during normal business hours in room 634, ARLSQ Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1996

On March 22, 1996, the Service published in the Federal Register (61 FR 11992) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. The Service will propose early-season frameworks in late June and late-season frameworks in early August. The Service will publish final regulatory frameworks for early seasons on or about August 14, 1996, and those for late seasons on or about September 23, 1996.

On June 27, 1996, the Service will hold a public hearing in Washington, DC, to review the status of migratory shore and upland game birds and waterfowl hunted during early seasons and the recommended hunting regulations for these species.

On August 2, 1996, the Service will hold a public hearing in Washington, DC, to review the status of waterfowl and recommended hunting regulations for regular waterfowl seasons, and other species and seasons not previously discussed at the June 27 public hearing.

Announcement of Service Migratory Bird Regulations Committee Meetings

The June 25 meeting will review information on the current status of migratory shore and upland game birds and develop 1996–97 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, the Service will review and discuss preliminary information on the status of waterfowl as it relates to the development of the regulatory packages for the 1996–97 regular waterfowl seasons. The June 26 meeting will ensure that the Service develops its regulations recommendations in full consultation.

The July 31 meeting will review information on the current status of waterfowl and develop 1996–97 migratory game bird regulations recommendations for regular waterfowl seasons and other species and seasons not previously discussed at the early season meetings. The August 1 meeting will ensure that the Service develops its regulations recommendations in full consultation.

In accordance with Departmental policy on meetings of the Service Migratory Bird Regulations Committee attended by any person outside the Department, these meetings will be open to public observation. Members of the public may submit written comments on the matters discussed to the Director.

Announcement of Flyway Council Meetings

On July 27-29, 1996, Service representatives will attend the joint and individual Flyway Council meetings at the Adams Mark Hotel in Kansas City, Missouri. Although specific agendas are not yet available, these meetings will begin the afternoon of the 27th and close the afternoon of the 29th.

Review of Public Comments

This supplemental rulemaking describes recommended changes based on the preliminary proposals published in the March 22, 1996, Federal Register. This supplement includes only those recommendations requiring either new proposals or substantial modification of the preliminary proposals. This supplement does not include recommendations that support or oppose but do not recommend alternatives to the preliminary proposals. The Service will consider these comments later in the regulations-development process. The Service will publish responses to proposals, written comments, and public-hearing testimony when it develops final frameworks.

The Service seeks additional information and comments on the recommendations in this supplemental proposed rule. The Service will consider all recommendations and associated comments during development of the final frameworks.

New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the March 22, 1996, Federal Register.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) Harvest Strategy Considerations, (B) Framework Dates, (C) Season Length, (D) Closed Seasons, (E) Bag Limits, (F) Zones and Split Seasons, and (G)

Special Seasons/Species Management. Categories containing substantial recommendations are discussed below.

A. Harvest Strategy Considerations

Council Recommendations: In the March 22, 1996, Federal Register, the Service reported on recommendations made by an Adaptive Harvest Management (AHM) technical working group for the 1996 regulatory process. Comprised of representatives from the Service and the four Flyway Councils, the working group was established in 1992 to develop recommendations for improving the regulation of duck harvests. The working group's function is, however, strictly technical in nature.

All four Flyways continued to express support for the AHM approach to setting duck hunting regulations. However, the Mississippi, Central, and Pacific Flyway Councils recommended some modifications to the specific regulatory packages recommended by the working group, and these modifications are identified below under ''Season Length,'' ''Bag Limits,'' and ''Special Seasons/Species Management.''

The Atlantic Flyway Council endorsed the AHM technical working group's recommendations regarding harvest-management objectives, use of mid-continent mallard population models, and regulatory options for the Atlantic Flyway in 1996.

The Upper-Region Regulations Committee of the Mississippi Flyway Council expressed support for no more than three regulations packages, but recommended a harvest-management objective (objective function) that achieves an equal balance between harvest and a breeding population objective of 8.1 million mallards.

The Lower-Region Regulations Committee of the Mississippi Flyway Council requested the working group investigate the addition of both a more conservative and a more liberal regulatory package to the group of regulations packages offered for the 1997–98 hunting season.

The Central Flyway Council supported the working group's recommendation to modify the objective function so that it continue to reflect the broad resource values of the population goals of the North American Waterfowl Management Plan (NAWMP), but commented that many technical issues will need to be resolved before AHM will be fully operational for multiple stocks of ducks.

The Pacific Flyway Council endorsed the AHM working group's 1996 duck regulations approach and, with the exception of a harvest strategy for pintails, recommendations for the 1996 regulations process.

B. Framework Dates

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the AHM technical working group investigate the impacts of a January 31 framework closing date.

C. Season Length

Council Recommendations: In the regulations packages recommended for 1996–97, the Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended the season length in the ''liberal'' package be 51 days instead of 50 days. The Central Flyway Council recommended the season length in the ''liberal'' package be 67 days instead of 60 days.

D. Bag Limits

Council Recommendations: The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council and the Central Flyway Council recommended the redhead daily bag limit in the ''liberal'' package be 2 birds instead of 1.

The Lower-Region Regulations Committee of the Mississippi Flyway Council also recommended the overall daily bag limit in the ''liberal'' package be 6 birds instead of 5, and within this overall limit, the daily bag limit for mottled ducks be 4 instead of 3; and the limit for ringnecks, scaup, goldeneyes, and buffleheads be 4 instead of 5. Limits for black ducks, pintails, wood ducks, and canvasbacks would be the same as in 1995.

Written Comments: The Massachusetts Division of Fisheries and Wildlife recommended any ''liberal'' regulatory package delete the hen mallard restriction in the Atlantic Flyway.

E. Zones and Split Seasons

In 1990, the Service established guidelines for the use of zones and split seasons for duck hunting (Federal Register 55 FR 38901). These guidelines were based upon a cooperative review and evaluation of the historical use of zone/split options. The Service reiterated 1977 criteria that the primary purpose of these options would be to provide more equitable distribution of harvest opportunity for hunters throughout a State. In 1977, the Service had also stated that these regulations should not substantially change the pattern of harvest distribution among States within a Flyway, nor should these options detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level. The 1990 review did not show that the proliferation of these options had increased harvest pressure; however, the ability to detect the impact of zone/split configurations was poor because of poorly chosen response variables, the lack of statistical tests to differentiate between real and perceived changes, and the absence of adequate experimental controls. Therefore, the 1990 strategy intended to provide a framework for controlling the proliferation of changes in zone/split options and limited changes to 5-year intervals. The first open season for changes was in 1991 and the second occurs this year when zone/split configurations will be established for the 1996–2000 period.

Council Recommendations: The Flyway Councils made several recommendations on the Service's proposed guidelines on the use of zones and split seasons for duck hunting. The Service published these guidelines in the March 22, 1996, Federal Register.

The Central Flyway Council recommended non-contiguous zones be allowed when supported by adequate justification. The Council also made several recommendations regarding the use of additional days in the High Plains Management Unit. The Council recommended the restrictions ''must be consecutive'' and ''after the regular duck season'' be removed from the proposed guidelines. Further, the Council recommended additional days in the management unit be restricted to one split (i.e., two segments).

The Pacific Flyway Council recommended the guidelines for zones allow identical season dates and/or different zoning configurations with different regulatory packages.

Regarding Flyway Council recommendation for specific changes requested by States, the Atlantic Flyway Council recommended the State of Maine be granted a waiver for its proposed zoning option for 1996–2000. The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended the Service approve changes to zone-boundary configurations proposed by Illinois, Indiana, Michigan, and Wisconsin for the 1996–2000 period. The Central Flyway Council recommended the Service approve Nebraska's duck hunting zone proposal. The Pacific Flyway Council recommended the Service approve duck zone changes in Arizona, Nevada, Oregon, and Utah for the 1996–2000 period.

Written Comments: The Nebraska Game and Parks Commission and the

Kansas Department of Wildlife and Parks recommended the restrictions ''must be consecutive'' and ''after the regular duck season'' be removed from the proposed guidelines on the use of additional days in the High Plains Management Unit. Both noted these requirements were new and seemed unnecessary.

The Nebraska Game and Parks Commission recommended the addition of a provision allowing the use of non-contiguous zones when supported by strong justification. The Wyoming Game and Fish Department also requested a variance from the contiguous-boundary criterion, stating that the current zoning guidelines do not seem to contain the flexibility needed to address the considerable variation in hunting opportunity associated with the diverse physiographic regions found in many Rocky Mountain States.

Service Response: For the 1996 open season, the Service proposed in the March 22, 1996, Federal Register use of the existing 1990 guidelines, with an exception for the handling of special management units. The Service proposed to delete the following provision from the 1990 guidelines:

Special Management Unit Limitation: Within existing Flyway boundaries, States may not zone and/or use a 3-way split season simultaneously within a special management unit and the remainder of the State.

The Service proposed this change with the understanding that the additional days allowed for a management unit must be consecutive and, for the Central Flyway, be held both after the Saturday nearest December 10 and after the regular duck season. While the Service continues to support this proposed change, based on preliminary comments, the Service is now proposing an additional special provision for management units: For the States that have a recognized management unit and include a non-management unit portion, an independent 2-way split season with no zones can be selected for the management unit. The remainder of the State in the non-management unit portion can be zoned/split according to existing guidelines.

Regarding the Central Flyway Council recommendation that the criteria ''must be consecutive'' and ''after the regular duck season'' be removed from the guidelines on the use of additional High Plains Management Unit days, the Service reviewed the justification provided and believes that restrictions regarding the use of additional days should remain as proposed.

Regarding Flyway Council recommendations to alter the definition and interpretation of a ''zone'' that would allow the establishment of hunting areas with non-contiguous boundaries or concurrent seasons, the Service has reviewed the rationale provided with the recommendations and believes that the definition/interpretations previously used are still appropriate. The requirement for contiguous boundaries for zones and different season dates among zones supports a primary objective of the guidelines for selecting zones/split seasons for duck hunting, which is to improve stability in hunting regimes. If concurrent seasons among zones were allowed, States would in effect have the option to either zone or not zone. With respect to non-contiguous boundaries, the Service believes that the current guidelines allow States sufficient flexibility to address differences in physiography, climate, etc. within a State. Allowing either of these exceptions in interpretation could further confound our ability to regulate and evaluate overall harvest pressure on ducks.

The following zone/split-season guidelines apply only for the *regular* duck season and include several definitions and interpretations developed in response to questions during and following the first open season in 1991. For clarification, these are reiterated:

1. A zone is a geographic area or portion of a State, with a contiguous boundary, for which independent dates (at least 1 day difference) can be selected for the regular duck season.

2. Consideration of changes for management-unit boundaries are not subject to the guidelines and provisions governing the use of zones and split seasons for ducks.

3. Only minor (less than a county in size) boundary changes will be allowed for any grandfather arrangement, and changes are limited to the open season.

4. Any State may change its zone/split arrangement to the Basic Option at any time during the 5 years between open seasons. If such a change is made, the Basic Option must be continued for the remainder of the 5-year period.

For the 1996–2000 period, any State may continue the configuration used in 1991–1995. If changes are made, the zone/split-season configuration must conform to one of the following options:

1. *Basic Option:* The Basic Option, available at any time to any State, would allow the regular duck season to be split into two segments with no zones.

2. *Alternative Options:* Where the Basic Option is deemed undesirable, States may choose one of the following:

a. No more than three zones with no splits,

b. A 3-way split with no zones, or

c. Two zones with the option for 2-way split seasons in one or both zones.

At the end of 5 years after any changes in splits or zones (except conversions to the Basic Option), States will be required to provide the Service with a review of pertinent data (e.g., estimates of harvest, hunter numbers, hunter success, etc.). This review does not have to be the result of a rigorous experimental design, but nonetheless should assist the Service in ascertaining whether major undesirable changes in harvest or hunter activity occurred as a result of split and zone regulations. The next open season for changes in zone/split configurations will be 2001.

Using the above revised guidelines, the Service reviewed specific proposals for zoning changes submitted to date, including those recommended by the Flyway Councils and those proposed by the various States. Proposals by the States of Arizona, Illinois, Kentucky, Maine (boundary change), Michigan, Mississippi, Montana, Nevada, Oregon, South Dakota, Utah, and Wisconsin were within the established guidelines and are approved for the 1996–2000 period. Proposals by the States of Indiana, Kansas, Maine (creation of third zone), and Wyoming did not comply with the revised guidelines and the Service requests these States revise their proposals accordingly.

Regarding Nebraska's proposed zoning plan, the Service does not support the Central Flyway Council's recommendation that would allow a variance to Nebraska or any other State for establishment of non-contiguous zone boundaries. The use of ''early'' and ''late'' zones in the Low Plains portion of Nebraska during 1991–95 is clearly outside the established guidelines, but was allowed (1991–95) under the grandfather clause. In the event that this arrangement is now unacceptable, Nebraska must use the guidelines provided above to establish a zone/split configuration for the 1996–2000 period. Under the grandfather arrangement, minor boundary changes are allowed and Nebraska's proposed Low Plains zone boundary changes would be acceptable.

F. Special Seasons/Species Management

i. Canvasbacks

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council

recommended canvasback regulations fluctuate within the regulations packages commensurate with model predictions, breeding-population indices, and habitat conditions.

ii. Pintails

Council Recommendations: The Central Flyway Council recommended a harvest strategy for pintails based on the breeding population size. The pintail daily bag limit would be 1 with a pintail breeding population below 3.0 million; 2 with a breeding population between 3.0 and 4.5 million; 3 with a breeding population between 4.5 and 5.6 million; and equal to the overall daily bag limit with a breeding population above 5.6 million.

The Pacific Flyway Council recommended guidelines for the 1996–97 Pacific Flyway pintail harvest regulations based on a prescriptive basis. A matrix of breeding population size from a subset of survey strata association with the Pacific Flyway breeding population and the numbers of prairie ponds counted during the May survey would determine bag limits.

iii. September Teal Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended a 5-day experimental September teal season be offered to the production States of Iowa, Michigan, Minnesota, and Wisconsin for a 3-year period. The Committee recommended a daily bag limit of 4 teal with sunrise to sunset shooting hours.

The Central Flyway Council recommended a harvest strategy of linking regulatory packages developed for the September teal season with those developed for the regular duck season under the Adaptive Harvest Management process. For 1996, the Council recommended either a ''restrictive'' package of 5 days with a daily bag limit of 3 teal, a ''moderate'' package of 9 days with a daily bag limit of 4 teal, or a ''liberal'' package of 16 days with a daily bag limit of 5 teal.

iv. September Duck Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended Iowa be allowed to hold up to 5 days of its regular duck hunting season in September, starting no earlier than the Saturday nearest September 14. The remainder of the Iowa regular duck season could begin no earlier than October 10.

v. Other Species

Council Recommendations: The Atlantic Flyway Council recommended black duck harvest restrictions in place during the 1990–94 period be continued or increased for a 3-year period where necessary to ensure adequate harvest reductions throughout the black duck range, beginning with the 1997–98 hunting season.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Atlantic Flyway Council recommended the frameworks for September Canada goose seasons in the Atlantic Flyway be modified as follows:

September 1–15: Montezuma region of New York, Lake Champlain region of New York and Vermont, Maryland (Caroline, Cecil, Dorchester, and Talbot Counties), South Carolina, and Delaware.

September 1–20: North Carolina (Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Washington, Tyrrell, Dare, and Hyde Counties).

September 1–30: New Jersey and remaining portion of North Carolina.

September 1–25: Remaining portion of Flyway, except Georgia and Florida.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the Service continue to closely monitor the impacts of early Canada goose seasons, including both special seasons and September openings of regular seasons, to insure that cumulative impacts do not adversely affect migrant Canada geese and to insure that special seasons adhere to the criteria established by the Service.

The Upper-Region Regulations Committee of the Mississippi Flyway Council and the Pacific Flyway Council made several recommendations relating to September Canada goose seasons. All of the recommendations were within the established criteria for special Canada goose seasons published in the August 29, 1995, Federal Register (60 FR 45020).

Written Comments: The Massachusetts Division of Fisheries and Wildlife supported extending the September frameworks for September Canada goose seasons in the Atlantic Flyway to September 25.

B. Regular Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended a September 21 framework opening date for the regular goose season in the Upper Peninsula of Michigan and statewide in Wisconsin.

The Pacific Flyway Council reiterated its 1995 recommendation that Alaska, Oregon, and Washington take actions to reduce the harvest of dusky Canada geese.

Written Comments: The Massachusetts Division of Fisheries and Wildlife urged the Service to consider new data on Atlantic Population Canada geese that supports two populations of northern Atlantic Flyway geese.

7. Snow and Ross's Geese

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the Service give serious consideration to innovative approaches to harvest management for snow geese. The Committee also recommended the Service consider recent changes in the Migratory Bird Treaty to provide greater hunter opportunities for snow geese.

The Central Flyway Council recommended a March 10 framework closing date for hunting light geese throughout the Central Flyway. However, the Council further recommended within the Rainwater Basin Region in Nebraska, the framework closing date be February 1 for hunting light geese on land owned or controlled by the Nebraska Game and Parks Commission or the Service.

8. Swans

Council Recommendations: The Atlantic Flyway Council recommended eliminating the requirement that tundra swan seasons must be held during snow goose seasons.

9. Sandhill Cranes

Council Recommendations: The Central Flyway Council recommended Wyoming's sandhill crane hunt area expand to include Park and Big Horn Counties.

The Pacific Flyway Council recommended season modifications in Montana and Wyoming. In Montana, the Council recommended a new hunt zone in the Ovando-Helmville area. In Wyoming, the Council recommended expanding the season from 3 to 8 days, increasing the number of permits, and establishing a new hunt zone in Park and Big Horn Counties.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended the establishment of separate basic limits for geese. For dark geese, the Council recommended a basic daily bag limit of 4, with 8 in possession. For light geese, the Council recommended a daily bag limit of 3, with 6 in possession. The proposed limits would be subject to area restrictions for Canada geese and limits for brant and emperor geese would remain separate.

Public Comment Invited

The Service intends that adopted final rules be as responsive as possible to all concerned interests, and therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, non-governmental organizations, and other private interests on these proposals. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time that the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified is contrary to the public interest.

Comment Procedure

The policy of the Department of the Interior, whenever practical, affords the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240. The public may inspect comments during normal business hours at the Service's office in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The Service will consider all relevant comments received. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, Federal Register (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption ADDRESSES.

Endangered Species Act Consideration

As in the past, hunting regulations this year will be designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Consultations are presently under way to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. It is possible that the findings from the consultations, which will be included in a biological opinion, may cause modification of some regulatory measures proposed in this document. The final frameworks will reflect any modifications. The Service's biological opinions resulting from its consultation under Section 7 are public documents and are available for public inspection in the Division of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the Federal Register dated March 22, 1996, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Small Entity Flexibility Analysis (Analysis) in 1995 to document the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between $258 and $586 million at small businesses in 1995. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Service examined these proposed regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

Authorship: The primary authors of this proposed rule are Ron W. Kokel and Patricia R. Hairston, Office of Migratory Bird Management.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1996–97 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: June 5, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–15015 Filed 6–12–96; 8:45 am]

BILLING CODE 4310–55–F

federal register

Thursday
June 13, 1996

Part III

Environmental Protection Agency

Premanufacture Notices

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51841A; FRL–5376–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The information contained in this document was inadvertantly omitted in the Federal Register document of July 17, 1995. This document clears a backlog of notices that was received from January 23, 1995 to March 7, 1995.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51841A]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51841A]. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION'' of this document.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The information contained in this document was inadvertantly omitted in the Federal Register document of July 17, 1995 (60 FR 36598). This also corrects an entry on page 36612, where under the Case No., the only thing appearing was P–. The correct entry is P–95–0792 and will appear in its entirety in this notice.

A record has been established for this notice under docket number ''[OPPTS–51841A]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

I. 240 Premanufacture Notices Received From 01/23/95 to 03/07/95

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Chemicals
P–95–0553	01/23/95	04/22/95	H.B. Fuller Company	(G) Polyester isocyanate polymer
P–95–0554	01/23/95	04/22/95	H.B. Fuller Company	(G) Polyester isocyanate polymer
P–95–555	01/23/95	04/22/95	H.B. Fuller Company	(G) Polyester isocyanate polymer
P–95–0556	01/23/95	04/22/95	H.B. Fuller Company	(G) Polyester isocyanate polymer
P–95–0557	01/23/95	04/22/95	H.B. Fuller Company	(G) Polyester isocyanate polymer
P–95–0558	01/23/95	04/22/95	H.B. Fuller	(G) Polyester isocyanate polymer
P–95–0559	01/23/95	04/22/95	CBI	(G) Polyester isocyanate polymer
P–95–0560	01/23/95	04/22/95	CBI	(G) Polyester isocyanate polymer
P–95–0561	01/23/95	04/22/95	CBI	(G) Polyester isocyanate polymer
P–95–0562	01/23/95	04/22/95	CBI	(G) Polyester isocyanate polymer
P–95–0563	01/23/95	04/22/95	CBI	(G) Polyester isocyanate polymer
P–95–0564	01/23/95	04/22/95	CBI	(G) Polyester isocyanate polymer
P–95–0565	01/23/95	04/22/95	(G)CBI	(G) Polyester isocyanate polymer
P–95–0566	01/23/95	04/22/95	CBI	(G)Hexanedoic acid, polymer with alkanediols 3-hydroxy-2-(hydromethyl)-2-(hydromethyl)-2-methylpropanoic acid,-ethyl-2-(hydroxyl)-1,3-propanediols, cycloaliphatic isocyanate
P–95–0567	01/23/95	04/22/95	CBI	(G) Glycol terephthalates polyol ester
P–95–0568	01/24/95	04/23/95	CBI	(G)Modified acrylic polymer
P–95–0569	01/24/95	04/23/95	CBI	(G) Modified acrylic polymer
P–95–0570	01/24/95	04/23/95	CBI	(G) Neutralized waterborne acrylic polymer
P–95–0571	01/24/95	04/23/95	CBI	(G) Neutralized waterborne acrylic polymer
P–95–0572	01/24/95	04/23/95	CBI	(G) Neutralized waterborne acrylic polymer
P–95–0573	01/24/95	04/23/95	CBI	(G) Neutralized waterborne acrylic polymer
P–95–0574	01/24/95	04/23/95	CBI	(G) Neutralized waterborne acrylic polymer
P–95–0575	01/24/95	04/24/95	CBI	(G) Neutralized waterborne acrylic polymer
P–95–0576	01/24/95	04/24/95	CBI	(G) Acrylate/acrylonitrile copolymer
P–95–0577	01/24/95	04/24/95	DIC Trading (USA) Inc.	(G) Acrylic copolymer
P–95–0578	01/25/95	04/25/95	Eastman Chemical Company	(S) *N*-Propanol, reaction products with ethylene oxide (4 or more moles)
P–95–0579	01/27/95	04/27/95	Reichhold Chemicals Inc	(G) Alkyd modified acrylics
P–95–0580	01/27/95	04/27/95	GE Corporate Research & Development	(G) Thiol tosylate
P–95–0581	01/27/95	04/27/95	CBI	(G) Azo pigment
P–95–0582	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin
P–95–0583	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin
P–95–0584	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin
P–95–0585	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin
P–95–0586	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin

I. 240 PREMANUFACTURE NOTICES RECEIVED FROM 01/23/95 TO 03/07/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Chemicals
P–95–0587	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin
P–95–0588	01/27/95	04/27/95	CBI	(G) Epoxy acrylic resin
P–95–0589	01/30/95	04/30/95	CBI	(G) Triazole derivative
P–95–0590	01/30/95	04/30/95	AKZO Nobel Resins	(G) Polyurethane resin
P–95–0591	01/30/95	04/30/95	CBI	(G) *N*-((Substituted) alkylaminomonoheterocycle) -(substituted) phenylazo-hydroxy-amino-naphthalenesulfonic acid, sodium salt
P–95–0592	01/27/95	04/27/95	CBI	(G) Blocked polyisocyanate
P–95–0593	01/30/95	04/30/95	Shell Oil Company	(G) Synthetic alkanes, $C_{10–24}$
P–95–0594	01/30/95	04/30/95	Shell Oil Company	(G) Synthetic alkanes, $C_{8–15}$
P–95–0595	01/31/95	05/01/95	CBI	(S) Butanedioic acid, bis(1-methylethyl) ester (9CI)
P–95–0596	02/01/95	05/02/95	CBI	(G) Carboxylated vinyl acrylic copolymer
P–95–0597	02/01/95	05/02/95	CBI	(G) Reaction product of aluminum isopropoxide with 2-ethylhexanoic acid and an ester
P–95–0598	02/01/95	05/02/95	CBI	(S) Hexachloropropene or hexachloropropylene
P–95–0599	02/02/95	05/03/95	Essex Specialty Products, Inc.	(G) Alkoxysilane-isocyanate terminated polyether based urethane prepolymer
P–95–0600	02/02/95	05/03/95	Essex Specialty Products, Inc.	(G) Alkoxysilane-isocyanate terminated polyether based urethane prepolymer
P–95–0601	02/02/95	05/03/95	Essex Specialty Products, Inc.	(G) Alkoxysilane-isocyanate terminated polyether based urethane prepolymer
P–95–0602	02/02/95	05/03/95	JSR Microelectronics	(S) Triphenylsulfonium trifluoromethansulfonate
P–95–0603	02/02/95	05/03/95	NOF America Corporation	(G) Compatibility agent
P–95–0604	02/02/95	05/03/95	CBI	(G) Polyurethane salt
P–95–0605	02/03/95	05/04/95	CBI	(G) Trifunctional ketoximino silane
P–95–0606	02/03/95	05/04/95	CBI	(G) Trifunctional ketoximino silane
P–95–0607	02/03/95	05/04/95	CBI	(G) Aliphatic alcohol polymer
P–95–0608	02/03/95	05/04/95	CBI	(G) Alkanol amine salt
P–95–0609	02/03/95	05/04/95	E.I. du Pont de Nemours & Company, Inc.	(G) Dimethylamino ethylmethacrylate copolymer
P–95–0610	02/03/95	05/04/95	E.I. du Pont de Nemours & Company,Inc	(G) Dimethylamono ethylmethacrylate copolymer
P–95–0611	02/03/95	05/04/95	E.I. du Pont de Nemours & Company, Inc.	(G) Dimethylaminoethyl methacrylate polymer salt
P–95–0612	02/03/95	05/04/95	E.I. du Pont de Nemours & Company, Inc.	(G) Dimethylaminoethyl methacrylate polymer salt
P–95–0613	02/03/95	05/04/95	CBI	(G) Vegetable oil fatty acid modified styrene acrylic polymer
P–95–0614	02/03/95	05/04/95	CBI	(S) Polymer of: 1,6-hexanediol; hexanedioic acid; 1,3-benzene dicarboxylic acid; dimethylopropionic acid; isophorone diisocyanate; acetoacetic acid, ethyl ester; dimethylethanolamine
P–95–0615	02/06/95	05/07/95	Arizona Chemical	(S) Polymer of rosin, maleated, polymer with bisphenol A, and formaldehyde; potassium hydroxide; water is used as solvent
P–95–0616	02/06/95	05/07/95	Arizona Chemical	(S) Polymer of rosin, maleated, polymer with bisphenol A, and formaldehyde; sodium hydroxide; water is used as solvent
P–95–0617	02/06/95	05/07/95	E. I. du Pont de Nemours & Company, Inc.	(G) Methacrylic acid copolymer salt
P–95–0618	02/06/95	05/07/95	E. I. du Pont de Nemours & Company, Inc.	(G) Methacrylic acid copolymer salt
P–95–0619	02/07/95	05/08/95	CBI	(G) Chelated iron
P–95–0620	02/07/95	05/08/95	CBI	(G) Fatty acid alkyd
P–95–0621	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0622	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0623	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0624	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0625	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0626	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0627	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0628	02/07/95	05/08/95	Lilly Industrial Coatings, Inc.	(G) Acrylic resin salt
P–95–0629	02/07/95	05/08/95	CBI	(G) Polyester, polyether based MDI, butanediol polyurethane
P–95–0630	02/07/95	05/08/95	CBI	(G) Polyester based TDI, propanediol polyurethane
P–95–0631	02/07/95	05/08/95	E. I. du Pont de Nemours & Company, Inc.	(G) Polyester resin
P–95–0632	02/07/95	05/08/95	CBI	(G) Styrene-maleic anhydride copolymer, reaction products with amino compounds
P–95–0633	02/08/95	05/09/95	CBI	(G) Sodium salt of azo acid dye
P–95–0634	02/08/95	05/09/95	CBI	(G) Rosin modified phenolic resin
P–95–0635	02/08/95	05/09/95	The Dow Chemical Company	(G) Modified phenylene ether polymer
P–95–0636	02/08/95	05/09/95	The Dow Chemical Company	(G) Modified phenylene ether polymer
P–95–0637	02/10/95	05/11/95	E.I. du Pont de Nemours & Company, Inc.	(S) Perfluoropent-2-ENE
P–95–0638	02/10/95	05/11/95	E.I. du Pont de Nemours & Company, Inc.	(S) Pentane, 1,1,1,2,3,4,4,5,5,5-decafluoro
P–95–0639	02/08/95	05/09/95	CBI	(G) Acrylated alkyd polymer
P–95–0640	02/08/95	05/09/95	CBI	(G) Epoxy ester polymer

I. 240 PREMANUFACTURE NOTICES RECEIVED FROM 01/23/95 TO 03/07/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Chemicals
P–95–0641	02/08/95	05/09/95	CBI	(G) Alkyd polymer
P–95–0642	02/09/95	05/10/95	E. I. du Pont de Nemours & Company, Inc.	(G) Acrylic polymer
P–95–0643	02/09/95	05/10/95	E.I. du Pont de Nemours & Company, Inc.	(G) Macrocylic cobalt complex
P–95–0644	02/09/95	05/10/95	E. I. du Pont de Nemours & Company, Inc.	(G) Macrocylic cobalt complex
P–95–0645	02/14/95	05/15/95	Olin Corporation	(G) Polyalcohol allophanate modified HDI homopolymer
P–95–0646	02/14/95	05/15/95	E.I. du Pont de Nemours & Company, Inc.	(S) Butanedioic acid, bis (1-methylethyl) ester
P–95–0647	02/14/95	05/15/95	CBI	(G) Mannich base
P–95–0648	02/14/95	05/15/95	Hoechst Celanese Corporation	(S) 4-Hydroxy-alpha-oxo-benzenacetaldehyde monohydrate
P–95–0649	02/14/95	05/15/95	CBI	(G) Polyimidesulfone
P–95–0650	02/15/95	05/16/95	Moore Business Forms, Inc.	(S) 3-[4-[diethyl amino]-2-hydroxyphenyl]-3-[2-methoxy-4-methyl-5-(phenylamino) phenyl]-1(3*h*)-isobenzofuranone
P–95–0651	02/16/95	05/17/95	3M Company	(G) Epoxy resin/amine condensate
P–95–0652	02/16/95	05/17/95	CBI	(G) Acrylic polymer
P–95–0653	02/16/95	05/17/95	CBI	(G) Aliphatic diisocyanate
P–95–0654	02/16/95	05/17/95	CBI	(G) Hydrocarbon modified resinate
P–95–0655	02/16/95	05/17/95	Ciba-Geigy Corporation	(G) Substituted phenyl azo substituted phenyl nitro alkyl ester
P–95–0656	02/21/95	05/22/95	Calgene, Inc.	(S) Canola oil, lauric acid-high
P–95–0657	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0658	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0659	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0660	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0661	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0662	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0663	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0664	02/17/95	05/18/95	BF Goodrich Company Specialty Chemicals	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–95–0665	02/21/95	05/22/95	3M Company	(G) Copolymer with 2-propenoic acid, butyl ester
P–95–0666	02/22/95	05/23/95	CBI	(G) Polyether acrylate
P–95–0667	02/21/95	05/22/95	CBI	(G) Polyester resin
P–95–0668	02/21/95	05/22/95	CBI	(G) Alkyd resin
P–95–0669	02/21/95	05/22/95	Sicpa Company	(G) Intaglio ink varnish
P–95–0670	02/21/95	05/22/95	GE Plastics	(G) Sulphonated polystyrene amine complex
P–95–0671	02/22/95	05/23/95	Shell Oil Company	(S) A polymer of 1,2-ethanediol; 1,4-benzenedicarboxylic acid; 2,6-naphthalenedicarboxylic acid, dimethyl ester
P–95–0672	02/22/95	05/23/95	Shell Oil Company	(S) A polymer of 1,2-ethanediol; 1,4-benzenedicarboxylic acid; 2,6-naphthalenedicarboxylic acid, dimethyl ester; 2,2′-oxybisethanol
P–95–0673	02/22/95	05/23/95	Shell Oil Company	(S) A polymer of 1,2-ethanediol; 1,4-benzenedicarboxylic acid; 2,6-naphthalenedicarboxylic acid, dimethyl ester; 1,3-benzenedicarboxylic acid
P–95–0674	02/22/95	05/23/95	Reichhold Chemicals Inc	(G) Polyether polyester polyurethane
P–95–0675	02/22/95	05/23/95	CBI	(G) Cresol, aminobenzenesulfonic acid, formaldehyde condensate
P–95–0676	02/22/95	05/23/95	Hoechst Celanese Corporation	(S) A polymer of: tert-butylacrylate; *N*-butylmethacrylate; glycidylmethyacrylate; styrene; methylmethacrylate; di-tert-butylperoxide
P–95–0677	02/23/95	05/24/95	CBI	(G) Antimony double oxide
P–95–0678	02/23/95	05/24/95	CBI	(G) Dimethylhydrogen stopped polysiloxane resin
P–95–0679	02/23/95	05/24/95	CBI	(G) Epoxyalkyl stopped polysiloxane resin
P–95–0680	02/23/95	05/24/95	CBI	(G) Hydroxy functional cyclic ether
P–95–0681	02/23/95	05/24/95	CBI	(G) Oxirane, polymer with hydroxy functional cyclic ether
P–95–0682	02/23/95	05/24/95	CBI	(G) Acrylic modified styrene/butadiene rubber
P–95–0683	02/23/95	05/24/95	General Electric Company	(G) Attached promoter catalyst
P–95–0684	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0685	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer

I. 240 PREMANUFACTURE NOTICES RECEIVED FROM 01/23/95 TO 03/07/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Chemicals
P–95–0686	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0687	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0688	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0689	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0690	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0691	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0692	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0693	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0694	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0695	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0696	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0697	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0698	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0699	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0700	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0701	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0702	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0703	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0704	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0705	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0706	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0707	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0708	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0709	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0710	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0711	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0712	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0713	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0714	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0715	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0716	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0717	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0718	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0719	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0720	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0721	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0722	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0723	02/23/95	05/24/95	CBI	(G) Waterborne urethane acrylate polymer
P–95–0724	02/23/95	05/24/95	CBI	(G) Antimony double oxide
P–95–0725	02/24/95	05/25/95	CBI	(G) Peg polymer with mono-and di-functional hydroxy-and amino-alkanes, alkanoic acid and alkanedioic acid
P–95–0726	02/24/95	05/25/95	CBI	(G) Peg polymer with mono-and di-functional hydroxy-and amino-alkanes, alkanoic acid and alkanedioic acid
P–95–0727	02/24/95	05/25/95	CBI	(G) Diester beta C_{16}
P–95–0728	02/24/95	05/25/95	CBI	(G) Ester beta C_{16}
P–95–0729	02/24/95	05/25/95	CBI	(G) Dihydro aldehyde beta C_{14}
P–95–0730	02/24/95	05/25/95	CBI	(G) Aromatic isocyanate-polyester based urethane prepolymer
P–95–0731	02/27/95	05/28/95	FMC Company	(G) Chloroalkyl alcohol
P–95–0732	02/27/95	05/28/95	FMC Company	(G) Silyloxy organolithium
P–95–0733	02/27/95	05/28/95	CBI	(G) Polyurethane-urea
P–95–0734	02/27/95	05/28/95	Amoco Canada Marketing Corporation	(G) Polyolefin-modified polyphthalamide
P–95–0735	02/27/95	05/28/95	E.I. du Pont de Nemours & Company, Inc.	(G) Fluorinated substituted urethane
P–95–0736	02/27/95	05/28/95	The P. D. George Company	(G) Unsaturated urethane
P–95–0737	02/27/95	05/28/95	Davos Chemical Corporation	(S) 2,7-dimethoxy-1,4,5,8-tetrahydronaphthalene
P–95–0738	02/28/95	05/29/95	Bedoukian Research, Inc.	(S) 3-Decen-1-ol, acetate, (*Z*) -
P–95–0739	02/28/95	05/29/95	Far Research, Inc	(S) Di(2,4-dimethylphenyl) diphenylbutatriene
P–95–0740	02/28/95	05/29/95	CBI	(G) Hydrogenated essential oil
P–95–0741	02/28/95	05/29/95	General Polymers West	(G) Polyurethane
P–95–0742	03/01/95	05/30/95	Allied Signal Inc.	(G) Modified polyamide
P–95–0743	03/01/95	05/30/95	Hoechst Celanese Corporation	(G) Amine oxide, dimethyl (polyfluoro-hydro-alkyl)
P–95–0744	03/01/95	05/30/95	Hoechst Celanese Corporation	(G) Amine oxide, dimethyl (polyfluoro-alkyl)
P–95–0745	02/28/95	05/29/95	Shell Oil Company	(G) Modified acrylic copolymer
P–95–0746	02/28/95	05/29/95	Shell Oil Company	(G) Modified acrylic copolymer
P–95–0747	02/28/95	05/29/95	Shell Oil Company	(G) Modified acrylic copolymer
P–95–0748	02/28/95	05/29/95	Shell Oil Company	(G) Modified acrylic copolymer
P–95–0749	02/28/95	05/29/95	CBI	(G) Aqueous polyurethane dispersion
P–95–0750	02/28/95	05/29/95	CBI	(G) Polyamide resin

I. 240 PREMANUFACTURE NOTICES RECEIVED FROM 01/23/95 TO 03/07/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Chemicals
P–95–0751	03/02/95	05/31/95	Hoechst Celanese Corporation	(S) A polymer of: linseed oil fatty acid; bisphenol a-diglycidyl ether; versatic acid diglycidyl ester; toluenediisocyanate; ammonia water; 2,2-dimethylolpropionic acid*
P–95–0752	03/02/95	05/31/95	Ciba-Geigy Corporation,	(G) Substituted phenyl azo substituted naphthalenesulfonic acid azo substituted amino triazine
P–95–0753	03/02/95	05/31/95	CBI	(G) Substituted nitrobenzene, reaction product with sodium polysulfide, substituted aldehyde, and substituted amine, acidified, oxodized
P–95–0754	03/02/95	05/31/95	CBI	(G) Substituted nitrobenzene, reaction product with sodium polysulfide, substituted aldehyde, and substituted amine, reduced
P–95–0755	03/03/95	06/01/95	CBI	(G) Polyurethane aqueous dispersion
P–95–0756	03/03/95	06/01/95	Zaclon Inc	(G) *N,N*-tetraalkyl-alkylenediamine, propoxylated
P–95–0757	03/02/95	05/31/95	CBI	(S) A polymer of: .alpha.,.alpha.′-((1-methylethylidene) di-4,1-phenylene) bis(.omega-hydroxypoly(oxy(methyl-1,2-ethanediyl))) ; .alpha.,.alpha.′-((1-methylethylidene) di-4,1-phenylene) bis(.omega.-hydroxypoly(oxy-,2-ethanediyl)) ; 2-butenedioic acid (e) -; 1,3-dihydro-1,3-dioxo-5-isobenzofurancarboxylic acid; hydroquinone
P–95–0758	03/02/95	05/31/95	CBI	(S) A polymer of: .alpha.,.alpha.′-((1-methylethylidene) di-4,1-phenylene) bis(.omega-hydroxypoly(oxy(methyl-1,2-ethanediyl))) ; 1,4-benzenedicarboxylic acid; 2-butenedioic acid (e) -; hexanedioic acid; dibutylin oxide; hydroquinone
P–95–0759	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0760	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0761	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0762	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0763	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0764	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0765	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0766	03/02/95	05/31/95	Eastman Chemical Company	(G) Aromatic-substituted heterocycle
P–95–0767	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0768	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0769	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0770	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0771	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0772	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0773	03/02/95	05/31/95	Eastman Chemical Company	(G) Alkanoyl-substituted heterocycle
P–95–0774	03/06/95	06/04/95	CBI	(G) Acrylic polymer
P–95–0775	03/06/95	06/04/95	CBI	(G) Acrylic polymer
P–95–0776	03/06/95	06/04/95	CBI	(G) Acrylic latex
P–95–0777	03/06/95	06/04/95	CBI	(G) Acrylic polymer
P–95–0778	03/06/95	06/04/95	CBI	(G) Substituted polysilicate
P–95–0779	03/06/95	06/04/95	Mitsubishi Chemical Inc	(G) Carbazole derivative
P–95–0780	03/06/95	06/04/95	CBI	(G) Carboxylic acid copolymer
P–95–0781	03/06/95	06/04/95	Dupont	(G) Silane grafted ethylene based polymer
P–95–0782	03/06/95	06/04/95	Ciba-Geigy Corporation	(G) Substituted phenyl azo substituted phenyl amino ester
P–95–0783	03/06/95	06/04/95	Eastman Kodak Company	(G) Substituted alkylaminohalobenzoic acid ester
P–95–0784	03/06/95	06/04/95	Aspect Minerals, Inc.	(G) Organosilane chemically modified muscovite mica
P–95–0785	03/07/95	06/05/95	The Dow Chemical Company	(G) Esterified polyglycol
P–95–0786	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; ethanolamine
P–95–0787	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; morpholine
P–95–0788	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; 1-propanol, 2-amino-2-methyl

I. 240 PREMANUFACTURE NOTICES RECEIVED FROM 01/23/95 TO 03/07/95—Continued

Case No.	Received Date	Projected Notice End Date	Manufacture/Importer	Chemicals
P–95–0789	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; diisopropylamine
P–95–0790	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; triethylamine
P–95–0791	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; 2-propanol, 1-dimethylamino
P–95–0792	03/06/95	06/04/95	CBI	(S) A polymer of: 2-propenoic acid homopolymer; diethanolamine

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Environmental protection, Premanufacture notices.

Dated: June 6, 1996.

Douglas W. Sellers,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

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The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Longshore work by U.S. nationals; foreign prohibitions; published 6-13-96

Nationality and passports:
- Passport information release; published 6-13-96

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Coast Guard

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- Coast Guard Military Records Correction Board; final decisions reconsideration; published 5-14-96

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- Coast Guard areas, districts, and marine inspection and captain of port zones; reorganization; published 6-13-96

TRANSPORTATION DEPARTMENT

Military personnel:
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- Boeing; published 5-14-96
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  - Agusta models A109D and A109E helicopters; published 6-13-96

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- District Directors; published 6-13-96

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- Almonds, shelled and in shell; comments due by 6-21-96; published 4-22-96

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

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International Trade Administration

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National Oceanic and Atmospheric Administration

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Children and Families Administration

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Food and Drug Administration

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TREASURY DEPARTMENT

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