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WASHINGTON, DC

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

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AA45

Regulations Issued Under the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Final rule.

SUMMARY: As part of GIPSA's efforts to review and streamline its regulations, proposed amendments to rules issued under the Packers and Stockyards (P&S) Act were published in the Federal Register on August 21, 1995, and identified as Group III. This document adopts proposed changes which modify two regulations, to provide uniform termination procedures for all bonds and bond equivalents and to change the requirement that funds pledged to secure bond equivalents be maintained in FDIC-insured accounts to permit their deposit in any Federally-insured account, and retains seven regulations in their present form.

EFFECTIVE DATE: August 9, 1996.

FOR FURTHER INFORMATION CONTACT: Dan Van Ackeren, Director, Livestock Marketing Division, 202–720–6951, or Tommy Morris, Director, Packer and Poultry Division, 202–720–7363.

SUPPLEMENTARY INFORMATION: In response to the proposed rule published in the Federal Register (60 FR 43411), the Agency received comments from two marketing associations, one livestock selling agency, a State department of agriculture, and a law firm representing livestock marketing interests.

Two comments were received regarding the modification of § 201.27. This regulation provides for approved sureties, authorizes bond equivalents, and requires bond or bond equivalents to be on forms approved by the Administrator. Both comments generally supported the proposed modification of § 201.27(b)(1) and (b)(2), but urged the Agency to assure that funds pledged under bond equivalents be provided the same degree of protection as those insured by the Federal Deposit Insurance Corporation (FDIC). As long as funds are actually deposited or invested in fully negotiable obligations of the United States, deposited in Federally-insured accounts, or letters of credit are issued by Federally-insured institutions, then bond equivalents will continue to have the same degree of protection as those insured by the FDIC.

As proposed, § 201.27(b)(1) and (b)(2) will be modified to broaden these subsections to permit funds pledged under bond equivalents to be on deposit or in accounts that are Federally-insured and not limited to only deposits or accounts insured by the FDIC. This modification would also permit all Federally-insured banks or other institutions to issue letters of credit, not just those banks or institutions insured by FDIC. The primary benefit accrues to persons choosing to meet bonding requirements with bond equivalents by permitting all Federally-insured deposits and letters of credit (not just FDIC) and would expand the number of banks or other institutions available to those seeking bond equivalents without increasing the risk to livestock sellers.

No comments were received concerning § 201.34. This regulation sets forth procedures for termination of market agency, dealer, and packer bonds and trust fund agreements. As proposed, the Agency will amend § 201.34(c) to include termination procedures for trust agreements. This will provide uniform termination for all bonds and bond equivalents.

As proposed, each of the following regulations will be retained in its present form:

§ 201.10 Requirements and procedures for registration.

§ 201.28 Duplicates of bonds or equivalents to be filed with regional supervisor.

§ 201.29 Market agencies, packers and dealers required to file and maintain bonds.

§ 201.30 Amount of market agency, dealer and packer bonds.

§ 201.31 Conditions in market agency, dealer and packer bonds.

§ 201.32 Trustee in market agency, dealer and packer bonds.

§ 201.33 Persons damaged may maintain suit; filing and notification of claims; time limitation; legal expenses.

In the process of reviewing these regulations, it was determined that they were necessary to the efficient and effective enforcement of the P&S Act and to the orderly conduct of the marketing system. The absence of any of the regulations would result in increased litigation.

Three comments were received concerning § 201.10, which specifies the requirements and procedures for registration for those persons desiring to operate as market agencies or dealers as defined in § 301 of the P&S Act. One comment suggested modifying § 201.10 by prohibiting market agencies, dealers, and packers from operating subject to the P&S Act, under their bond or anyone else's bond, until all debts owed approved livestock auction markets had been paid, regardless of whether such debt had been dismissed in bankruptcy. The Agency believes that such a modification would not be in the best interest of all livestock sellers since the comment referred to only debts owed to approved livestock auction markets. The Agency could also be in conflict with Federal bankruptcy statutes if a registration was denied based on a debt dismissed in bankruptcy. Under the provisions of the P&S Act, all market agencies and dealers are required, as a condition for registration, to be solvent. That is, current assets must be equal to or exceed current liabilities.

Two other comments received regarding § 201.10 suggested the regulation lacks specificity as to what circumstances or past activities are deemed actionable in denying the registration of an applicant. They also suggested serious violations of the Act, such as fraud, theft, and embezzlement, should warrant denial of registration unless the applicant can show just cause why registration should not be denied. The Agency believes this concern is sufficiently addressed in § 201.10(b) which specifies that if the Administrator has reason to believe the applicant is unfit to engage in the activity for which application has been made, the applicant will be afforded an opportunity for a full hearing for the

purpose of showing cause why the application should not be denied. This paragraph gives the Agency authority to review each application and to deny registration to those believed unfit to engage in the business of a market agency or dealer. It is believed § 201.10(b) can be enforced more effectively if this regulation is not narrowed to specified violations of the P&S Act. After considering the comments, the Agency has concluded this regulation should be retained in its present form.

One comment was received regarding § 201.29, which requires market agencies, packers and dealers to file and maintain bonds. The comment indicated no particular concern regarding the language in § 201.29, but suggested the P&S Act should be changed to insure that all major buyers of livestock, including feedlots, be required to maintain a reasonable bond. Those feedlots operating as dealers or market agencies as defined under the P&S Act, are subject to the registration and bonding provisions. Broader coverage to all major buyers would require a change in the statute. Therefore, the Agency has concluded this regulation should be retained in its present form.

All five comments to the proposal addressed § 201.30. This regulation sets forth the formulae for computing bonds for market agencies, dealers, and packers. It also provides the Administrator the authority to adjust the level of bond required whenever he/she determines a bond is not adequate to secure the obligations of the person or firm.

Two comments generally supported the Agency's proposal to retain § 201.30 in its present form and believed that even a modest increase in bond levels would not appreciably improve the financial protection afforded livestock sellers and may exclude smaller reputable businesses from operating altogether. The Agency was also urged to give serious consideration to establishing alternatives to the current bonds and bond equivalents such as the financial security funds used in several Canadian provinces.

One comment suggested changing the formulae for determining bond size for market agencies buying on commission and dealers (Clause 2 bond) to one half of an average week's gross purchases from the prior year (52 weeks). Another comment suggested the Agency eliminate the 10 percent threshold on dealer bonds over $75,000 because the threshold is unfair to smaller dealers and the default of a larger dealer could have a greater impact on the livestock industry than a smaller dealer. One comment recommended increasing the minimum requirement for dealers and market agencies buying on commission from the current $10,000 to $25,000. The comment also stated that an increase in the minimum bond from $10,000 to $25,000 may discourage potential dealers, who may not be financially secure or responsible, from becoming a livestock dealer.

After considering these comments, the Agency has concluded § 201.30 will be retained in its present form. The Agency does not believe it is necessary to increase the minimum bond level of Clause 2 bonds or to remove the threshold on bonds over $75,000 at this time. The cost to the industry of increasing minimum bond levels would far outweigh the increased protection that would be gained by such an increase. Small dealers and market agencies buying on commission, which include 48 percent of all dealers or market agencies, would be hardest hit by an increase in bond levels and may find it difficult to remain in business. The Agency also believes that the cost to the industry of removing the 10 percent threshold on Clause 2 bonds over $75,000 would far outweigh the benefit to livestock sellers and cause an undue hardship on larger dealers and market agencies buying on commission since many would likely be unable to obtain the required bond coverage. However, the Agency will continue to review the levels of bonds and to study alternative methods of providing financial protection to livestock sellers. In addition, the Department is supporting proposed legislation to amend the P&S Act to establish a dealer trust for the benefit of sellers of livestock to dealers and market agencies buying on commission. If the proposed legislation is passed, livestock sellers will benefit from additional protection under the Act.

Two comments were received regarding § 201.32 which refers to trustees named in market agency, dealer, and packer bonds. Both comments suggested § 201.32 be amended to show that whenever multiple trustees are listed on a bond, the Agency should designate a ''lead'' trustee to represent those who filed claims against the bond. Both comments further suggested that whenever trust agreements or trust fund agreements (bond equivalents) are used in lieu of a bond, the bank issuing collateral for a trust fund agreement or an irrevocable letter of credit should not be permitted to act as trustee. They believe an inherent conflict of interest exists whenever the bank holding the collateral for a bond equivalent (or issued a letter of credit) is also named as trustee.

After reviewing these comments, the Agency has decided to retain § 201.32 in its present form. The Agency does not accept bonds or bond equivalents with multiple trustees listed, therefore, does not believe it is necessary to amend the regulation to designate a ''lead'' trustee. Trustees on bond equivalents have a fiduciary responsibility to carry out their duty as trustee when bond claims are filed. Whenever a trustee fails to carry out their fiduciary responsibility on behalf of the claimants, the Agency has the authority to appoint a new trustee to carry out the trustee's responsibility.

Three comments were received concerning § 201.33, which pertains to filing and notification of bond claims, time limitations, and the filing of civil suit to recover on the bond or bond equivalent.

One comment suggested the number of days to file a claim stay at 60 days, but to pay only those claims that are filed within 21 days of the first unpaid debt. The comment further stated that this is sufficient time for those following the prompt pay laws and they should not be penalized by dividing bond proceeds with those who have given buyers credit. The Agency believes this suggestion would give livestock sellers insufficient time to file the bond claims. Some sellers of livestock may not have specifically extended credit to the buyer, yet may be classified as a credit seller if a bond claim is not filed within 21 days of the date of the transaction and therefore, not included in the payout of bond proceeds. We believe there is insufficient basis to warrant this change in the bond requirements at this time.

Two other comments suggested two changes to this regulation. They suggested that the Agency clarify the term ''date of transaction.'' They state that it has been assumed for years that the term ''date of transaction'' meant the date of the sale or, at most, the date payment was due after the sale. The comment also accurately states that § 201.33(d) requires that a claim must be filed within 60 days from the date of the transaction on which the claim is based and, if for some reason the claim is not paid or acknowledged as a valid claim, the claimant can then file suit on that claim alleging as a cause of action that the claimant has a valid claim but the surety has denied liability or failed to pay the claim. In other words, filing a claim within 60 days from the date of the transaction is a condition precedent which must be met in order to file suit. They believe this paragraph should be

clarified to avoid confusion and keep persons from filing suit against a surety company 15 or 18 months after a transaction when no claim was ever filed against the bond.

The Agency believes that the language in § 201.33 is sufficiently clear and does not believe it is necessary to define ''date of transaction'' or to modify paragraph (d). In addition, § 409 of the P&S Act provides a basis for when payment is due in subject transactions. Under § 409, payment must be made by the close of the next business day following the purchase of livestock and transfer of possession thereof. After considering these comments, the Agency has decided to retain § 201.33 in its present form.

The proposed changes in § 201.27(b)(1) and (b)(2) and in § 201.34(c) do not impose or change any recordkeeping or information collection requirements. Existing requirements in these regulations have been previously approved by OMB under control No. 0590–0001.

As provided by the Regulatory Flexibility Act, it is hereby certified that these amended rules will not have significant economic impact on a substantial number of small entities and a statement explaining the reasons for the certification is set forth in the following paragraph and is being provided to the Chief Counsel for Advocacy of the Small Business Administration.

While these proposed amended rules impact small entities, they will not have a significant economic impact on any entity, large or small. The primary effect of the changes in rules § 201.27(b)(1) and (b)(2) is to permit funds pledged under bond equivalents to be on deposit or in accounts that are Federally insured and to permit Federally-insured banks and other institutions to issue letters of credit. Eligible institutions would no longer be restricted to those banks or institutions insured by FDIC. The primary effect of the rule change in § 201.34(c) is to include the termination of trust agreements.

These rules have been determined to be not significant for purposes of Executive Order 12866 and, therefore, have not been reviewed by OMB. These amendments do not impose any new paperwork requirements and do not have implications for Federalism under the criteria for E.O. 12612.

This final rule has been reviewed under E.O. 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule does 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.

List of Subjects in 9 CFR Part 201

Bonding, Dealer, Market Agency, Packer, Registration.

Done at Washington, D.C., on this 1st day of July 1996.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

For the reasons set forth in the preamble, the Grain Inspection, Packers and Stockyards Administration will amend 9 CFR part 201 as follows:

PART 201—[AMENDED]

1. The authority citation for part 201 continues to read as follows:

Authority: 7 U.S.C. 204, 228: 7 CFR 2.17(e), 2.56.

2. Revise § 201.27(b) to read as follows:

§ 201.27 Underwriter: equivalent in lieu of bonds; standard forms.

* * * * *

(b) Any packer, market agency, or dealer required to maintain a surety bond under these regulations may elect to maintain, in whole or partial substitution for such surety bond, a bond equivalent, or combination thereof, must be the total amount of the surety bond otherwise required under these regulations. Any such bond equivalent must be in the form of:

(1) A trust fund agreement governing funds actually deposited or invested in fully negotiable obligations of the United States or Federally-insured deposits or accounts in the name of and readily convertible to currency by a trustee as provided in § 201.32, or

(2) A trust agreement governing funds which may be drawn by a trustee as provided in § 201.32, under one or more irrevocable, transferrable, standby letters of credit, issued by a Federally-insured bank or institution and physically received and retained by such trustee.

* * * * *

3. Revise § 201.34(c) as follows:

§ 201.34 Termination of market agency, dealer and packer bonds.

* * * * *

(c) Each trust fund agreement and trust agreement shall contain a provision requiring that, prior to terminating such agreement, at least 30 days notice in writing shall be given to the Administrator, Grain Inspection, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the party terminating the agreement. Such provision shall state that in the event the principal named therein files an acceptable bond or bond equivalent to replace the agreement, the 30-day notice requirement may be waived and the agreement will be terminated as of the effective date of the replacement bond or bond equivalent.

* * * * *

[FR Doc. 96–17358 Filed 7–9–96; 8:45 am]

BILLING CODE 3410–EN–P

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9 CFR Part 201

RIN 0580–AA44

Regulations and Statements of General Policy Issued Under the Packers and Stockyards Act

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Final rule.

SUMMARY: As part of GIPSA's efforts to review and streamline its regulations, proposed amendments to rules issued under the Packers and Stockyards Act (7 U.S.C. 181 *et seq.*) were published in the Federal Register (60 FR 29506) on June 5, 1995, and identified as Group II. This document adopts proposed changes which modify six trade practice regulations and retains seven regulations and seven statements of general policy in their present form.

EFFECTIVE DATE: August 9, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel Van Ackeren, Director, Livestock Marketing Division, 202–720–6951, or Tommy Morris, Director, Packer and Poultry Division, 202–720–7363.

SUPPLEMENTARY INFORMATION: In response to the proposed rule published in the Federal Register (60 FR 29506), the Agency received comments from four organizations and two companies.

Although the Agency did not propose any changes to § 201.43, a poultry growers association suggested that a new paragraph be added to § 201.43 to require live poultry dealers to maintain certain records for flock placements. After considering the comment, the Agency has concluded that this regulation will be retained in its present form. The Agency believes that § 401 of the P&S Act adequately addresses the issue of record maintenance.

The Agency received three comments regarding § 201.49. A livestock trade association agrees with the proposed amendment. A major hog slaughterer suggests that records be retained for lot summaries instead of individual

weights. They feel that the volume of the records for the individual weights would be too impractical to maintain. A cattle producers association stated that this regulation is consistent with its policy.

As proposed, § 201.49 (a) will be amended to specifically state that all scales used to purchase livestock on a dressed weight basis be equipped with printing devices. The Agency will amend subsection (b) of § 201.49 to require weighmaster identification on executed poultry scale tickets that is uniform with identification required by livestock weighers.

The cattle producers association suggested that the Agency closely monitor § 201.53 and help to ensure that information released to the beef industry is accurate and timely. After considering the comment, the Agency has concluded that this regulation will be retained in its present form. The Agency believes this regulation adequately addresses the importance of accurate information.

No comments were received regarding the proposed amendment to § 201.55 to include the purchase, sale, acquisition and settlement of live poultry.

The Agency received two comments regarding § 201.71. One livestock trade association and a livestock producers association agreed with the proposed amendment. As proposed, § 201.71(a) will be amended to incorporate by reference the 1996 edition of the National Institute of Standards and Technology (NIST) Handbook 44. Section 201.71(b) will be amended to require that scales used to purchase livestock on a carcass weight basis be equipped with printing devices.

The Agency received a comment regarding § 201.73–1 from a livestock trade association agreeing with the technical change to this section. The Agency will change § 201.73–1 to more accurately reflect where forms are available and where they are to be filed.

One hog slaughterer suggested that § 201.76 be clarified to state that any reweighing of livestock be requested immediately. They also pointed out that the reweighing of dressed livestock would be impossible after carcasses have cleared the hot scale and entered the cooler. After considering the comment, the Agency has concluded that this regulation will be retained in its present form. The Agency believes immediate reweighing can be accomplished using other packer-owned monorail scales installed before, after or in rail-around areas near the kill floor scale. Where other scales are not available, reweighing can be accomplished by using an Agency-owned portable monorail scale.

The Agency received a comment from a livestock trade association regarding § 201.98 agreeing with the proposed amendment. As proposed, § 201.98 will be amended by adding the wording, ''unless the charge is for services mandated by law or statute.''

The Agency received two comments regarding § 201.100. A poultry growers association suggested that paragraph (d) be amended by adding a clause prohibiting persons who are employees and raise poultry under a poultry growing arrangement for the same live poultry dealer that employs them from being included in a grouping or ranking of non-employee growers. A farm association commented that this section is badly needed to make contract growing fair for all growers. After considering the comments, the Agency concluded that this regulation will be retained in its present form. Inclusion of employee growers in a grouping or ranking of all growers is not a violation of the P&S Act unless they are treated favorably over non-employee growers. The Agency has authority to address preferential or discriminatory treatment under section 202 of the P&S Act.

No comments were received regarding the proposed amendment to § 201.108–1. As proposed, § 201.108–1 will be amended by incorporating instructions for weighing live poultry on electronic scales with digital readouts.

As proposed, each of the following regulations and statements of general policy will be retained in its present form:

Sec.
201.53 Persons subject to the Act not to circulate misleading reports about market conditions or prices.
201.69 Furishing information to competitor buyers.
201.70 Restriction or limitation of competition between packers and dealers prohibited.
201.73 Scale operators to be qualified.
201.76 Reweighing.
201.100 Records to be furnished poultry growers and sellers.
201.200 Sale of livestock to a packer on credit.
203.2 Statement of general policy with respect to the giving by meat packers of meat and other gifts to Government employees.
203.4 Statement with respect to the disposition of records by packers, live poultry dealers, stockyard owners, market agencies and dealers.
203.7 Statement with respect to meat packer sales and purchase contracts.
203.15 Trust benefits under sections 206 and 207 of the Act.
203.16 Mailing of checks in payment for livestock purchased for slaughter, for cash and not on credit.
203.18 Statement with respect to packers engaging in the business of custom feeding livestock.
203.19 Statement with respect to packers engaging in the business of livestock dealers or buying agencies.

In the process of reviewing these regulations, it was determined that they were necessary for the efficient and effective enforcement of the P&S Act and for the orderly conduct of the marketing system. The absence of any of the regulations would be detrimental to the industry and could result in increased litigation.

The Agency received a comment from a farm association regarding § 203.4. This policy statement notifies persons subject to the P&S Act that certain records may be disposed of after a specific period of time. It also states that the Deputy Administrator may require that records be retained for a longer period pending completion of an investigation. The policy statement advises that if records are disposed of before the specified periods, the Agency will consider taking formal action. The farm association suggested that records be retained for three (3) years or more. After considering the comment, the Agency has concluded that this policy will be retained in its present form. The two year retention schedule provided in this section has not caused problems in administering the provisions of the P&S Act. Further, the Agency has the authority to require that records be retained for longer periods when deemed necessary.

The Agency received a comment from a cattle producers association regarding § 203.18. This policy statement notifies packers that ownership or operation of custom feedlots may, under certain circumstances, result in a conflict of interest or anticompetitive violations. It suggests packers consult with the Agency before commencing such activity. The association urges the Agency to closely scrutinize this policy statement. Current authority under the P&S Act is sufficient to allow the Agency to review any arrangement that may result in an unfair practice or advantage. A *per se* prohibition of these type of arrangements can only be achieved by legislative action to amend the P&S Act. For these reasons, no changes are being made in § 203.18. The Agency will continue to evaluate these types of arrangements on a case-by-case basis.

The Agency received a comment regarding § 203.19 from a livestock trade association. The association proposed

that this section be amended to prohibit packers and their employees or agents engaged in the business of a buying agency from purchasing and reselling classes or species of livestock which are not part of their main business activity as a packer. The Agency will not make changes to § 203.19 at this time, but will continue to evaluate each such arrangement on a case-by-case basis. As a practical matter, most packers consult with the Agency before entering into such arrangements. Amending this rule to require such consultation does not appear necessary. Attempting to shift the burden of proof that the arrangement does not restrain trade would not relieve the Agency of the responsibility to investigate and make a factual determination.

The changes in §§ 201.49, 201.55, 201.71, 201.73–1, 201.98, and 201.108–1 do not impose or change any recordkeeping or information collection requirements. Existing requirements in these regulations have been previously approved by OMB under Control No. 0590–0001.

As provided by the Regulatory Flexibility Act, it is hereby certified that these amended rules will not have a significant economic impact on a substantial number of small entities and a statement explaining the reasons for the certification is set forth in the following paragraph and is being provided to the Chief Counsel for Advocacy of the Small Business Administration.

While these amended rules impact small entities, they will not have a significant economic impact on any entity, large or small. The primary effect of the changes in §§ 201.49 and 201.71 is to require that when livestock is purchased on the basis of carcass weight, the scale used on such purchases be equipped with a printer. The primary effect of the change in § 201.55 is to require that when poultry is bought, sold, acquired, or settled on a weight basis, the actual weight on the scale ticket be used for such purposes, as is currently required for livestock. The primary effect of the change in § 201.73–1 is to make a technical change in the name of the Agency pursuant to Public Law 103–354, the Federal Crop Insurance Reform and the Department of Agriculture's Reorganization Act of 1994. The primary effect of the change in § 201.98 is to allow packers and dealers to charge for services that are mandated by law or statute. The primary effect of the change in § 201.108–1 is to update the regulation.

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB. These amendments do not impose any new paperwork requirements and do not have implications of Federalism under the criteria of E.O. 12612.

These amendments have been reviewed under E.O. 12778, Civil Justice Reform, and are not intended to have retroactive effect. These amendments will not pre-empt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this amendment. Prior to judicial challenge of the amendment to rule, a party must first be found by the Secretary to be in violation of the P&S Act and in violation of the accompanying regulations. Second, the party must appeal that finding and the validity of the regulation to the Secretary in the course of the administrative proceeding. Only after taking these steps, may the party challenge the regulation in a court of competent jurisdiction.

List of Subjects in 9 CFR Part 201

Reporting and recordkeeping requirements, Stockyards, Trade practices, Incorporation by reference.

Done at Washington, D.C., this 1st day of July 1996.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

For the reasons set forth in the preamble, 9 CFR Part 201 is amended to read as follows:

1. The authority citation for Part 201 continues to read as follows:

Authority: 7 U.S.C. 204, 228; 7 CFR 2.17(e), 2.56.

2. Section 201.49 is revised to read as follows:

§ 201.49 Requirements regarding scale tickets evidencing weighing of livestock and live poultry.

(a) *Livestock.* When livestock is weighed for the purpose of purchase or sale, a scale ticket shall be issued which shall be serially numbered and used in numerical sequence. Sufficient copies shall be executed to provide a copy to all parties to the transaction. In instances where the weight values are automatically recorded directly on the account of purchase, account of sale or other basic record, this record may serve in lieu of a scale ticket. When livestock is purchased on a carcass weight or carcass grade and weight basis, the hot carcass weights shall be recorded using a scale equipped with a printing device, and such printed weights shall be retained as part of the person or firm's business records to substantiate settlement on each transaction. Scale tickets issued under this section shall show:

(1) The names and location of the agency performing the weighing service,

(2) The date of the weighing;

(3) The name of the buyer and seller or consignor, or a designation by which they may be readily identified;

(4) The number of head;

(5) Kind of livestock;

(6) Actual weight of each draft of livestock; and

(7) The name, initials, or number of the person who weighed the livestock, or if required by State law, the signature of the weigher.

(b) *Poultry.* When live poultry is weighed for the purpose of purchase, sale, acquisition, or settlement by a live poultry dealer, a scale ticket shall be issued which shall show:

(1) The name of the agency performing the weighing service;

(2) The name of the live poultry dealer;

(3) The name and address of the grower, purchaser, or seller;

(4) The name or initials or number of the person who weighed the poultry, or if required by State law, the signature of the weigher;

(5) The location of the scale;

(6) The gross weight, tare weight, and net weight;

(7) The date and time gross weight and tare weight are determined;

(8) The number of poultry weighed;

(9) The weather conditions;

(10) Whether the driver was on or off the truck at the time of weighing; and

(11) The license number of the truck or the truck number; *provided*, that when live poultry is weighed on a scale other than a vehicle scale, the scale ticket need not show the information specified in paragraphs (b)(9)–(11) of this section. Scale tickets issued under this paragraph shall be at least in duplicate form and shall be serially numbered and used in numerical sequence. One copy shall be furnished to the grower, purchaser, or seller, and one copy shall be furnished to or retained by the live poultry dealer.

(Approved by the Office of Management and Budget under control number 0590–0001.)

3. Section 201.55 is revised to read as follows:

§ 201.55 Purchases, sales, acquisitions, and settlements to be made on actual weights.

When livestock or live poultry is bought, sold, acquired, or settled on a weight basis, settlement therefor shall be on the basis of the actual weight on the scale ticket. If the actual weight used is not obtained on the date and at the

place of transfer of possession, this information shall be disclosed with the date and location of the weighing on the accountings, bills, or statement issued. Any adjustment to the actual weights shall be fully and accurately explained on the accountings, bills, or statements issued and records shall be maintained to support such adjustment.

(Approved by the Office of Management and Budget under control number 0590–0001.)

4. Section § 201.71 (a) and (b) is revised to read as follows:

§ 201.71 Scales, accurate weights, repairs, adjustments or replacements after inspection.

(a) All scales used by stockyard owners, market agencies, dealers, packers, and live poultry dealers to weigh livestock, livestock carcasses, or live poultry for the purpose of purchase, sale, acquisition, or settlement shall be installed, maintained, and operated to insure accurate weights. Such scales shall meet applicable requirements contained in the General Code, Scale Code, and Weights Code of the 1996 edition of National Institute of Standards and Technology Handbook 44, ''Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,'' which is hereby incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register on January 11, 1989. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register. This handbook is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. It is also available for inspection at the Office of the Federal Register Information Center, 800 North Capitol Street, N.W., suite 700, Washington, D.C. 20408.

(b) All scales used by stockyard owners, market agencies dealers, packers, and live poultry dealers to weigh livestock or live poultry for the purpose of purchase, sale, acquisition, or settlement and all scales used for the purchase, sale, acquisition, or settlement of livestock on a carcass weight basis shall be equipped with a printing device which shall be used for recording weight values on a scale ticket or other document used for this purpose.

5. Section § 201.73–1 introductory text is revised to read as follows:

§ 201.73–1 Instructions for weighing livestock.

Stockyard operators, market agencies, dealers, and packers who operate scales on which livestock is weighed in purchase or sales transactions are responsible for the accurate weighing of such livestock. They shall supply copies of the instructions in this section to all persons who perform weighing operations for them and direct such person to familiarize themselves with the instructions and to comply with them at all times. This section shall also apply to any additional weighers who are employed at any time. Weighers must acknowledge their receipt of these instructions and agree to comply with them, by signing in duplicate, P&SA Form 215 provided by the Packers and Stockyards Programs. One copy of the form is to be filed with a regional office of the Packers and Stockyards Programs and the other retained by the agency employing the weighers.

6. Section § 201.98 is revised to read as follows:

§ 201.98 Packers and dealers not to charge, demand, or collect commission, yardage, or other service charges.

No packer or dealer shall, in connection with the purchase of livestock in commerce, charge, demand, or collect from the seller of the livestock any compensation in the form of commission, yardage, or other service charge unless the charge is for services mandated by law or statute and is not inconsistent with the provisions of the Act.

7. Section § 201.108–1 introductory paragraph and paragraphs, (a) and (c)–(f) are revised to read as follows:

§ 201.108–1 Instructions for weighing live poultry.

Live poultry dealers who operate scales on which live poultry is weighed for purposes of purchase, sale, acquisition, or settlement are responsible for the accurate weighing of such poultry. They shall supply copies of the instructions in this section to all persons who perform weighing operations for them and direct such persons to familiarize themselves with the instructions and to comply with them at all times. This section shall also apply to any additional weighers who are employed at any time. Weighers must acknowledge their receipt of these instructions and agree to comply with them by signing in duplicate, a form provided by the Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration. One copy of this form is to be filed with a regional office of the Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration and the other copy retained by the Agency employing the weighers. The following instructions shall be applicable to the weighing of live poultry on all scales, except that paragraph (c)(1) of this section is only applicable to the weighing of live poultry on vehicle scales.

(a) Balancing the empty scale. (1) The scale shall be maintained in zero balance at all times. The empty scale shall be balanced each day before weighing begins and thereafter its zero balance shall be verified before any poultry is weighed. In addition, the zero balance of the scale shall be verified whenever a weigher resumes weighing duties after an absence from the scale.

(2) Before balancing the empty scale, the weigher shall notify parties outside the scale house of his/her intention and shall be assured that no persons or vehicles are in contact with the platform. When the empty scale is balanced and ready for weighing, the weigher shall so indicate by appropriate signal.

(3) Weighbeam scales shall be balanced by first seating each poise securely in its zero notch and then moving the balance ball to such position that a correct zero balance is obtained. A scale equipped with a balance indicator is correctly balanced when the indicator comes to rest in the center of the target area. A scale not equipped with a balance indicator is correctly balanced if the weighbeam, when released at the top or bottom of the trig loop, swings freely in the trig loop in such manner that it will come to rest at the center of the trig loop.

(4) Dial scales shall be balanced by releasing all drop weights and operating the balance ball or other balancing device to obtain a correct zero balance. The indicator must visibly indicate zero on the dial reading face and the ticket printer must record a correct zero balance. ''Balance tickets'' shall be filed with other scale tickets issued on that date.

(5) Electronic digital scales should be properly warmed up before use. In most cases it is advisable to leave the electric power on continuously. The zero balance shall be verified by recording the zero balance on a scale ticket. The main indicating element and the remote visual weight display shall indicate zero when the balance is verified. The proper procedure for balancing this type of scale will vary according to the manufacturer. Refer to the operator's manual for specific instructions.

(6) A balance ball or other balancing device shall be operated only when balancing the empty scale and shall not be operated at any time or for any other purpose.

(7) The time at which the empty scale is balanced or its zero balance verified shall be marked on scale tickets or other permanent records.

* * * * *

(c) Weighing the load. (1) Vehicle scales used to weigh live poultry shall be of sufficient length and capacity to weigh an entire vehicle as a unit; provided, that a trailer may be uncoupled from a tractor and weighed as a single unit. Before weighing a vehicle, either coupled or uncoupled, the weigher shall be assured that the entire vehicle is on the scale platform and that no persons are on the scale platform.

(i) On a weighbeam scale with a balance indicator the weight of a vehicle shall be determined by moving the poises to such positions that the indicator will come to rest within the central target area.

(ii) On a weighbeam scale without a balance indicator the weight shall be determined by moving the poises to such positions that the weighbeam, when released from the top or bottom of the trig loop, will swing freely in the trig loop and come to rest at the approximate center of the trig loop.

(iii) On a dial scale the weight of a vehicle is indicated automatically when the indicator revolves around the dial face and comes to rest.

(iv) On an electronic digital scale the weight of a vehicle is indicated automatically when the weight value indicated is stable.

(2) The correct weight is the value in pounds indicated by a weighbeam, dial or digital scale when a stable load balance is obtained. In any case, the weigher should concentrate on the beam tip, balance indicator, dial or digital indicator while weighing and not be concerned with reading the visible weight indications until a stable load balance is obtained. On electronic digital scales, the weigher should concentrate on the pulsing or flickering of weight values to assure that the unit indicates a stable weight before activating the print button.

(d) Recording the weight. (1) The gross or tare weight shall be recorded immediately after the load balance is obtained and before any poises are moved or load removed from the scale platform. The weigher shall make certain that the printed weight record agrees with the weight value visibly indicated on the weighbeam, dial or digital indicator when correct load balance is obtained. The weigher shall also assure that the printed weight value is sufficiently distinct and legible.

(2) The weight printing device on a scale shall be operated only to produce a printed or impressed record of the weight while the load is on the scale and correctly balanced. If the weight is not printed clearly and correctly, the ticket shall be marked void and a new one printed before the load is removed from the scale.

(e) Weigher's responsibilities. (1) The primary responsibility of a weigher is to determine and record the true weight of live poultry without prejudice or favor to any person or agency and without regard for poultry ownership, price, condition, shrink, or other considerations. A weigher shall not permit the representations or attitudes of any persons or agencies to influence their judgment or action in performing his/her duties.

(2) Scale tickets issued shall be serially numbered and used in numerical sequence. Sufficient copies shall be executed to provide a copy to all parties to the transaction. Unused scale tickets or those which are partially executed shall not be left exposed or accessible to other parties. All such tickets shall be kept under lock when the weigher is not at his duty station.

(3) Accurate weighing and weight recording require that a weigher shall not permit operations to be hurried to the extent that inaccurate weights or incorrect weight records may result. The gross, tare and net weights must be determined accurately to the nearest minimum graduation. Manual operations connected with balancing, weighing, and recording shall be performed with the care necessary to prevent damage to the accurately machined and adjusted parts of weighbeams, poises, and printing devices. Rough handling of these parts shall be avoided.

(4) Poultry growers, live poultry dealers, sellers, or others having legitimate interest in a load of poultry are entitled to observe the balancing, weighing, and recording procedures. A weigher shall not deny such persons that right or withhold from them any information pertaining to the weight. The weigher shall check the zero balance of the scale or reweigh a load of poultry when requested by such parties or duly authorized representatives of the administrator.

(f) General precautions. (1) The poises of weighbeam scales are carefully adjusted and sealed to a definite weight at the factory and any change in that weight seriously affects weighing accuracy. A weigher, therefore, shall observe if poise parts are broken, loose or lost or if material is added to a poise and shall report any such condition to his/her superior or employer. Balancing or weighing shall not be performed while a scale ticket is in the slot of a weighbeam poise.

(2) Stops are provided on scale weighbeams to prevent movement of poises back of the zero graduation when balancing or weighing. When the stops become worn or broken and allow a poise to be set behind the zero position, this condition must be reported by the weigher to their superior or employer and corrected without delay.

(3) Motion detection circuits are a part of electronic scales. They are designed to prevent the printing of weight values if the load has not stabilized within prescribed limits. The weighmaster's duty is to print the actual weight of the load within these limits. This requires printing the actual weight of the load, not one of the other weights that may be within the motion detection limits.

(4) Foreign objects or loose material in the form of nuts, bolts, washers, or other material on any part of the weighbeam assembly, including the counter-balance hanger or counter-balance weights, are potential sources of weighing error. Loose balancing material must be enclosed in the shot cup of the counter-balance hanger and counter-balance weights must not be of the slotted type which can readily be removed.

(5) Whenever, for any reason, a weigher has reason to believe that a scale is not functioning properly or not yielding correct weight values, the weigher shall discontinue weighing, report the facts to the parties responsible for scale maintenance and request inspection, test or repair of the scale.

(6) When a scale has been adjusted, modified, or repaired in any manner which can affect the accuracy of weighing or weight recording, the weigher shall not use the scale until it has been tested and inspected and found to be accurate.

[FR Doc. 96–17359 Filed 7–9–96; 8:45 am]
BILLING CODE 3410–EN–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ANE–12]

Amendment to Class E Airspace; Pittsfield, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of a rule, published on

May 29, 1996, which revised the Class E airspace area at Pittsfield, MA (PSF) to provide for adequate controlled airspace for those aircraft using the GPS RWY 8 Instrument Approach Procedure to Pittsfield Municipal Airport.

EFFECTIVE DATE: The rule published at 61 FR 26781 is effective on 0901 UTC, August 15, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph A. Bellabona, Operations Branch, ANE–530.6, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (617) 238–7536; fax (617) 238–7596.

The FAA published a direct final rule with a request for comments in the Federal Register on May 29, 1996 (61 FR 26781), The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. The direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 15, 1996. No adverse comments were received, and thus this document confirms that the final rule will become effective on that date.

Issued in Burlington, MA, on July 1, 1996.

David J. Hurley,

Manager, Air Traffic Division, New England Region.

[FR Doc. 96–17417 7–9–96; 8:45 am]

BILLING CODE 4910–13–m

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14 CFR Part 71

[Airspace Docket No. 96–AGL–6]

Revision of Class E Airspace; La Porte, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at La Porte Municipal Airport, La Porte, IN, to accommodate a localizer (LOC) Instrument Approach Procedure to Runway 2. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, October 10, 1996.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Thursday, May 2, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to accommodate a localizer (LOC) Instrument Approach Procedure to Runway 2, La Porte Municipal Airport, La Porte, IN (61 FR 19591). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting 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 objecting to the proposal were received. Class E airspace designations for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revises Class E airspace at La Porte Municipal Airport, La Porte, IN, to accommodate a localizer (LOC) Instrument Approach Procedure to Runway 2. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulating 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 part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AGL IN E5 La Porte, IN [Revised]

La Port Municipal Airport, IN
(lat. 41°34′22″ N., long. 86°44′03″W.)

La Porte NDB
(lat. 41°29′56″N., long. 86°46′17″W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the La Porte Municipal Airport and within 2.5 miles each side of the 201° bearing from the La Porte NDB extending from the 7.3-mile radius to 11.4 miles south of the airport, excluding that airspace within the Michigan City, IN, Valparaiso, IN, and Knox, IN Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on June 20, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–17594 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–AGL–4]

Establishment of Class E Airspace; Menomonie, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Score Field, Menomonie, WI, to accommodate a Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) for Runway 27. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, August 24, 1996.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On May 2, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E5 at Score Field, Menomonie, WI (61 FR 19592). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting 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 objecting to the proposal were received. Class E5 airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E5 airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Score Field, Menomonie, WI, to accommodate a Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) for Runway 27. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL WI E5 Menomonie, WI [New]

Menomonie, Score Field, WI
(lat. 44°53′29″N, long. 91°52′00″W)

That airspace extending upward from 700 feet above the surface within a 6.4 mile radius of Score Field.

* * * * *

Issued in Des Plaines, Illinois on June 24, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–17592 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 92–AGL–5]

Establishment of Class E Airspace; Sturgis, SD

AGENCY: Federal Aviation Administration; Sturgis, SD.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Sturgis, SD. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 29 has been developed for the Sturgis Municipal Airport. Controlled airspace extending upward from 700 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, October 10, 1996.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On May 2, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Sturgis, SD (61 FR 19590). The proposal was to add controlled airspace extending upward from 700 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting 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 objecting to the proposal were received. Class E airspace designations for areas extending upward from 700 feet or more above the surface

of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Sturgis, SD to accommodate aircraft executing the GPS Runway 29 SIAP at Sturgis Municipal Airport. Controlled airspace extending upward from 700 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL SD E5 Sturgis, SD [New]

Sturgis Municipal Airport, SD
(lat. 44°26′06″ N, long. 103°22′38″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sturgis Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on June 20, 1986.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–17591 Filed 7–9–96; 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; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the Federal Register on June 13, 1996 (Airspace Docket No. 93–AWP–4). In the airspace designation of Jet Route 86 (J–86), effective August 15, 1996, erroneously showed ''Miami, FL'' as the ending point for J–86. This action corrects the definition of J–86 by changing the ending point to read ''Dolphin, FL.''

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: Federal Register Document 96–15062, Airspace Docket No. 93–AWP–4, published on June 13, 1996 (61 FR 29938), extended J–86 and realigned J–92 to enhance traffic flows and reduce controller workload. However, in the June 13 publication the description for J–86 erroneously indicated Miami, FL as the ending point for J–86. This action corrects that error.

Correction of Final Rule

§ 71.1 [Corrected]

Accordingly, pursuant to the authority delegated to me, the airspace designation for J–86, published in the Federal Register on June 13, 1996 (61 FR 29939); Federal Register Document 96–15062, Column 1) is corrected to read as follows:

* * * * *

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 Dolphin, FL.

* * * * *

Issued in Washington, DC, on June 28, 1996.

Nancy B. Kalinowski,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–17230 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 91

Delegation of Authority

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of delegation of authority.

SUMMARY: The Administrator of the FAA is delegating the authority to administer certain provisions of Special Aviation Regulation (SFAR) No. 74—Airspace and Flight Operations Requirements for the 1996 Summer Olympic Games, Atlanta, GA, to the Regional Administrator for the Southern Region. This delegation will enable the FAA to respond to the immediate needs of the Olympic Committee, local and Federal law enforcement officials and other safety personnel during the Olympic Games.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Steve Alogna, Olympic Project Manager, Federal Aviation Administration, 1701 Columbia Ave., College Park, Georgia 30337; (404) 305–5051.

SUPPLEMENTARY INFORMATION: On February 12, 1996, the FAA published SFAR No. 74 in the Federal Register (61 FR 5492), which establishes airspace and flight operations requirements for the XXVI Olympic Games. This regulation is to provide for security of the venues, safe operations, and efficient management of air traffic to, within, and from these areas, and to prevent an unsafe congestion of sightseeing and other aircraft over the various games sites. Paragraph A.3 of SFAR No. 74 contains provisions to provide flexible and efficient management and control of air traffic, such as the authority to give priority to or exclude from certain requirements of

the SFAR flight operations dealing with essential military, medical and rescue, essential public health and welfare, Presidential and Vice Presidential delegations, visiting heads of state, the Olympic Committee and media whose planned activities have been coordinated with and accredited by the Atlanta Committee for the Olympic Games and law enforcement and security officials.

As circumstances may warrant, it may be necessary for the appropriate Regional Administrator to exercise the authority as stated above and provided for in paragraph A.3 of SFAR No. 74. This delegation will enable the Regional Administrator for the Southern Region to administer the provisions of paragraph A.3. of SFAR No. 74.

Delegation

Accordingly, I hereby delegate my authority to administer paragraph A.3. of SFAR No. 74 to the Regional Administrator of the Southern Region.

Issued in Washington, DC on June 3, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–17588 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 88G–0388]

Direct Food Substances Affirmed as Generally Recognized as Safe; Cocoa Butter Substitute Derived From High-Oleic Safflower or Sunflower Oil

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to affirm that cocoa butter substitute manufactured from high-oleic safflower or sunflower oil is generally recognized as safe (GRAS). This action is in response to a petition filed by Fuji Oil Co., Ltd. (Fuji).

DATES: Effective July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Nega Beru, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW.,Washington, DC 20204, 202–418–3097.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in § 170.35 (21 CFR 170.35), Fuji Oil Co., Ltd., 6–1, Hachiman-cho, Minami-ku, Osaka 542, Japan, submitted a petition (GRASP 8G0348) requesting that § 184.1259 (21 CFR 184.1259) be amended to affirm that the use of safflower or sunflower oil in the manufacture of cocoa butter substitute is GRAS.

In the Federal Register of January 26, 1989 (54 FR 3853), FDA published a notice of filing of Fuji's petition and gave interested parties an opportunity to submit comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. FDA received three comments in response to that notice. These comments are discussed below.

In the filing notice, the agency gave notice that the petition had requested that § 184.1259 be amended to permit the use of safflower or sunflower oil in the manufacture of cocoa butter substitute. However, the petition requested, and the agency evaluated, the use of high-oleic safflower or sunflower oil in the manufacture of cocoa butter substitute. Therefore, because the filing notice did not make clear that the proposed starting materials for the manufacture of the petitioner's cocoa butter substitute are high-oleic rather than the typical high-linoleic safflower and sunflower oils, the agency published an amended filing notice in the Federal Register of April 28, 1995 (60 FR 20998), to give interested persons an opportunity to comment with respect to the above-mentioned change. No comments were received in response to the amended filing notice.

II. Standards for GRAS Affirmation

Pursuant to § 170.30 (21 CFR 170.30), general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances added to food. The basis of such views may be either: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, experience based on common use in food (§ 170.30(a)). General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 170.30(b)). General recognition of safety through experience based on common use in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive, and ordinarily is to be based upon generally available data and information concerning the pre-1958 history of use of the substance in food (§ 170.30(c)(1)).

Cocoa butter substitute from high-oleic safflower or sunflower oil was not used in food prior to 1958, and therefore cannot qualify for GRAS status based on a history of common use in food (§ 170.30(c)). Accordingly, FDA has evaluated the ingredient on the basis of scientific procedures (§ 170.30(b)).

In evaluating this petition, the agency reviewed data and information concerning: (1) The chemical composition of the cocoa butter substitute; (2) the process used to manufacture it; (3) the functional equivalence of the cocoa butter substitute to cocoa butter substitute made from palm oil; (4) use of the cocoa butter substitute in food; and (5) information regarding the safety of the cocoa butter substitute.

III. Identity, Specifications, and Manufacturing Process

The common or usual name of the petitioned substance is ''cocoa butter substitute primarily from high-oleic safflower or sunflower oil.'' Its chemical name is 1,3-distearoyl-2-olein (CAS Reg. No. 2846–04–0). The petitioner provided evidence to demonstrate that the specifications for cocoa butter substitute primarily from high-oleic safflower or sunflower oil conform to those for cocoa butter substitute primarily from palm oil, 1-palmitoyl-2-oleoyl-3-stearin, which are set forth in § 184.1259(b)(1) through (b)(9).

Traditional safflower and sunflower oils typically contain high levels of linoleic acid and low levels of oleic acid. However, in the manufacture of its cocoa butter substitute, Fuji uses high-oleic acid-containing safflower or sunflower oil. The high-oleic acid varieties of safflower and sunflower were obtained through common breeding techniques and are the subjects of several published articles (Refs. 1 through 7).

According to Fuji, its cocoa butter substitute is manufactured by reacting ethyl stearate (obtained from food-grade stearic acid) with high-oleic safflower oil or sunflower oil under nitrogen gas in the presence of a catalyst (lipase enzyme preparation adsorbed onto granular celite (diatomaceous earth)) at 37 to 47 °C for 48 hours. After completion of the reaction, the catalyst

is removed by filtration. The remaining free fatty acids and ethyl esters of fatty acids are distilled off at high temperature under vacuum. The reaction product is fractionated with hexane to remove high- and low-melting point fractions and refined by the ordinary refining process for edible fats and oils (deacidification, bleaching, deodorization).

IV. Functional Equivalence to Cocoa Butter Substitute Primarily from Palm Oil

Cocoa butter substitutes have been described as nonhydrogenated vegetable oils that contain a monounsaturated fatty acid at the 2 position and saturated fatty acids at the 1 and 3 positions (Ref. 8).

Cocoa butter substitute derived from palm oil is a mixture of triglycerides containing oleic acid at the 2 position and saturated fatty acids (mostly palmitic and stearic acids) at the 1 and 3 positions. Cocoa butter substitute from high-oleic safflower or sunflower oil is a mixture of triglycerides containing oleic acid at the 2 position and mostly stearic acid at the 1 and 3 positions.

Although the fatty acid composition of cocoa butter substitute from high-oleic safflower or sunflower oil is different from that of cocoa butter substitute derived from palm oil (higher in stearic acid and lower in palmitic acid content), this difference in composition does not affect the function of this cocoa butter substitute in food (Ref. 9). The petitioner provided a published study by Feuge, et al. (Ref. 10), who tested three mixtures (one consisting essentially of oleopalmitostearin, another consisting essentially of oleostearin, and a third consisting mostly of oleopalmitin) for their ability to function as cocoa butter substitutes. The results showed that all three products, when mixed with cocoa butter, had melting properties closely resembling those of cocoa butter and therefore could be satisfactory cocoa butter substitutes. Further, the petitioner stated that although cocoa butter substitute from high-oleic safflower or sunflower oil by itself can be used to make chocolate, it can also be blended with other approved triglycerides to produce a cocoa butter substitute that is similar in chemical composition to natural cocoa butter and to cocoa butter substitute primarily from palm oil.

V. Use in Food

The petitioned use of the ingredient is in the following food categories: confections and frostings as defined in § 170.3(n)(9) (21 CFR 170.3(n)(9)); in coatings of soft candy as defined in § 170.3(n)(38); and in sweet sauces and toppings as defined in § 170.3(n)(43). The petition proposes that use of the ingredient in food be limited to levels consistent with current good manufacturing practice (CGMP).

VI. Safety Information

The petition relies in part on the data developed to establish the safety of cocoa butter substitute derived from palm oil. Section 184.1259 provides for the interesterification of partially saturated 1,2,3-triglycerides (derived from palm oil) with ethyl stearate in the presence of a suitable lipase enzyme preparation. This is also used in the manufacture of the cocoa butter substitute derived from high-oleic safflower or sunflower oil.

Cocoa butter substitute made from high-oleic safflower or sunflower oil consists predominantly of the triglyceride 1,3-distearoyl-2-oleine. The components of this cocoa butter substitute are glycerol and oleic and stearic acids. These components are naturally found as part of glycerides, lipids, lipoproteins, and membranes of both plants and animals. Moreover, they are the same fatty acids and glycerol components as are found in a broad range of edible fats and oils that are GRAS. The synthesis and metabolism of these substances are well understood and are documented in biochemistry textbooks (for example, Ref. 11).

The only difference between cocoa butter substitute derived from high-oleic safflower or sunflower oil, on the one hand, and cocoa butter substitute derived from palm oil, on the other hand, is a difference in fatty acid composition, specifically, the ratio of stearic acid to palmitic acid. The agency finds that this difference does not pose a safety concern. Both of these fatty acids have been safely consumed as common, naturally-occurring compounds in foods (Ref. 12), and the proposed use will not change dietary consumption significantly. Therefore, the agency concludes that cocoa butter substitute prepared from high-oleic safflower or sunflower oil is equivalent to cocoa butter substitute prepared from palm oil with respect to safety, provided it meets the specifications for the similar palm oil-derived product.

Further, the petitioner submitted three published studies to support its contention that cocoa butter substitute made from high-oleic safflower or sunflower oil is safe (Refs. 13 through 15). The studies included an acute oral toxicity study in rats, a subchronic (90-day) oral toxicity study in rats, and a study to assess mutagenicity in bacteria. The bacterial study showed that cocoa butter substitute derived from high-oleic safflower or sunflower oil is not mutagenic; no significant effects from consumption of the cocoa butter substitute were found in the acute and subchronic toxicity studies.

VII. Response to Comments

FDA received three comments in response to the notice announcing the filing of the petition. All of the comments supported the proposed GRAS affirmation of cocoa butter substitute derived from high-oleic safflower or sunflower oil.

Two comments stated that the GRAS affirmation regulation should provide for the use of food-grade stearic acid as an alternative to ethyl stearate as a starting material in manufacturing the petitioned cocoa butter substitute. The comments asserted that it was common industry practice to use both ethyl stearate and stearic acid in interesterification reactions. In addition, the comments pointed out that not only is stearic acid a natural metabolite, but food-grade stearic acid is affirmed as GRAS (21 CFR 184.1090), and FDA permits the use of stearic acid as a raw material to produce various substances approved as food additives, including polysorbate 60, polysorbate 65, sorbitan monostearate, and calcium stearoyl-2-lactylate (21 CFR 172.836, 172.838, 172.842, and 172.844, respectively). Moreover, the comments asserted that stearic acid is a more desirable starting material than ethyl stearate because an end product cocoa butter substitute devoid of residual fatty acid ethyl esters can be produced.

The agency finds that, although the petitioner stated that ethyl stearate would be used as a starting material in the interesterification reaction during the manufacturing of its cocoa butter substitute, it is also common industry practice to use stearic acid in the manufacturing process (Ref. 16). Further, the agency notes that ethyl stearate is itself made from the GRAS substance stearic acid. In essence, direct use of stearic acid in the interesterification reaction bypasses the intermediate step of first converting stearic acid to ethyl stearate. The resulting cocoa butter substitute is the same regardless of whether ethyl stearate or stearic acid is used in the manufacturing process. Therefore, the agency agrees that the direct use of stearic acid as a starting material, without first converting it to ethyl stearate, does not affect the GRAS status of the petitioned cocoa butter substitute. Moreover, the agency concludes that an opportunity for public comment on the

direct use of stearic acid as a starting material is not necessary because the two substances are so closely related. Therefore, in amending § 184.1259, the agency is including stearic acid as an alternative raw material in the manufacture of cocoa butter substitute from high-oleic safflower or sunflower oil.

One of the comments also stated that acetone should be allowed as a solvent in the fractional crystallization of the petitioned cocoa butter substitute during the manufacturing process and suggested a residual acetone specification of not more than 5 parts per million. The comment stated that acetone is a well-recognized solvent in the edible oils industry and cited a number of FDA regulations that permit its use as a solvent. Indeed, acetone is approved as an extractant for annatto extract (21 CFR 73.30(a)(1)(ii)), as a diluent for color additive mixtures made with D&C Red No. 39 (21 CFR 74.1339(a)(2)), as an optional bleaching ingredient with flour (21 CFR 137.105(a)(6)), as a processing solvent in the manufacture of the food additive *N*-acetyl-L-methionine (21 CFR 172.372(a)(4)) and in the extraction of spice (21 CFR 173.210). The agency notes that the safety of the use of acetone as a solvent is well recognized in the food oil industry. However, the agency has no basis to set a specification for residual acetone because it did not evaluate the use of acetone as a solvent in manufacturing cocoa butter substitute. The agency also notes that, as always, any residual solvent that becomes or may reasonably be expected to become a functional component of food must be an approved food additive or GRAS for use in that food.

The third comment consisted of a report by a panel of scientific experts who evaluated evening primrose oil as a dietary supplement and concluded that it was safe. The comment stated that the report on the safety of evening primrose oil should aid FDA in determining the GRAS status of Fuji's product because evening primrose oil is chemically related to both safflower and sunflower oils in that the primary constituent of all these oils is the GRAS substance linoleic acid. The comment stated that it was submitted because FDA must consider chemically and pharmacologically related substances in the diet when considering the GRAS status of any substance (§ 170.3(i)(2)).

The safflower and sunflower oils the petitioner proposed to use as raw material for the production of cocoa butter substitute are derived from high-oleic variant seeds containing approximately 75 percent oleic acid in their triglycerides instead of linoleic acid, which is the major fatty acid in evening primrose oil and in oils derived from traditional safflower and sunflower. Thus, the assertion that evening primrose oil is similar to high-oleic safflower and sunflower oils based on fatty acid content is erroneous.

More importantly, the petition does not seek to affirm the GRAS status of safflower oil and sunflower oil, both of which are common food items, but rather cocoa butter substitute derived by chemical processes from high-oleic safflower or sunflower oil. For these reasons, the agency finds this comment not relevant to the question of whether cocoa butter substitute derived from high-oleic safflower or sunflower oil is GRAS.

VIII. Conclusions

Based on the published literature about the petitioned cocoa butter substitute and the data supporting the safety of cocoa butter substitute from palm oil, corroborated by widely available information about the safe consumption of glycerol and of oleic and stearic acids, the agency concludes that cocoa butter substitute from high-oleic safflower or sunflower oil is GRAS when used in accordance with CGMP (21 CFR 184.1(b)(1)).

IX. Environmental Effects

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

X. Analysis of Impacts

FDA has examined the impacts of this final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). According to Executive Order 12866, a regulatory action is significant if it meets any one of a number of specific conditions, including having an annual effect on the economy of $100 million; adversely affecting in a material way a sector of the economy, competition, or jobs; or raising novel legal or policy issues. The Regulatory Flexibility Act requires agencies to minimize the economic impact of their regulations on small businesses.

FDA finds that this final rule is not a significant regulatory action as defined by Executive Order 12866. The rule does not raise novel legal or policy issues. The compliance cost to firms currently in the industry is zero because the rule prohibits no current activity. Potential benefits of the rule include the wider use of this cocoa butter substitute because of reduced uncertainty concerning its regulatory status, and any resources saved by eliminating the need to prepare further petitions to affirm the GRAS status of the use of this cocoa butter substitute.

Finally, in compliance with the Regulatory Flexibility Act, FDA certifies that the final rule will not have a significant economic impact on a substantial number of small businesses. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

XI. Effective Date

As this rule recognizes an exemption from the food additive definition in the Federal Food, Drug, and Cosmetic Act, and from the approval requirements applicable to food additives, no delay in effective date is required by the Administrative Procedure Act (5 U.S.C 553(d)). The rule will therefore be effective immediately (5 U.S.C. 553(d)(1)).

XII. References

The following references have been placed 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. Winter, G., ''A New Safflower Oil with a Low Iodine Value,'' *Nature*, 179:582–583, 1957.

2. Knowles, P. F., A. B. Hill, and J. E. Ruckman, ''High Oleic Acid Content in New Safflower, UC–1,'' *California Agriculture*, p. 15, 1965.

3. Fick, G. N., ''Genetics and Breeding of Sunflower,'' *Journal of the American Oil Chemists' Society*, 60:1252–1253, 1983.

4. Purdy, R. H., ''Oxidative Stability of High Oleic Sunflower and Safflower Oils,'' *Journal of the American Oil Chemists' Society*, 62:523–525, 1985.

5. Smith, J. R., ''Safflower: Due for a Rebound,'' *Journal of the American Oil Chemists' Society*, 62:1286–1291, 1985.

6. Purdy, R. H., ''High Oleic Sunflower: Physical and Chemical Characteristics,'' *Journal of the American Oil Chemists' Society*, 63:1062–1066, 1986.

7. Anonymous, ''U. S. Sun Crop: Potential Still not Realized,'' *Journal of the American Oil Chemists' Society*, 63:1218–1224, 1986.

8. Faulkner, R. W., ''Cocoa Butter Equivalents are Truly Specialty Vegetable Fats,'' *The Manufacturing Confectioner*, pp. 56–61, 1981.

9. Memorandum from M. DiNovi, FDA to L. Lin, FDA, November 2, 1988.

10. Feuge, R. O. et al., ''Cocoa Butter-Like Fats from Domestic Oils,'' *Journal of the American Oil Chemists' Society*, 35:194–199, 1958.

11. Lehninger, A. L., *Principles of Biochemistry*, Worth Publishers, Inc., New York, NY, 1982.

12. Memorandum from J. C. Griffiths, FDA to L. Lin, FDA, July 14, 1989.

13. Shimoda, T. et al., ''Safety Studies of a Transesterified Fat Produced by an Immobilized Lipase: I. Acute Oral Toxicity Study in Rats,'' *Journal of the American College of Toxicology*, 13 (Suppl. 1):10–18, 1994.

14. Shimoda, T. et al., ''Safety Studies of a Transesterified Fat Produced by an Immobilized Lipase: II. Subchronic Oral Toxicity and Recovery Studies in Rats,'' *Journal of the American College of Toxicology*, 13 (Suppl. 1):19–37, 1994.

15. Shimoda, T. et al., ''Safety Studies of a Transesterified Fat Produced by an Immobilized Lipase: III. Bacterial Reversion Test,'' *Journal of the American College of Toxicology*, 13 (Suppl. 1):38–45, 1994.

16. MacRae, A. R., ''Lipase-Catalysed Interesterification of Oils and Fats,'' *Journal of the American Oil Chemists' Society*, 60:291–294, 1983.

List of Subjects in 21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. Section 184.1259 is amended by revising the section heading and paragraph (a) to read as follows:

§ 184.1259 Cocoa butter substitute.

(a) The common or usual name for the triglyceride 1-palmitoyl-2-oleoyl-3-stearin is ''cocoa butter substitute primarily from palm oil.'' The common or usual name for the triglyceride 1-3-distearoyl-2-olein is ''cocoa butter substitute primarily from high-oleic safflower or sunflower oil.''

(1) The ingredient 1-palmitoyl-2-oleoyl-3-stearin is manufactured by:

(i) Directed esterification of fully saturated 1,3-diglycerides (derived from palm oil) with the anhydride of food-grade oleic acid in the presence of the catalyst trifluoromethane sulfonic acid (§ 173.395 of this chapter), or

(ii) By interesterification of partially saturated 1,2,3-triglycerides (derived from palm oil) with ethyl stearate in the presence of a suitable lipase enzyme preparation that is either generally recognized as safe (GRAS) or has food additive approval for such use.

(2) The ingredient 1-3-distearoyl-2-olein is manufactured by interesterification of partially unsaturated 1,2,3-triglycerides (derived from high-oleic safflower or sunflower oil) with ethyl stearate or stearic acid in the presence of a suitable lipase enzyme preparation that is either GRAS or has food additive approval for such use.

* * * * *

Dated: June 13, 1996.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–17542 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Oxytetracycline Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Boehringer Ingelheim Animal Health, Inc. The supplemental ANADA provides for the subcutaneous use of oxytetracycline injection in cattle for treatment of diseases caused by oxytetracycline susceptible organisms.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1643.

SUPPLEMENTARY INFORMATION: Boehringer Ingelheim Animal Health, Inc., 2621 North Belt Hwy., St. Joseph, MO 64506, has filed supplemental ANADA 200–008, which provides for subcutaneous use of oxytetracycline injection in addition to the approved intravenous and intramuscular use in beef and nonlactating dairy cattle for the treatment of pneumonia and shipping fever associated with *Pasteurella* spp. and *Hemophilus* spp.; infectious bovine keratoconjunctivitis (pinkeye) caused by *Moraxella bovis*; foot rot and diphtheria caused by *Fusobacterium necrophorum*; bacterial enteritis (scours) caused by *Escherichia coli*; wooden tongue caused by *Actinobacillus lignieresi*; leptospirosis caused by *Leptospira pomona*; and wound infections and acute metritis caused by strains of staphylococci and streptococci organisms sensitive to oxytetracycline. The product is also approved for intramuscular use in swine.

Boehringer Ingelheim's supplemental ANADA 200–008 for subcutaneous use of oxytetracycline injection (OXY–TET 200/BIO–MYCIN 200) in cattle is approved as of May 22, 1996, and the regulations are amended in 21 CFR 522.1660 (c)(1)(iii) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

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

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

List of Subjects in 21 CFR Part 522

Animal drugs.

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

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

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

§ 522.1660 [Amended]

2. Section 522.1660 *Oxytetracycline injection* is amended in paragraph (c)(1)(iii) by revising the first sentence to read ''Administer intramuscularly, intravenously, or subcutaneously at 3 to 5 milligrams level, intramuscularly or subcutaneously at 9 milligrams level.'' * * *

Dated: June 25, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–17541 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Chlortetracycline

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoffmann-La Roche, Inc. The supplemental NADA provides for use of a free-choice, mineral, Type C cattle feed containing chlortetracycline (CTC) for grazing beef cattle weighing over 700 pounds (lb) for control of active anaplasmosis infections.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Jack Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0217.

SUPPLEMENTARY INFORMATION: Hoffmann-La Roche, Inc., 340 Kingsland St., Nutley, NJ 07110, filed a supplement to NADA 48–761, Aureomycin® (chlortetracycline) mineral, Type C cattle feed containing 4 grams CTC per lb. The supplement provides for free-choice feeding to grazing beef cattle weighing over 700 lb at 0.0125 to 0.05 lb of Type C feed per 100 lb of body weight per day (0.5 to 2.0 milligrams (mg) CTC per lb of body weight per day) for control of active infections of anaplasmosis caused by *Anaplasma marginale* susceptible to chlortetracycline. The supplement is approved as of July 10, 1996, and the regulations are amended in 21 CFR 558.128(c)(4) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

With approval of this supplement, cattle may be fed 0.5 to 2.0 mg CTC per head per day. To provide for safe use at the upper limit, a withdrawal time of 4 days prior to slaughter is provided.

Use of Type A medicated articles to make free-choice CTC Type C medicated feeds requires an approved Form FDA 1900 as in 21 CFR 510.455.

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

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval qualifies for 3 years of marketing exclusivity beginning July 10, 1996, because the supplemental application contains reports of new clinical or field investigations (other than bioequivalence or residue studies) or human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the new claim for which the supplement was approved.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

§ 558.128 [Amended]

2. Section 558.128 *Chlortetracycline* is amended in paragraph (c)(4) by removing the phrase ''daily minimum intake of 0.5 milligram of chlortetracycline per pound of body weight to aid in the prevention of anaplasmosis'' and adding in its place ''daily intake of 0.5 to 2.0 milligrams of chlortetracycline per pound of body weight to aid in the control of active infection of anaplasmosis caused by *Anaplasma marginale* susceptible to chlortetracycline; discontinue use 4 days prior to slaughter''.

Dated: May 31, 1996.

Robert C. Livingston,

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

[FR Doc. 96–17315 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS KINGFISHER (MHC 56) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Pixa, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia, 22332–2400, Telephone Number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under

authority delegated by the Secretary of the Navy, has certified that USS KINGFISHER (MHC 56) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 27(f), pertaining to the display of all-round lights by a vessel engaged in mineclearance operations; and Annex I, paragraph 9(b), prescribing that all-round lights be located as not to be obscured by masts, topmasts or structures within angular sectors of more than six degrees. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Section 706.2 is amended by adding the following ship to Table Four, paragraph 18:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel	Number	Obscured angles relative to ship's heading	
		Port	STBD
Kingfisher.	MHC 56	59.5° to 78.3°.	281.7° to 300.5°.

Dated: June 25, 1996.

Approved.

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 96–17498 Filed 7–9–96; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 95–054]

RIN 2115–AF17

Regattas and Marine Parades; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim rule.

SUMMARY: This notice contains corrections to the interim rule (CGD 95–054) revising Coast Guard marine event regulations that was published Wednesday, June 26, 1996, (61 FR 33027).

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, Office of Boating Safety, (202) 267–0979.

SUPPLEMENTARY INFORMATION: In § 100.19, Chief, Operations, is incorrectly referred to as ''the Chief, Office of Operations.''

Accordingly, the publication on June 26, 1996, of the interim rule (CGD 95–054) that is the subject of FR Doc. 96–16319 is corrected as follows:

§ 100.19 [Corrected]

1. On page 33033, in the second and third columns, remove the words ''the Chief, Office of Operations'' wherever they appear and add, in their place, the words ''Chief, Operations,''.

J. A. Creech,

Captain, U.S. Coast Guard, Director, Operations Policy.

[FR Doc. 96–17565 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–5536–1]

Final Rule Making Findings of Failure To Submit Required State Implementation Plans for Nonattainment Areas for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is taking final action in making findings, under the Clean Air Act (CAA or Act), that 10 states and the District of Columbia failed to make complete ozone nonattainment state implementation plans (SIP) submittals required for 9 nonattainment areas under the Act. Under certain provisions of the Act, as implemented consistent with a memorandum issued by EPA Assistant Administrator Mary D. Nichols, on March 2, 1995, these states are required to submit SIP measures providing for certain percentage reductions in emissions of ozone precursors, termed ''rate of progress'' reductions; as well as SIP commitments to submit SIP measures providing for the remaining required rate-of-progress reductions as well as any additional emissions reductions needed for attainment of the ozone ambient air quality standards in the affected nonattainment areas.

This action triggers the 18-month time clock for mandatory application of sanctions in theses states under the Act. This action is consistent with the CAA mechanism for assuring SIP submission.

EFFECTIVE DATE: This action is effective as of July 3, 1996.

FOR FURTHER INFORMATION CONTACT: General questions concerning this notice should be addressed to Kimber Scavo, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15, Research Triangle Park, NC 27711; tel. (919) 541–5534. For questions related to a specific area, please contact the appropriate regional office:

Dave Conroy, Manager, Air Quality Planning Unit, EPA Region I (CAQ), JFK Federal Building, Boston, Massachusetts 02203–2211, tel. (617) 565–3255 (Connecticut, New Hampshire)

William S. Baker, Chief, Air Programs Branch, EPA Region II (2AWM–AP); 290 Broadway, New York, New York 10007–1866, tel. (212) 637–4249 (New York, New Jersey)

Marcia Spink, Associate Director, Air, Toxics and Radiation Division, EPA Region III (3AT00), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, tel. (215) 566–2104 (Delaware, Maryland, Virginia, District of Columbia)

Steven Rothblatt, Branch Chief, Air Programs Branch, EPA Region V (AR–18J); 77 West Jackson Blvd., Chicago, IL 60604–3590, tel. (312) 353–2211 (Illinois, Indiana, Wisconsin)

SUPPLEMENTARY INFORMATION:

I. Background

In 1990, Congress amended the Clean Air Act to address, among other things, continued nonattainment of the ozone national ambient air quality standard (NAAQS). Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C., 7401–7671q (1991). The Amendments divide ozone nonattainment areas into, in general, five classifications based on air quality

design value; and establish specific requirements, including new attainment dates, for each classification. CAA §§ 107(d)(1)(C) and 181.

The 1990 Amendments required states containing the highest classified ozone nonattainment areas—those classified as serious, severe, or extreme—to submit SIPs providing for periodic reductions in ozone precursors of a rate of 9% averaged over every three-year period, beginning after 1996 and ending with the area's attainment date. CAA § 182(c)(2)(B). This SIP submission may be referred to as the Rate-of-Progress, or ROP, SIP. The 1990 Amendments further required these states to submit a demonstration of attainment (including air quality modeling) for the nonattainment area, as well as SIP measures containing any additional reductions that may be necessary to attain by the attainment date. CAA § 182(c)(2)(A). This SIP submission may be referred to as the Attainment Demonstration. These CAA provisions established November 15, 1994, as the required date for these SIP submittals.

Notwithstanding significant efforts, the states generally were not able to meet this November 15, 1994 deadline for the required SIP submissions.

On March 2, 1995, EPA Assistant Administrator Mary D. Nichols sent a memorandum to EPA Regional Administrators (the March 2, 1995 Memorandum, or Memorandum) recognizing the efforts made by states and the remaining difficulties in making the ROP and Attainment Demonstration SIP submittals. The March 2, 1995 Memorandum recognized that in general, many States have been unable to complete these SIP requirements within the deadlines prescribed by the Act due to circumstances beyond their control. These states were hampered by unavoidable delays in developing the underlying technical information needed for the required SIP submittals. The Memorandum recognized that development of the necessary technical information, as well as the control measures necessary to achieve the large level of reductions likely to be required, is particularly difficult for the many states affected by ozone transport.

Accordingly, as an administrative remedial matter, the March 2, 1995 Memorandum indicated that EPA would establish new time-frames for SIP submittals. The Memorandum called for States seeking to avail themselves of the new policy to submit, by May 1995, a letter committing to the new time-frames.

The Memorandum further indicated that EPA would divide the required SIP submittals into two phases. The Phase I submittals generally consisted of (i) SIP measures providing for ROP reductions due by the end of 1999 (the first 9% of ROP reductions); (ii) a SIP commitment (sometimes referred to as an enforceable commitment) to submit any remaining required ROP reductions on a specified schedule after 1996 (with submission no later than the end of 1999); and (iii) a SIP commitment to submit the Attainment Demonstration by mid-1997 (with submission by no later than the end of 1999 of any additional rules needed to attain).[1] The Memorandum indicated that EPA would establish the end of 1995 as the due date for the Phase I submittals. States could have proposed a schedule for making the submissions in 1996 if necessary due to administrative scheduling imperatives (such as the schedule for legislative sessions).

The Phase II submittals were due at specified times after 1996, and primarily consisted of the remaining ROP SIP measures, the Attainment Demonstration and required additional rules, and any regional controls necessary for attainment by all areas in the region.

In addition, the March 2, 1995 Memorandum called for a collaborative process among the States in the eastern half of the country to evaluate and address transport of ozone and its precursors. The Memorandum lead to the formation of the Ozone Transport Assessment Group (OTAG), which includes representatives of those states; EPA officials; and interested members of the public, including environmental groups and industry. As indicated in the Memorandum, EPA has envisioned that OTAG would complete its work by the end of 1996.

The March 2, 1995 Memorandum was widely circulated, and by June 1995, states opting for the time-frames it described had submitted letters to EPA generally committing to submit the SIP measures called for under the Memorandum.

OTAG's first meetings were on May 18, 1995, in Reston, Virginia, and June 19, 1995, in Washington, D.C. OTAG has continued to meet regularly since then.

By the first few months of 1996, some states appeared to be lagging in their compliance efforts with the Phase I deadlines. By memorandum dated April 19, 1996, Assistant Administrator Nichols directed the Regional Administrators to determine the status of the state planning efforts to allow EPA to determine which states were or were not in substantial compliance with the Phase I deadlines. By letters dated in May 1996, EPA Regional Administrators informed the states that it was important that they complete the Phase I submittals as soon as possible, and requested that they provide EPA with a schedule for completing these submittals. These letters cautioned that EPA would, within the near future, evaluate the states' schedule; and that if EPA considered the schedule insufficiently expeditious, EPA would consider beginning the process under CAA section 179(a)(1), described below, of sanctioning states that fail to make required submittals.

The EPA regional offices and state officials discussed the states' progress, and the states generally developed schedules for completing the Phase I requirements.

Although EPA recognizes the continued progress states are making in developing the required SIPs, EPA believes that in most cases, the schedules presented by the states are not sufficiently expeditious for the states to be considered in substantial compliance with the Phase I deadlines.

The 1990 Amendments establish specific consequences if EPA finds that a State has failed to meet certain requirements of the CAA. Of particular relevance here is CAA section 179(a)(1), the mandatory sanctions provision. Section 179(a) sets forth four findings that form the basis for application of a sanction. The first finding, that a State has failed to submit a plan or one or more elements of a plan required under the CAA, is the finding relevant to this rulemaking.

Today, EPA is finding that 10 States and the District of Columbia have failed to make required SIP submissions for 9 nonattainment areas.

If these States have not made the required complete submittals within 18 months of the effective date of today's rulemaking, pursuant to CAA section 179(a) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b) will be applied in the affected areas. If the States have still not made a complete submission 6 months after the offset sanction is imposed, then the highway funding sanction will apply in the affected areas, in accordance with 40 CFR 52.31. In addition, CAA section 110(c) provides that EPA promulgate a federal implementation plan (FIP) no later than 2 years after a finding under section 179(a).

[1] The March 2, 1995 Memorandum established other requirements, and somewhat different requirements for states other than the Northeast states. These are described in greater detail in the enclosures to the findings letters, discussed below, which are included in the docket to this rulemaking.

The 18-month clock will stop and the sanctions will not take effect if, within 18 months after the date of the finding, EPA finds that the State has made a complete submittal as to each of the SIP elements for which these findings are made. In addition, EPA will not promulgate a FIP if the State makes the required SIP submittal and EPA takes final action to approve the submittal within 2 years of EPA's finding.

At approximately the same time as the signing of this notice, EPA Regional Administrators are sending letters to the 11 States describing the status of the states' effort and these findings in more detail. These letters, and the enclosures that they include, are included in the docket to this rulemaking.

I. Final Action

A. Rule

Today, EPA is making findings of failure to submit for 9 nonattainment areas in 10 states and the District of Columbia, due to failure to submit complete SIP revisions consisting of the following three items: (i) A SIP provision requiring emission reductions of 9% in ozone precursors from the end of 1996 to 1999; (ii) SIP commitments to adopt an Attainment Demonstration; and (iii) SIP commitments to adopt any additional rules needed to complete the requirements for ROP reductions after 1999, and until the attainment date.

The states, nonattainment areas (and classification of the nonattainment areas) that are receiving these findings are listed below. Each state is receiving all three findings for each of its areas, except that states with areas classified as serious are receiving only the first two findings. Serious areas have an attainment date of 1999, and thus are not required to submit ROP SIPs after 1999.

Connecticut: Greater CT Area (serious); New York-Northern New Jersey-Long Island, NY–NJ–CT, Area (severe).
New Hampshire: Boston-Lawrence-Worcester, MA–NH, Area (serious); Portsmouth-Dover-Rochester, NH, Area (serious).
New Jersey: New York-Northern New Jersey-Long Island, NY–NJ–CT, Area (severe); Philadelphia-Wilmington-Trenton, PA–NJ–DE–MD, Area (severe).
New York: New York-Northern New Jersey-Long Island, NY–NJ–CT, Area (severe).
Delaware: Philadelphia-Wilmington-Trenton, PA–NJ–DE–MD, Area (severe).
Maryland: Baltimore Area (severe); Philadelphia-Wilmington-Trenton, PA–NJ–DE–MD, Area (severe); Washington, DC–MD–VA, Area (serious).
Virginia: Washington, DC–MD–VA, Area (serious).
District of Columbia: Washington, DC–MD–VA, Area (serious).
Illinois: Chicago-Gary-Lake County, IL–IN, Area (severe).
Indiana: Chicago-Gary-Lake County, IL–IN, Area (severe).
Wisconsin: Milwaukee-Racine, Area (severe).

B. Effective Date Under the Administrative Procedures Act

EPA has issued this action as a rulemaking because EPA has treated this type of action as rulemaking in the past. However, EPA believes that it would have the authority to issue this action in as an informal adjudication, and is considering which administrative process—rulemaking or informal adjudication—is appropriate for future actions of this kind.

Because EPA is issuing this action as a rulemaking, the Administrative Procedures Act (APA) applies.

Today's action will be effective on July 3, 1996. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the Federal Register if the agency has good cause to mandate an earlier effective date. Today's action concerns SIP submissions that are already overdue; and EPA previously cautioned the affected states that the SIP submissions were overdue and that EPA was considering the action it is taking today. In addition, today's action simply starts a ''clock'' that will not result in sanctions against the states for 18 months, and that the states may ''turn off'' through the submission of complete SIP submittals. These reasons support an effective date prior to 30 days after the date of publication.

C. Notice-and-Comment Under the Administrative Procedures Act

This notice is a final agency action, but is not subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). EPA believes that because of the limited time provided to make findings of failure to submit and findings of incompleteness regarding SIP submissions or elements of SIP submission requirements, Congress did not intend such findings to be subject to notice-and-comment rulemaking. However, to the extent such findings are subject to notice-and-comment rulemaking, EPA invokes the good cause exception pursuant to the APA, 5 U.S.C. 553(b)(3)(B). Notice and comment are unnecessary because no EPA judgment is involved in making a nonsubstantive finding of failure to submit elements of SIP submissions required by the Clean Air Act. Furthermore, providing notice and comment would be impracticable because of the limited time provided under the statute for making such determinations. Finally, notice and comment would be contrary to the public interest because it would divert agency resources from the critical substantive review of complete SIPs. See 58 FR 51270, 51272, n.17 (Oct. 1, 1993); 59 FR 39832, 39853 (Aug. 4, 1994).

D. Executive Order 12866

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

E. 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.

In addition, under the Unfunded Mandates Act, before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, EPA must have developed, under section 203 of the UMRA, a small government agency plan.

EPA has determined that today's action is not a Federal mandate. The various CAA provisions discussed in this notice require the states to submit SIPs. This notice merely provides a finding that the states have not met those requirements. This notice does not, by itself, require any particular action by any State, local, or tribal government; or by the private sector.

For the same reasons, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact on small entities of any rule subject to the notice-and-comment rulemaking requirements. Because this action is exempt from such requirements, as described above, it is not subject to the RFA.

G. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the APA, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), EPA submitted, by the effective date of this rule, a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office. This rule is not a ''major rule'' as defined by APA § 804(2), as amended.

As noted above, EPA is issuing this action as rulemaking. There is a question as to whether this action is a rule of ''particular applicability'', under section 804(3)(A) of APA as amended by SBREFA—and thus exempt from the congressional submission requirements—because this rule applies only to named states. In this case, EPA has decided to err on the side of submitting this rule to Congress, but will continue to consider this issue of the scope of the exemption for rules of ''particular applicability''.

H. Paperwork Reduction Act

This rule does not contain any information collection requirements which require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

I. Judicial Review

Under CAA Section 307(b)(1), a petition to review today's action may be filed in the Court of Appeals for the District of Columbia within 60 days of July 10, 1996.

Dated: July 3, 1996.

Mary D. Nichols,

Assistant Administrator.

[FR Doc. 96–17545 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 63

[AD–FRL–5531–3]

Approval of State Programs and Delegation of Federal Authorities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action revises the ''Approval of State Programs and Delegation of Federal Authorities'' (subpart E). The amendments are being made to clarify regulatory text, reduce administrative burden and provide more flexibility to States using this rulemaking. Additionally, today's action does not have any environmental impact. As a result, the Agency does not anticipate receiving adverse comments. Consequently, the amendments are being issued as a direct final rule.

DATES: The direct final rule will be effective August 19, 1996 unless significant, adverse comments are received by August 9, 1996. If significant, timely adverse comments are received on the direct final rule, the direct final rule will be withdrawn.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–96–09, Room M–1500, U.S. EPA, 401 M Street, SW., Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert Wood at (919) 541–5272 or Ms. Sheila Q. Milliken at (919) 541–2625, Integrated Implementation Group, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially affected by this action are State, local, or tribal governments that voluntarily implement Clean Air Act (Act) section 112 rules, emission standards, or requirements. This action does not regulate emission sources directly. Regulated categories and entities include:

Category	Examples of regulated entities
State, local, tribal governments.	State, local, or tribal governments that voluntarily request approval of rules or programs to be implemented in place of Act section 112 rules, emission standards or requirements or voluntarily request delegation of unchanged section 112 rules.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. The existing procedures and criteria for requesting and receiving approval of these State, local, or tribal government rules or programs or voluntarily requesting delegation of unchanged section 112 rules are in sections 63.90 through 63.95 of this subpart.

On November 26, 1993 (58 FR 62262), the EPA promulgated in the Federal Register guidance relating to the approval of State programs and delegation of Federal authorities under the authority of section 112(l) of the Act. Section 112(l)(2) of the Act requires the EPA to publish guidance useful to States in developing programs for implementing and enforcing emission standards and other requirements for hazardous air pollutants (HAP). The use of delegation under section 112(l) is voluntary on the part of the States. The regulations were promulgated as subpart E in 40 CFR part 63.

Today's action modifies the subpart E final regulation to improve clarity of administrative procedures and eliminate unnecessary and, in some cases, impractical requirements imposed on the States. Today's changes do not significantly modify the requirements of the regulation. The revisions are discussed in the order in which they appear in the subpart E regulation. If timely significant adverse comments are received on any amendment of this direct final rule, that amendment of the direct final rule will be withdrawn and all such comments will be addressed in a subsequent final rule based on the proposed rule contained in the proposed rules section of this Federal Register that addresses issues in this direct final rule. If no timely significant adverse comments are received on this direct final rule, then the direct final rule will become effective August 19, 1996 and no further action is contemplated on the parallel proposal published today.

Preamble Outline

The following outline is provided to aid in locating information in this preamble.

I. Description of Changes
- A. Approval of State Mechanism to Receive Delegation of Existing and Future Unchanged Federal Section 112 Standards and Requirements
- B. Deletion of 6-month Reporting Requirement
- C. Additional Language Regarding Implementation of Chemical Safety Hazard Investigation Board Requirement
- D. Approval of State Rules and Programs Designed to Limit Potential to Emit (PTE)

II. Unfunded Mandates Reform Act

III. Administrative
- A. Paperwork Reduction Act
- B. Executive Order 12866 Review
- C. Regulatory Flexibility Act
- D. Submission to Congress and the General Accounting Office

I. Description of Changes

A. Approval of State Mechanism to Receive Delegation of Existing and Future Unchanged Federal Section 112 Standards and Requirements

Section 63.91 of the subpart E rule establishes a process for straight delegation of individual maximum achievable control technology (MACT) standards after they are promulgated, but it does not include a process for approving a program for delegation of all future MACT standards through a single, advance program approval. State and local agencies have asked for a more streamlined method for taking delegation of future and existing unchanged Federal section 112 standards and requirements.

The EPA agrees with the merit of a program that will allow State and local agencies to receive upfront approval of the mechanism with which they would take delegation of existing and future unchanged Federal section 112 standards. Such a program would eliminate the need for State and local agencies to submit individual requests for delegation of unchanged Federal section 112 standards on a rule-by-rule basis. Regional Offices would benefit by receiving early identification of States' intentions for receiving delegation. State and local agencies would have minimal administrative burden in submitting their requests for approval.

The EPA established policy for such a process for sources subject to part 70 permitting through a memorandum entitled, ''Straight Delegations Issues Concerning Sections 111 and 112 Requirements and Title V,'' dated December 10, 1993, from John Seitz, Director, Office of Air Quality Planning and Standards, U.S. EPA. A similar program for sources not subject to part 70 is detailed in the revised enabling guidance for subpart E (''Interim Enabling Guidance for the Implementation of 40 CFR part 63, subpart E,'' dated November 1993, EPA–453/R–93–040). The EPA intends to codify the policy described in the memorandum and guidance in this direct final rulemaking. Therefore, EPA is making the necessary revisions to the subpart E rule to include a process of approving State mechanisms for receiving delegation of existing and future unchanged Federal section 112 standards and requirements consistent with its current policy. Submittals previously approved before today's action will not be affected. Revisions are being made to sections 63.90 and 63.91 which specifically indicate that States can request upfront EPA approval of the State's mechanism for taking delegation of future unchanged Federal section 112 standards and requirements.

B. Deletion of 6-Month Reporting Requirement

The subpart E rule currently contains a provision which requires 6-month reporting by sources of all required monitoring or testing for the State rule which replaces a Federal rule (§ 63.93(b)(4)(iv)). This requirement was originally placed in the subpart E rule to be consistent with requirements in the part 70 operating permit rule at 40 CFR part 70, § 70.6(a)(3)(iii)(A).

State and local agencies believe that the 6-month reporting requirement for regulated sources is duplicative of reporting requirements already included in individual MACT standards and the title V permit program regulations. They feel that this requirement is unnecessary and creates paperwork with little or no benefit.

An example of where this requirement could adversely affect a source is in the case where the MACT rule only requires yearly reporting. If a State wanted to substitute their rule for the Federal MACT rule, the source would be required to report every 6 months due to the existing subpart E requirement. Area sources do not trigger the 6-month reporting requirement of title V, and thus, should only be required to report yearly. Nonetheless, subpart E currently mandates 6-month reporting. Consequently, it imposes, an unnecessary additional burden on sources in States with delegated air toxics programs.

In this scenario, the EPA feels that there would be no value added in increasing the reporting requirement to a mandatory minimum of 6-months because EPA has already determined the frequency of reporting necessary to assure compliance in each MACT standard or in the General Provisions. In addition, since section 112(l) is voluntary, the 6-month reporting provision imposes an increased burden on sources whose States submit equivalent State rules or programs for EPA approval, and discourages States from accepting delegation of the Federal rule.

The EPA agrees that this requirement is not necessary as a general requirement and is revising section 63.93 by deleting § 63.93(b)(4)(iv).

C. Additional Language Regarding Implementation of Chemical Safety and Hazard Investigation Board Requirement

Section 112(r)(7)(B)(iii) requires coordination with the Chemical Safety and Hazard Investigation Board (CSHIB) on accident investigations. For consistency, the subpart E rule (section 63.95 (b)(4)(i)) reiterates this requirement. State and local agencies believe this language should be deleted because the CSHIB has not yet been established. Continued inclusion of this provision imposes a meaningless requirement. It should be noted, however, that the CSHIB may be convened at some later date. The EPA agrees that it is appropriate that the requirement not take effect until the CSHIB is convened. Consequently, section 63.95(b)(4)(i) is being revised to add the sentence, ''This requirement will not take effect until the Chemical Safety and Hazard Investigation Board is convened.''

D. Approval of State Rules and Programs Designed to Limit Potential to Emit (PTE)

Currently, a number of States are submitting, for EPA approval into the State Implementation Plan, rules and programs such as prohibitory rules and federally enforceable State operating permit programs (FESOP). There are a few hazardous air pollutants (for example methylene chloride) which are not regulated by the criteria pollutant program. Accordingly, when a State seeks Federal approval of these rules and programs, as they relate to such pollutants, the EPA approval will be given pursuant to section 112(l) of the Act.

The current subpart E rule does not expressly provide for approval of programs designed to limit sources' potential to emit hazardous air pollutants. As explained in various recent notices approving PTE programs for section 112 purposes, EPA believes the authority exists under section 112(l) of the statute to approve PTE programs. Promulgation of a rule expressly providing for such approvals is consistent with this statutory authority. Thus, the EPA is today revising subpart E to clarify that it may be used to approve State PTE programs for section 112 purposes, in order to ensure that an unintended ''gap'' does not exist for pollutants such as methylene chloride.

The EPA notes that it is currently reexamining its policy on PTE for the section 112, title V, and new source review programs. One possible outcome of this reexamination is that PTE limits will no longer have to be federally enforceable. However, EPA believes that today's revision to subpart E is neutral with respect to this issue. The revision to subpart E merely clarifies that the rule may be used as a pathway for approval of State PTE programs. It does not in and of itself establish a

requirement that limits on PTE must be issued pursuant to a program approved by EPA. In other words, today's revision clarifies that subpart E may be used to approve a PTE program that a State chooses to submit, without addressing whether or why a State would make this choice.

II. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year.

Today's rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, or tribal governments or the private sector. The UMRA generally excludes from the definition of ''Federal intergovernmental mandate'' duties that arise from participation in a voluntary Federal program. The EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

III. Administrative

A. Paperwork Reduction Act

The information collection requirements of the previously promulgated subpart E rulemaking were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (with an OMB approval control number 2060–0264) may be obtained from the Regulatory Information Division (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, or by calling (202) 260–2740.

Today's changes to the rulemaking may slightly reduce the information collection burden estimates made previously. Since the expected reduction will not be significant, the ICR has not been revised.

B. Executive Order 12866 Review

The subpart E rulemaking, promulgated on November 26, 1993 was considered a ''significant regulatory action'' under Executive Order 12866 (58 FR 5173, dated October 4, 1993) and submitted to OMB for review. According to the Executive Order, a ''significant regulatory action is one that is likely to result in a rule that may:

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

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

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

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

Today's action is not considered a ''significant regulatory action'' within the meaning of this Executive Order. The amendments issued today clarify the rule and change certain administrative requirements to increase the flexibility to States in terms of gaining approval of their respective State programs. Therefore, the EPA concludes these amendments do not need to undergo OMB review.

C. Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. This rule will not increase, and is likely to reduce, regulatory burdens on small businesses. EPA has determined that this rule will have no adverse effect on small businesses.

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 63

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

Dated: June 26, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.90 is amended by adding a sentence after the third sentence and a sentence at the end of the introductory text to read as follows:

§ 63.90 Program overview.

* * * In this process, States may seek approval of a State mechanism for receiving delegation of existing and future unchanged Federal section 112 standards. * * * This subpart also establishes procedures for the approval of State rules or programs to establish limitations on the potential to emit pollutants listed in or pursuant to section 112(b) of the Act.

* * * * *

2. Section 63.91 is amended by revising paragraph (a) introductory text to read as follows:

§ 63.91 Criteria common to all approval options.

(a) Approval process. To obtain approval under this subpart of a rule or program that is different from the Federal rule, the criteria of this section and the criteria of either § 63.92, § 63.93 or § 63.94 must be met. For approval of State programs to implement and enforce Federal section 112 rules as promulgated without changes (except for accidental release programs), only the criteria of this section must be met. This includes State requests for upfront approval of their mechanism for taking delegation of future unchanged Federal section 112 standards and requirements as well as approval to implement and enforce unchanged Federal section 112 standards and requirements on a rule-by rule basis. For approval of State rules or programs to implement and enforce the Federal accidental release prevention program as promulgated without

changes, the requirements of this section and section § 63.95 must be met. In the case of accidental release prevention programs which differ from the Federal accidental release prevention program, the requirements of this section, § 63.95, and either § 63.92 or § 63.93 must be met. The Administrator may, under the authority of Section 112(l) and this subpart, also approve a State program designed to establish limits on the potential to emit of pollutants listed pursuant to Section 112(b) of the Clean Air Act. For a State's initial request for approval of any rule or program under this subpart, and except as otherwise specified under § 63.92, § 63.93, or § 63.94 for a State's subsequent requests for approval, the approval process will be the following:

* * * * *

§ 63.93 [Amended]

3. Section 63.93 is amended by removing paragraph (b)(4)(iv).

4. Section 63.95 is amended by revising paragraph (b)(4)(i) to read as follows:

§ 63.95 Additional approval criteria for accidental release prevention programs.

* * * * *

(b) * * *

(4) * * *

(i) The Chemical Safety and Hazard Investigation Board, particularly during accident investigation. This requirement will not take effect until the Chemical Safety and Hazard Investigation Board is convened; and

* * * * *

[FR Doc. 96–17323 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[OPP–300414A; FRL–5381–4]

RIN 2070–AB78

Triphenyltin Hydroxide; Tolerance Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a final tolerance rule for triphenyltin hydroxide. All domestic registrations of triphenyltin hydroxide for use on carrots, peanuts and peanut hulls have been cancelled and EPA is revoking these tolerances.

EFFECTIVE DATES: This regulation is effective August 9, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket number, [OPP–300414A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to:opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and data in electronic form must be identified by the docket number [OPP–300414A]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: Jude Andreasen, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Telephone: (703) 308–8016; e-mail: andreasen.jude@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 6, 1996 (61 FR 8901)(FRL–5347–7), EPA issued a proposed rule that gave notice that EPA intended to revoke tolerances for triphenyltin hydroxide on carrots, peanuts and peanut hulls. There were no comments or requests for referral to an advisory committee received in response to the proposed rule. The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances are not needed to protect the public health. Therefore, the tolerances are being removed as set forth below.

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

A record has been established for this rulemaking under docket number OPP–300414A (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

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

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

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

Dated: June 24, 1996.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.236 is revised to read as follows:

§ 180.236 Triphenyltin hydroxide; tolerances for residues.

Tolerances are established for residues of the fungicide triphenyltin hydroxide in or on raw agricultural commodities as follows:

Commodity	Parts per million
Cattle, goats, hogs, horses and sheep, kidney and liver	0.05
Pecans	0.05
Potatoes	0.05
Sugar beet, roots	0.1

[FR Doc. 96–17571 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 4F4321/R2251; FRL–5381–7]

RIN 2070–AB78

Pesticide Tolerance for 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for combined residues of the fungicide 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound in or on the raw agricultural commodity stonefruit group at 1.0 part per million (ppm). The regulation to establish a maximum permissible level for residues of the fungicide was requested in a petition submitted by the Ciba-Geigy Corp.

EFFECTIVE DATE: This regulation becomes effective July 10, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4321/R2251], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the

docket number [PP 4F4321/R2251] . No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305-6226; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice (FRL–4971–5), published in the Federal Register of November 15, 1995 (60 FR 57421), which announced that Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419 had submitted pesticide petition (PP) 4F4321 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish a tolerance for combined residues of the fungicide 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole in or on the raw agricultural commodity stonefruit group at 1.0 ppm part per million (ppm). There were no comments received in response to the notice of filing.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance include:

1. Plant and animal metabolism studies.
2. Residue data for crop and livestock commodities.
3. Two enforcement methods and multiresidue method testing data.
4. A 90–day rat feeding study with a no-observable-effect level (NOEL) of 12 mg/kg/day.
5. A 90–day dog feeding study with a NOEL of 1.25 mg/kg/day.
6. A rabbit developmental toxicity study with a maternal NOEL of 100 mg/kg/day and a developmental toxicity NOEL of greater than 400 mg/kg/day (highest dose tested) (HDT)).
7. A rat teratology study with a maternal NOEL of 30 mg/kg/day and a developmental toxicity NOEL of 30 mg/kg/day.
8. A two-generation rat reproduction study with a reproductive NOEL of 125 mg/kg/day (HDT) and a developmental toxicity NOEL of 25 mg/kg/day.
9. A 1–year dog feeding study with a NOEL of 1.25 mg/kg/day.
10. A 2–year rat chronic feeding/carcinogenicity study with a NOEL of 5 mg/kg/day with no carcinogenic potential under the conditions of the study up to and including approximately 125 mg/kg/day, the highest dose tested.
11. A 2–year mouse chronic feeding/carcinogenicity study with a NOEL of 15 mg/kg/day and with a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at approximately 375 mg/kg/day, the highest dose tested.
12. Ames test with and without activation, negative.
13. A mouse dominant-lethal assay, negative.
14. Chinese hamster nucleus anomaly, negative.
15. Cell transformation assay, negative.

Ciba-Geigy submitted information which resolved the previously outstanding concerns about the nature of the residue in ruminants, an explanation of recovery calculations, and an explanation of the crop field trial protocol. Data gaps exist concerning dosing in the mouse carcinogenicity study. These data requirements were required under reregistration, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq.

As part of EPA's evaluation of potential human health risks, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole has been the subject of five Peer Reviews and one Scientific Advisory Panel (SAP) meeting. 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole was originally evaluated by the Peer Review Committee on January 15, 1987, and classified as a Group C (possible human) carcinogen with a recommendation made for the quantification of estimated potential human risk using a linearized low-dose extrapolation. The method resulted in the establishment of a Q^* of 7.9×10^{-2} $(mg/kg/day)^{-1}$.

The Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Panel on March 2, 1988. The Panel did not concur with the committee's overall assessment of the weight-of-evidence on the carcinogenicity of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole. The Panel recommended placing the chemical in Group D, indicating that the Group C classification was based on minimal evidence. The Panel's determination that EPA's Group C classification was based on minimal evidence was due to the fact that the incidence of liver tumors in male mice only occurred when the mice were given an excessive chemical dose.

As part of a fifth Peer Review, EPA considered additional information provided by the registrant in support of the registrant's argument that the high dose was excessively toxic in the mouse carcinogenicity study. It further argued that the data from the high dose (2,500 ppm) should not be included in the evaluation of carcinogenic potential of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole. In support of these arguments, the registrant provided two subchronic oral toxicity studies in mice. Ciba-Geigy also provided a reread of the pathology slides from a mouse oncogenicity study which it felt indicated sufficient concurrent liver toxicity at 2,500 ppm to document that this dose was excessive. These findings were not present in the original pathology report. Owing to the inconsistency in Ciba-Geigy's report and the original report, the Agency requested that an independent (third) evaluation of the pathology slides be made to determine if the pathology reported could be confirmed. The results of this (third) pathology evaluation were used in the fifth Peer Review in place of data resulting from the earlier evaluations provided by Ciba-Geigy.

The Peer Review Committee considered the following facts regarding the toxicology data on 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole in a weight-of-evidence determination of carcinogenic potential:

1. Increased numbers of adenomas (increased trend and pairwise comparison) were found in the livers of male CD1 mice given 2,500 ppm of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole in their diet.
2. The treated animals had earlier fatalities than the controls.
3. The numbers of carcinomas were increased (trend only) in male mice only at the 2,500 ppm dose level. Tumors were not significantly increased at the 500 ppm dose level. Adenomas observed in the treated animals were larger and more numerous than those in controls; however, the tumor type (adenoma) was the same.
4. No excessive number of tumors was found in female mice.
5. In a rat study conducted with acceptable doses of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole, no

excessive numbers of tumors were found.

The Peer Review Committee determined, based on the additional information submitted by Ciba-Geigy from two 90–day subchronic studies in mice that the 2,500 ppm dose used in the 2-year chronic study exceeded the maximum tolerated dose (MTD) based on the endpoint of hepatic necrosis, and the 500 ppm dose used in the chronic study was inadequate to assess the carcinogenicity of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole. Based on the third pathology evaluation of the chronic study, the Peer Review Committee disagreed with Ciba-Geigy's argument that the study showed excessive toxicity at the 2,500 ppm dose. However, the Peer Review Committee concluded that the 90–day subchronic studies are a better measure of what would be an MTD.

Based upon these findings, the Peer Review Committee agreed that the classification for 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole should remain a Group C (possible human) carcinogen and recommended against the previously used Q* (viz. 0.079) for risk assessment purposes. For the purpose of risk characterization the Peer Review Committee recommended that the reference dose (RfD) approach should be used for quantification of human risk. This decision was based on the disqualification of the high dose (2,500 ppm), making the data inappropriate for the calculation of Q*. Because the middle dose (500 ppm) was not considered sufficiently high enough for assessing the carcinogenic potential of 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole, EPA has requested an additional mouse study at intermediate dose levels in male mice only. EPA does not expect that these data will significantly change the above cancer assessment that 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole poses a negligible risk to humans.

The reference dose for 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4-triazole is 0.013 mg/kg/day, and based on a NOEL of 1.25 mg/kg/day and an uncertainty factor of 100. The NOEL is taken from a 1–year dog feeding study that demonstrated irritation of the stomach in males as an endpoint effect. The Anticipated Residue Contribution (ARC) from the current action is estimated at 0.000673 mg/kg/day and utilizes 5 percent of the RfD of the general population of the 48 states. The ARC for the most highly exposed subgroup, non-nursing infants < 1 year is 0.002203 mg/kg/day (17 percent of the RfD).

The nature of the residue in plants and animals is adequately understood and adequate analytical methods (gas chromatography) are available for enforcement purposes. Adequate animal tissue, milk, and egg tolerances exist to cover secondary residues incurred in those commodities from the proposed uses.

The enforcement methodology has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual, Volume II (PAM II). Because of the long lead time for publication of the method in PAM II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305-5232.

There are presently no actions pending against the continued registration of this chemical. The pesticide is considered useful for the purpose for which the tolerance is sought.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

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

A record has been established for this rulemaking under the docket number [PP 4F4321/R2251] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of 100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3)

materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

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

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

Pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: July 2, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.434, the table in paragraph (a) is amended by adding alphabetically an entry for stonefruit group to read a follows:

§ 180.434 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

* * * * *

(a) * * *

Commodity	Parts per million
* * * * *	
Stonefruit group	1.0
* * * * *	

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[FR Doc. 96–17576 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 73

[MM Docket No. 95–42; FCC 96–274]

Digital Data Transmission Within the Video Portion of TV Broadcast Station Transmissions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends the Commission's Rules to allow broadcast television licensees to use approved methods of ancillary data transmission without prior Commission authorization. The methods approved in this Report and Order are two ''overscan'' systems, as proposed by Yes! Entertainment Corporation and A.C. Nielsen Company, and two ''sub-video'' systems, as proposed by Digideck, Incorporated and WavePhore, Inc. The intended effect of this rule is to permit the transmission of data streams in the NTSC television signal for a variety of uses, such as software and business data downloading, activation of interactive toys, and program identifying and tracking.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Jim McNally, Gordon Godfrey, or Paul Gordon, Mass Media Bureau, Policy and Rules Division, (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, FCC 96–274, adopted June 21, 1996 and released June 28, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Order

1. This Report and Order amends the Commission's Rules to allow broadcast television licensees to use approved methods of ancillary data transmission without prior Commission authorization. Examination of this issue was raised in the *Notice of Proposed Rule Making* in this proceeding.[1] Two of the newly approved types of systems involve ''overscan'' methods, and the other two use a ''sub-video'' method. These methods, as well as a ''signal substitution'' method proposed by En Technology Corporation (En), will be further described below. We do not have a basis for imposing a government-imposed standard for digital data at this time.

Background

2. 47 CFR 73.646 allows the transmission, without prior Commission consent, of ancillary telecommunications services within the Vertical Blanking Interval (VBI) (Line 1 through Line 21) of television broadcast signals. The VBI precedes the active video portion of the standard NTSC television signal. In contrast, data transmission systems operating within the active video portion of the television picture have been authorized only on a case-by-case basis, in order to protect the public's ability to receive high-quality over-the-air video broadcast transmissions. Various parties have now asked the Commission to permit broadcasters to employ new data transmission systems utilizing the active video portion of the television picture.

3. *Overscan*. Ancillary data transmitting systems using the ''overscan'' method function by replacing the transmitted video signal with digitally encoded information in an area on the perimeter of the picture, not normally seen by viewers because it is masked off by the television cabinet. Line 22, the first line of active video, has traditionally been used for this purpose and Yes! proposes to use the extreme left edge of the picture

[1] 60 FR 24606, May 9, 1995.

similarly. Nielsen has been using line 22 since 1989, under temporary, conditional authority, to transmit the Nielsen Automated Measurement of Lineup (AMOL) system signal identification codes, and is seeking permanent authority for this use.

4. *Sub-video.* Sub-video systems distribute the ancillary signals throughout the visible picture. The amplitudes of these signals are kept sufficiently low (or are confined to such a limited part of the normally emitted video spectrum bandwidth) that they are supposed to be imperceptible to the viewer. WavePhore and Digideck have developed different sub-video systems. Both systems continue to be examined by the National Data Broadcasting Committee (the Committee), an entity formed in 1993 by the National Association of Broadcasters and the Consumer Electronics Group of the Electronic Industries Association.

Authorizing Ancillary Services

5. The Commission approves the use of the Yes!, Nielsen, Digideck and WavePhore signal transmission systems, as presented in this proceeding, by all television broadcast stations, including low power TV stations. It retains the authority to direct licensees to take corrective action should the ancillary transmissions unacceptably harm picture quality or cause interference to other stations. According to the Commission, this action is not inconsistent with others' ongoing efforts to develop a coherent national standard recommendation for certain data services.

Authorization of Specific Systems

6. The problem-free operation of previous overscan systems verifies the inherently innocuous nature of their use and prompts the Commission to approve the use of the Yes! system and to grant permanent authority to Nielsen for its AMOL system to be used on line 22 on a non-exclusive basis. Further, the Commission does not set a technical standard or sharing criteria for Line 22 overscan systems, as had been requested by Airtrax in a related petition.

7. The Commission found that sub-video systems, apparently also can operate as proposed without causing material picture degradation or increasing the host station's potential for causing interference. Approval of the use of these systems is based on the favorable results of the National Data Broadcasting Committee's laboratory testing and on the Commission reliance that broadcasters will continue to exercise full technical control over their signals and will be responsible for operating in a manner that does not increase their stations' potential for causing interference or degrade picture quality.

8. The Commission decided not to delay the deployment of these systems in order to set a mandatory standard or standards, given that they will be directed, at least initially, either to subscribers of a particular service or to viewers who have purchased special equipment to receive the signals. Should more general-consumer oriented services be developed in the future, it can reexamine the issue of standards in that context.

9. Data insertion systems must protect the integrity of closed captioning signals on line 21. Any data insertion must be accomplished in a manner that leaves the licensee with the capability to modify, reduce, or eliminate the data insertion if necessary to terminate any interference caused, or to restore the quality of a degraded picture.

Licensees' Rights and Obligations

10. Ancillary signals may be analog or digital, and they can be used to provide broadcast, point-to-point, or point-to-multipoint services. Services that are common carrier in nature are subject to common carrier regulation. Licensees that desire to operate in a common carrier mode must apply to the Commission for the appropriate authorization and comply with all policies and rules applicable to the particular service. Each licensee must retain ultimate control over the content of any inserted data and retain the ability to remove ancillary information from the signal when it deems necessary, unless the ancillary services are common carrier in nature.

11. Signals that are intended for an audience needing special equipment or who must subscribe to the service do not constitute ''broadcasting.'' For example, the rule addressing the lowest unit charge for political candidates does not apply to these transmissions. At the same time, however, if significant public interest uses of this ancillary transmission technology suggest themselves, the Commission may consider means by which to advance or ensure such usage of the broadcast spectrum.

Miscellaneous Issues

12. Comsat expressed concern about sub-video data insertion causing problems where analog video is converted to digital video for program distribution, which may also be a concern for possible future consumer digital VCRs. Because industry participants have sufficient interest and the greatest expertise to resolve these issues, the Commission does not see a specific role for it to play at this point.

13. A proposal by Radio Telecom and Technology, Inc. to include its ''reverse VBI'' technology in this proceeding is beyond the proper scope of this proceeding and is not included in the instant consideration.

14. One commenting party, En Technology, submitted information regarding its ''Malachi'' system. The Malachi system would typically replace many lines, or portions of lines, and thus be quite perceptible to the viewer. Such a system raises additional issues regarding spectrum allocation and use that have not been addressed in this proceeding, and it would appear to go beyond the scope of the operational flexibility proposed in the *NPRM*. Accordingly, the Commission does not authorize use of the En system in this *Report and Order*.

Ordering Clause

15. Therefore, *it is ordered that,* pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that Part 73 of the Commission' Rules and Regulations IS AMENDED as set forth below.

16. *It is further ordere that* the requests of A.C. Nielsen Company and Yes! Entertainment Corporation for the Commission to allow television broadcast licensees to use their respective overscan ancillary data transmission systems without prior Commission authorization ARE GRANTED to the extent indicated above, and in all other aspects ARE DENIED.

17. *It is further ordered that* the requests of WavePhore, Inc. and Digideck, Inc. for the Commission to allow television broadcast licensees to use their respective sub-video ancillary data transmission systems without prior Commission authorization ARE GRANTED to the extent indicated above, and in all other aspects ARE DENIED.

18. *It is further ordered that* the petition for Rule Making filed by Airtrax is dismissed.

Final Regulatory Flexibility Act Analysis

I. Reason for Action

In recent years, several new methods of embedding data within television video signals have been developed. These methods degrade television video by varying degrees, but only one of the methods is by design intended to be perceived by viewers. The Commission is acting to provide for such services

that do not significantly degrade the television picture because it believes its broadcast licensees have the qualifications and experience to determine which of the new systems are maximally compatible with their primary broadcast obligations and may yet be used to provide additional information services to segments of the public.

II. Objectives

The action taken herein provides an interim standard for the use of the above-described data transmission technologies and is intended to benefit broadcasters and the generally small entities which are believed to be the most likely providers of ancillary data services.

III. Legal Basis

The action taken is authorized by Sections 4 (i) and (j), 302, 303 and 403 of the Communications Act of 1934, as amended.

IV. Description, Potential Impact and Number of Small Entities Affected

Many broadcasters are considered to be small business entities. Thus, several thousand licensees of television broadcast facilities of all types (commercial and educational VHF and UHF stations, translators, boosters and Low Power TV stations) could benefit from the rule amendments herein adopted. Most providers of the data services envisioned herein are also expected to fall within the classification of a ''small business entity,'' at least initially. Their number is unknown, but may amount to several hundred over the next few years.

V. Recording, Record Keeping and Other Compliance Requirements

No comments specifically addressed the Initial Regulatory Flexibility Analysis. No new record-keeping or compliance requirements are imposed by the new rules.

VI. Federal Rules which Overlap, Duplicate or Conflict With this Rule

None.

VII. Any Significant Alternative Minimizing Impact on Small Entities and Consistent With the Stated Objectives

None.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

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

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334.

2. Section 73.621 is amended by revising paragraph (f) to read as follows:

§ 73.621 Noncommercial educational TV stations.

* * * * *

(f) Telecommunications Service on the Vertical Blanking Interval and in the Visual Signal. The provisions governing VBI and visual signal telecommunications service in § 73.646 are applicable to noncommercial educational TV stations.

* * * * *

3. Section 73.646 is amended by revising the section heading and paragraphs (a), (b), (d), (e) and (f) to read as follows:

§ 73.646 Telecommunications Service on the Vertical Blanking Interval and in the Visual Signal.

(a) Telecommunications services permitted on the vertical blanking interval (VBI) and in the visual signal include the transmission of data, processed information, or any other communication in either a digital or analog mode.

(b) Telecommunications service on the VBI and in the visual signal is of an ancillary nature and as such is an elective, subsidiary activity. No service guidelines, limitations, or performance standards are applied to it. The kinds of service that may be provided include, but are not limited to, teletext, paging, computer software and bulk data distribution, and aural messages. Such services may be provided on a broadcast, point-to-point, or point to multipoint basis.

* * * * *

(d) Television licensees are authorized to lease their VBI and visual signal telecommunications facilities to outside parties. In all arrangements entered into with outside parties affecting telecommunications service operation, the licensee or permittee must retain control over all material transmitted in a broadcast mode via the station's facilities, with the right to reject any material that it deems inappropriate or undesirable. The licensee or permittee is also responsible for all aspects of technical operation involving such telecommunications services.

(e) The grant or renewal of a TV station license or permit will not be furthered or promoted by proposed or past VBI or visual signal telecommunications service operation; the licensee must establish that its broadcast operation serves the public interest wholly apart from such telecommunications service activities. (Violation of rules applicable to VBI and visual signal telecommunications services could, of course, reflect on a licensee's qualifications to hold its license or permit.)

(f) TV broadcast stations are authorized to transmit VBI and visual telecommunications service signals during any time period, including portions of the day when normal programming is not broadcast. Such transmissions must be in accordance with the technical provisions of § 73.682.

4. Section 73.682 is amended by adding paragraph (a)(24) to read as follows:

§ 73.682 TV transmission standards.

(a) * * *

(24) Licensees and permittees of TV broadcast and low power TV stations may insert non-video data into the active video portion of their TV transmission, subject to certain conditions:

(i) The active video portion of the visual signal begins with line 22 and continues through the end of each field, except it does not include that portion of each line devoted to horizontal blanking. Figures 6 and 7 of § 73.699 identify the numbered line referred to in this paragraph;

(ii) Inserted non-video data may be used for the purpose of transmitting a telecommunications service in accordance with § 73.646. In addition to a telecommunications service, non-video data can be used to enhance the station's broadcast program service or for purposes related to station operations. Signals relating to the operation of TV stations include, but are not limited to program or source identification, relay of broadcast materials to other stations, remote cueing and order messages, and control and telemetry signals for the transmitting system; and

(iii) A station may only use systems for inserting non-video information that have been approved in advance by the Commission. The criteria for advance approval of systems are as follows:

(A) The use of such signals shall not result in significant degradation to any portion of the visual, aural, or program-related data (closed captioning) signals of the television broadcast station;

(B) No increase in width of the television broadcast channel (6 MHz) is permitted. Emissions outside the authorized television channel must not exceed the limitations given in § 73.687(e). Interference to reception of television service either of co-channel or adjacent channel stations must not increase over that resulting from the transmission of programming without inserted data; and

(C) Where required, system receiving or decoding devices must meet the TV interface device provisions of Part 15, Subpart H of this chapter.

(iv) No protection from interference of any kind will be afforded to reception of inserted non-video data.

(v) Upon request by an authorized representative of the Commission, the licensee of a TV station transmitting encoded programming must make available a receiving decoder to the Commission to carry out its regulatory responsibilities.

* * * * *

5. Section 73.1207 is amended by revising paragraph (b)(2) to read as follows:

§ 73.1207 Rebroadcasts.

* * * * *

(b) * * *

(2) Permission must be obtained from the originating station to rebroadcast any subsidiary communications transmitted by means of a multiplex subcarrier or telecommunications service on the vertical blanking interval or in the visual signal of a television signal.

* * * * *

6. Section 73.3613 is amended by revising paragraph (e) to read as follows:

§ 73.3613 Filing of contracts.

* * * * *

(e) The following contracts, agreements or understandings need not be filed but shall be kept at the station and made available for inspection upon request by the FCC: contracts relating to the sale of television broadcast time to ''time brokers'' for resale; subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the TV vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators.

[FR Doc. 96–17562 Filed 7–9–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 96–D314]

Defense Federal Acquisition Regulation Supplement; Individual Compensation

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8086 of Public Law 104–61 by placing a ceiling on allowable individual compensation under DoD contracts that are awarded after July 1, 1996, when payments are from funds appropriated in fiscal year 1996.

DATES: *Effective date:* July 10, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before September 9, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 96–D314 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 8086 of the National Defense Appropriations Act for Fiscal Year 1996 (Pub. L. 104–61) limits allowable costs for individual compensation to $200,000 per year unless the Office of Federal Procurement Policy (OFPP) establishes in the Federal Acquisition Regulations guidance governing the allowability of individual compensation. On June 10, 1996, OFPP advised that it has determined that it will not alter the $200,000 ceiling on allowable individual compensation costs contained in the Public Law. This restriction applies to DoD contracts awarded after July 1, 1996, when payments are from funds appropriated in fiscal year 1996.

The interim DFARS rule amends DFARS Subpart 231.2, Contracts with Commercial Organizations; Subpart 231.3, Contracts with Educational Institutions; Subpart 231.6, Contracts with State, Local, and Federally Recognized Indian Tribal Governments; and Subpart 231.7, Contracts with Nonprofit Organizations, to implement the statutory ceiling on allowable individual compensation costs. In supplementing the cost principle at FAR 31.205–6, this DFARS rule relies upon the definition of compensation found in the FAR cost principle.

B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 8086 of the National Defense Appropriations Act for Fiscal Year 1996 (Pub. L. 104–61) and applies to all DoD contracts issued after July 1, 1996. An interim rule is necessary to ensure that DoD contracting activities become aware of the statutory ceiling on allowable individual compensation costs when forward pricing contracts which will be awarded after July 1, 1996, using fiscal year 1996 funds. However, comments received in response to the publication of this interim rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and therefore the cost principles do not apply. In addition, this interim DFARS rule applies only to DoD contractors who incur individual compensation costs in excess of $200,000 per year in performing new contracts awarded after July 1, 1996, using funds appropriated in fiscal year 1996. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will also be considered in accordance with Section 610 of the Act. Such comments must be submitted

separately and cite 5 U.S.C. 601, *et seq.* (DFARS Case 96–D314), in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104–13) does not apply because the interim rule does not impose any additional reporting or recordkeeping requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

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

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205–6 is amended by revising paragraph (a)(2) to read as follows:

231.205–6 Compensation for personal services.

(a)(2)(i) Costs for individual compensation in excess of $250,000 per year are unallowable under DOD contracts that are awarded after April 15, 1995, and are funded by fiscal year 1995 appropriations (Section 8117 of Pub. L. 103–335).

(ii) Costs for individual compensation in excess of $200,000 per year are unallowable under DOD contracts that are awarded after July 1, 1996, and are funded by fiscal year 1996 appropriations (Section 8086 of Pub. L. 104–61).

* * * * *

3. Section 231.303 is amended by revising paragraph (3) to read as follows:

231.303 Requirements.

* * * * *

(3) The limitations on allowable individual compensation at 231.205–6(a)(2) (i) and (ii) also apply to this subpart.

4. Section 231.603 is revised to read as follows:

231.603 Requirements.

The limitations on allowable individual compensation at 231.205–6(a)(2) (i) and (ii) also apply to this subpart.

5. Section 201.703 is revised to read as follows:

231.703 Requirements.

The limitations on allowable individual compensation at 231.205–6(a)(2) (i) and (ii) also apply to this subpart.

[FR Doc. 96–17469 Filed 7–9–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019–6019–01; I.D. 070596A]

Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the total allowable catch of Atka mackerel in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), July 8, 1996, until 2400 hrs, A.l.t., December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 679 and at subpart H of 50 CFR part 600.

The total allowable catch of Atka mackerel for the Eastern Aleutian District and Bering Sea subarea was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI and subsequent reserve apportionment (61 FR 16085, April 11, 1996) as 26,700 metric tons (mt). (See § 679.20(c)(3)(iii).) As of June 8, 1996, 6,014 mt remain. The directed fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea was closed under § 679.20(d)(iii) on February 14, 1996, (61 FR 6323, February 20, 1996); see also § 679.20(d)(1) and opened on July 1, 1996 (61 FR 33046, June 26, 1996; see also § 679.25(a).)

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 679.20(d)(1)(iii), that the Atka mackerel total allowable catch in the Eastern Aleutian District and Bering Sea subarea soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 26,200 mt after determining that 500 mt will be taken as incidental catch in directed fishing for other species in the Eastern Aleutian District and Bering Sea subarea. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e).

Classification

This action is taken under § 679.20 and is exempt from review under E.O. 12866.

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

Dated: July 5, 1996.

Donald J. Leedy,

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

[FR Doc. 96–17585 Filed 7–5–96; 4:19 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 133
Wednesday, July 10, 1996

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–91–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes and C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9 series airplanes and C–9 (military) airplanes. This proposal would require either replacement or modification of the hydraulic damper assembly. This proposal is prompted by reports indicating that insufficient damping of the hydraulic shimmy damper in the main landing gear (MLG) can allow high torsional vibration to occur. The actions specified by the proposed AD are intended to prevent such vibration, which can damage the MLG assembly and lead to its collapse.

DATES: Comments must be received by August 19, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–91–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5336; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ‘‘Comments to Docket Number 96–NM–91–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. 96–NM–91–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received several reports of incidents in which components of the main landing gear (MLG) on McDonnell Douglas Model DC–9 series airplanes have been damaged. In one incident, the MLG torque link was broken; in another incident, the nut was stripped off of the torque link apex bolt. Investigation has revealed that, under maximum loading of the hydraulic damper assembly, which occurs during landing, the metal-to-metal seal between the cap and damper assembly housing can leak (hydraulic fluid) internally. Such leakage can reduce the effectiveness of the damper.

Insufficient damping of the MLG hydraulic shimmy damper allows torsional vibration to occur in the MLG. High torsional vibration can damage the MLG, which can result in collapse of the MLG and can cause additional damage to other parts of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9–32–289, dated March 7, 1996, which describes procedures for either replacing or modifying the hydraulic damper assembly. The replacement entails replacing the current assembly with an improved assembly. The modification involves removing shims located between the cap and damper assembly housing, increasing the torque on damper housing assembly bolts, and incorporating changes to increase the volume of fluid passing between the two damper chambers. These actions will enhance the performance of the shimmy damper and reduce the potential for torsional vibration in the MLG.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require either replacing or modifying the hydraulic damper assembly. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Other Relevant Rulemaking

The FAA previously issued AD 96–01–09, amendment 39–9485 (61 FR 2407, January 26, 1996), which addresses a similar problem found on McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes.

Cost Impact

There are approximately 878 Model DC–9 series airplanes and C–9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 590 airplanes of U.S. registry would be affected by this proposed AD.

To accomplish the proposed replacement would take approximately 5.9 work hours per airplane, at an average labor rate of $60 per work hour. Required parts would cost approximately $11,139 per airplane (two assemblies at $5,569 each). Based on these figures, the cost impact of the proposed replacement action on U.S. operators is estimated to be $11,492 per airplane.

To accomplish the proposed modification would take approximately 10.9 work hours per airplane, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,907 per airplane. Based on these figures, the cost impact of the proposed modification action on U.S. operators is estimated to be $3,561 per airplane.

Based on the figures discussed above, the cost impact of this proposed AD on the U.S. fleet would be between $2,100,990 and $6,780,280. These cost impact figures are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 adding the following new airworthiness directive:

McDonnell Douglas: Docket 96–NM–91–AD.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes, and C–9 (military) airplanes; as listed in McDonnell Douglas Service Bulletin DC9–32–289, dated March 7, 1996; 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 (b) 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 high torsional vibration from occurring, which can damage the main landing gear (MLG) assembly and lead to its collapse, accomplish the following:

(a) Within 24 months after the effective date of this AD, either replace or modify the MLG hydraulic damper assembly, in accordance with the procedures specified as either Option 1 or Option 2, respectively, in McDonnell Douglas Service Bulletin DC9–32–289, dated March 7, 1996.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

Issued in Renton, Washington, on July 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17537 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–271–AD]

RIN 2120–AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 series airplanes. This proposal would require a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. This proposal also would require modification of the rear pressure bulkhead of the fuselage. This proposal is prompted by a report of fatigue cracking in the rear pressure bulkhead of the fuselage. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

DATES: Comments must be received by August 19, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103,

Attention: Rules Docket No. 95–NM–271–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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; 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–271–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–271–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model 4101 airplanes. The CAA advises that, during fatigue tests on a Model 4101 test article, cracking was found in the rear pressure bulkhead of the fuselage. Such cracking is attributed to fatigue-related stress. Fatigue-related cracking in the rear pressure bulkhead, if not detected and correct in a timely manner, could result in reduced structural integrity of fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane.

Explanation of Relevant Service Information

Jetstream has issued Service Bulletin J41–53–020–41382A, dated September 28, 1995, as revised by Erratum No. 1, dated October 11, 1995, which describes procedures for a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead. The service bulletin also describes procedures for modification of the rear pressure bulkhead of the fuselage. The modification involves installing shear cleats, angles, brackets, and stiffeners; and removing and replacing the brackets with new brackets. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusion

This airplane model is manufactured in the United Kingdom and is 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. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, and repair, if necessary. The proposed AD also would require modification of the rear pressure bulkhead of the fuselage. The actions would be required to be accomplished in accordance with the service bulletin described previously. If any boundary angle or joint angle is cracked, the repair would be required to be accomplished in accordance with a method approved by the FAA.

Cost Impact

The FAA estimates that 26 Model 4101 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 40 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $62,400, or $2,400 per airplane.

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

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 adding the following new airworthiness directive:

Jetstream Aircraft Limited: Docket 95–NM–271–AD.

Applicability: Model 4101 airplanes, constructors numbers 41004 through 41060 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (b) 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 fatigue-related cracking in the rear pressure bulkhead, which could result in reduced structural integrity of the fuselage and, consequently, lead to the rapid decompression of the pressurized area of the airplane; accomplish the following:

(a) Prior to the accumulation of 10,000 total landings, or within 6 months after the effective date of this AD, whichever occurs later, accomplish paragraphs (a)(1) and (a)(2) of this AD, in accordance Jetstream Service Bulletin J41–53–020–41382A, dated September 28, 1995, as revised by Erratum No. 1, dated October 11, 1995.

(1) Perform a high frequency eddy current inspection to detect cracks of the boundary angle and joint angle of the rear pressure bulkhead, in accordance with the service bulletin. If any crack is detected, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) Modify the rear pressure bulkhead of the fuselage (Jetstream Modification 41382A), in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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.

Issued in Renton, Washington, on July 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–17536 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 96–ANE–08]

RIN 2120–AA64

Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to AlliedSignal Inc. TFE731 series turbofan engines. This proposal would require removal from service of certain low pressure turbine (LPT) seal plates prior to accumulating the new, reduced cyclic life limit, and replacement with serviceable LPT seal plates. This proposal is prompted by a report that the machined LPT seal plate geometry did not meet the design intent due to drawing ambiguity. The actions specified by the proposed AD are intended to prevent fatigue cracking and subsequent uncontained failure of an LPT seal plate.

DATES: Comments must be received by September 9, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–ANE–08, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: ''epd-adcomments@mail.hq.faa.gov''. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

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

SUPPLEMENTARY INFORMATION:

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 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 96–ANE–08.'' 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–ANE–08, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received a report that on certain AlliedSignal Inc. TFE731–2A, –3C and –3CR series turbofan engines the machined low pressure turbine (LPT) seal plate geometry did not meet the design intent due to drawing ambiguity. This drawing ambiguity affected all seal plates, Part Number (P/N) 3073552–2 and P/N 3074053–1. Stress analysis of these seal plates indicated that a reduction in the FAA-approved low cycle fatigue (LCF) life limit was necessary. This condition, if not corrected, could result in fatigue cracking and subsequent uncontained failure of an LPT seal plate.

The FAA has reviewed and approved the technical contents of AlliedSignal Inc. Service Bulletin (SB) No. TFE731–72–3573, dated August 15, 1995, that describes procedures for removal from service of certain part numbered LPT seal plates and replacement with serviceable parts.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require removal from service LPT seal plates, Part Number (P/N) 3073552–2 and P/N 3074053–1, prior to accumulating the new, reduced cyclic life limit of 3,700 cycles since new (CSN), and replacement with serviceable parts. The actions would be required to be accomplished in accordance with the SB described previously.

The FAA estimates that 268 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour during scheduled maintenance to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $5,000 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,356,080.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AlliedSignal Inc.: Docket No. 96–ANE–08.

Applicability: AlliedSignal Inc. Models TFE731–2A, –3C and –3CR series turbofan engines, with low pressure turbine (LPT) seal plates, Part Number (P/N) 3073552–2 and P/N 3074053–1, installed. These aircraft are installed on but not limited to Cessna Model 650 Citation III and Israel Aircraft Industries Model 1125 Westwind Astra 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 fatigue cracking and subsequent uncontained failure of an LPT seal plate, accomplish the following:

(a) Prior to accumulating 3,700 cycles since new (CSN) on LPT seal plates, P/N 3073552–2 and 3074053–1, remove from service these LPT seal plates, and replace with serviceable parts, in accordance with the Accomplishment Instructions of AlliedSignal Inc. Service Bulletin (SB) No. TFE731–72–3573, dated August 15, 1995.

(b) This action establishes a new, reduced cyclic life limit of 3,700 CSN for LPT seal plates, P/N 3073552–2 and P/N 3074053–1.

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

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

(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.

Issued in Burlington, Massachusetts, on June 11, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–17534 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 71

[Airspace Docket No. 96–ASO–13]

Proposed Amendment to Class E Airspace; Bowling Green, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E2 airspace area at Bowling Green, KY. An automated weather observing system has been installed at the Bowling Green-Warren County Regional Airport. This system transmits the required weather observations continuously to the Memphis Air Route Traffic Control

Center, which is the controlling facility for the airport. Therefore, the Class E2 surface area is amended from part time to continuous.

DATES: Comments must be received on or before August 24, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–13, Manager, Operations Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–13.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E2 airspace area at Bowling Green, KY. An automated weather observing system has been installed at the Bowling Green-Warren County Regional Airport. This system transmits the required weather observations continuously to the Memphis Air Route Traffic Control Center, which is the controlling facility for the airport. Therefore, the Class E2 surface area is amended from part time to continuous. Class E airspace areas designated as a surface area for an airport are published in Paragraph 6002 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

PART 71—[Amended]

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E airspace areas designated as a surface area for an airport Docket No. 96–ASO–13

* * * * *

ASO KY E2 Bowling Green, KY [Revised]

Bowling Green-Warren County Regional Airport, KY
(lat. 36°57′52″ N, long. 81°12′08″ W)
Bowling Green VORTAC
(lat. 36°55′43″ N, long. 86°26′36″ W)

Within a 4.2-mile radius of Bowling Green-Warren County Regional Airport and within 3.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 4.2-mile radius to 7 miles southwest of the VORTAC.

* * * * *

Issued in College Park, Georgia, on June 26, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–17599 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–ASO–16]

Proposed Establishment of Class E Airspace; Currituck, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Currituck, NC. A GPS RWY 22 Standard Instrument Approach Procedure (SIAP) has been developed for Currituck County Airport. Controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at Currituck County Airport. The

operating status of the airport will change from VFR to include IFR operations concurrent with publication of this SIAP.

DATES: Comments must be received on or before August 26, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–16, Manager, Operations Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–16.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Currituck, NC. A GPS RWY 22 SIAP has been developed for Currituck County Airport. Controlled airspace extending upward from 700 feet AGL is needed to accommodate this SIAP and for IFR operations at Currituck County Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with publication of this SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO GA E5 Currituck, NC [New]

Currituck County Airport, NC
(lat. 36°23′56″N, long. 76°00′59″W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Currituck County Airport.

* * * * *

Issued in College Park, Georgia, on June 28, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–17598 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–ASO–14]

Proposed Amendment to Class E Airspace; London, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E2 airspace area at London, KY. An automated weather observing system is being installed at the London-Corbin Airport-Magee Field. This system will transmit the required weather observations continuously to the Indianapolis Air Route Traffic Control Center, which is the controlling facility for the airport. Therefore, the Class E2 surface area will be amended from part time to continuous.

DATES: Comments must be received on or before August 24, 1996.

ADDRESSES: Send comments on the proposal in triplicate: Federal Aviation

Administration, Docket No. 96–ASO–14, Manager, Operations Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–14.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Administration (14 CFR Part 71) to amend the Class E2 airspace area at London, KY. An automated weather observing system is being installed at the London-Corbin Airport-Magee Field. This system will transmit the required weather observations continuously to the Indianapolis Air Route Traffic Control Center, which is the controlling facility for the airport. Therefore, the Class E2 surface area will be amended from part time to continuous. Class E airspace areas designated as a surface area for an airport are published in Paragraph 6002 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO KY E2 London, KY [Revised]

London-Corbin Airport-Magee Field, KY (lat. 37°05′14″ N, long. 84°04′37″ W)

Within a 6-mile radius of London-Corbin airport-Magee Field.

* * * * *

Issued in College Park, Georgia, on June 26, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–17596 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–ASO–11]

Proposed Amendment to Class E Airspace; Smithfield, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Smithfield, NC. An amendment to the LOC/DME RWY 3 Standard Instrument Approach Procedure (SIAP) has been developed for the Smithfield/Johnston County Airport. An airspace review revealed that less controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP amendment, the current NDB or GPS RWY 22 SIAP and for IFR operations at the airport.

DATES: Comments must be received on or before August 12, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–11, Manager, Operations Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–11.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Smithfield, NC. This proposal also makes a technical correction to the airport name, changing it from the Johnston County Airport to the Smithfield/Johnston County Airport. An airspace review revealed that less controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate a proposed amendment to the LOC/DME RWY 3 SIAP, the current NDB or GPS RWY 22 SIAP and for IFR operations at the Smithfield/Johnston County Airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO NC E5 Smithfield, NC [Revised]

Smithfield/Johnston Airport, NC
(lat. 35°32′27″ N., long. 78°23′25″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Smithfield/Johnston County Airport.

* * * * *

Issued in College Park, Georgia, on June 21, 1996.

Benny L. McGlamery,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–17595 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–AGL–8]

Proposed Establishment of Class E Airspace; Grafton, ND, Grafton Municipal Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Grafton, North Dakota. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 35 has been developed for the Grafton Municipal Airport. Controlled airspace extending upward from 700 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before August 10, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 96–AGL–8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation

Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–AGL–8.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Grafton, ND; this proposal would provide adequate Class E airspace for operators executing the GPS Runway 35 SIAP at Grafton Municipal Airport. Controlled airspace extending upward from 700 feet AGL is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL ND E5 Grafton, ND [New]

Grafton Municipal Airport, ND
(lat. 48°24′17″ N, long. 97°22′15″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Grafton Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on June 20, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–17590 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–ANM–017]

Proposed Amendment of Class E Airspace; Torrington, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposed rule would amend the Torrington, Wyoming, Class E airspace to provide additional controlled airspace to accommodate a Nondirectional Beacon (NDB) standard instrument approach procedure (SIAP) at the Torrington Municipal Airport. The area would be depicted on aeronautical charts for pilot reference.

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

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, ANM–530, Federal Aviation Administration, Docket No.

96–ANM–017, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

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

FOR FURTHER INFORMATION CONTACT: James C. Frala, ANM–532.4, Federal Aviation Administration, Docket No. 96–ANM–017, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ANM–017.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Torrington, Wyoming, to provide additional controlled airspace for a NDB SIAP at the Torrington Municipal Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM WY E5 Torrington, WY
Torrington Municipal Airport, WY
(lat. 42°03′52″N, long. 104°09′10″W)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of the Torrington Municipal Airport.

* * * * *

Issued in Seattle, Washington, on June 25, 1996.

Richard E. Prang,

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

[FR Doc. 96–17589 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–ANM–3]

Proposed Establishment of Temporary Restricted Area R–3203D, Orchard, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM) published in the Federal Register on April 22, 1996. The NPRM proposed to establish a temporary restricted area at Orchard, ID, to support the Idaho National Guard's increased training requirements. The FAA has determined that withdrawal of the proposal is warranted because insufficient time exists to complete the required rulemaking action for the additional restricted airspace prior to the exercise start date.

DATES: The proposed rule is withdrawn July 10, 1996.

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

SUPPLEMENTARY INFORMATION: On April 22, 1996, an NPRM was published in the Federal Register to amend Title 14 of the Code of Federal Regulations part 73 (14 CFR part 73) to establish a temporary restricted area at Orchard, ID, to support the Idaho National Guard's increased training requirements (61 FR 17608). No comments were received on the proposal.

The FAA has decided to withdraw the proposal at this time because insufficient time exists to complete the required rulemaking action for the additional restricted airspace prior to the exercise start date.

List of Subjects in 14 CFR Part 73

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

In consideration of the foregoing, the Notice of Proposed Rulemaking, Airspace Docket No. 96–ANM–3, as published in the Federal Register on April 22, 1996 (61 FR 17608), is hereby withdrawn.

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.

Issued in Washington, DC, on June 25, 1996.

Nancy B. Kalinowski,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–17164 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 960606162–6162]

RIN 0607–AA21

Collection of Canadian Province of Origin Information on Customs Entry Records

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Bureau of the Census (Census) intends to direct the U.S. Customs Service (Customs) to begin collecting information on Canadian Province of Origin for imports from Canada. This information would be required for all U.S. imports that originate in Canada, except for imports of softwood lumber products that already require information on Canadian Province of Manufacture. This action is taken to fulfill the requirements of the 1987 agreement between the United States and Canada under which the countries agreed to replace their requirements for reporting export data by substituting exchanged import information.

DATES: Written comments must be submitted on or before September 9, 1996.

ADDRESSES: Direct all written comments on this proposed rulemaking to the Director, Bureau of the Census, Room 2049, Federal Building 3, Washington, D.C. 20233. Direct all written comments on the paperwork burden of the collection of information contained in this proposed rule to the Office of Information and Regulatory Affairs of OMB, Washington, D.C. 20503 Attention: Desk Officer for Customs.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to C. Harvey Monk, Jr., Bureau of the Census, Washington, D.C. 20233, by telephone on (301) 457–2255 or by fax on (301) 457–2645. For information on the specific Customs reporting requirements contact: J. Edgar Nichols, U.S. Customs Service, Room 6216, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, by telephone on(202) 927–1426 or by fax on (202) 927–0165.

SUPPLEMENTARY INFORMATION:

Background

Effective in January 1990, the United States and Canada each replaced their requirements for reporting export data by agreeing to substitute exchanged import information. This substitution of exchanged import information allowed the countries to eliminate the requirements that exporters in both countries provide separate export information on the millions of shipments crossing the U.S./Canada border each year. A Memorandum of Understanding (MOU) implementing the exchange was signed by the United States and Canada on July 29, 1987.

Under the terms of the MOU, the United States and Canada agreed to collect several new data elements on their respective import records. These elements while improving both countries' statistical data and allowing elimination of export reporting are also essential to the administration of the North American Free Trade Agreement. One of the data elements that the United States agreed to collect is the Canadian Province of Origin where the specific goods exported to the United States were produced. Census has attempted in the past to derive this information from related information now reported on Customs entry records as part of the required Identification of the Foreign Manufacturer. The quality of this derived information, however, has proven unsatisfactory. In many cases the Province currently reported does not identify the location where the goods were manufactured/assembled, mined, grown, or otherwise produced. Instead, it represents a corporate headquarters or the location of the Canadian vendor.

Proposed Requirement

In order to comply with the MOU, Census asks Customs to require the two-letter designation of the Canadian Province of Origin to be reported on U.S. entry summary records in lieu of the Country of Origin. The Province of Origin is defined as the province where the exported goods were originally manufactured/assembled, grown, mined, or otherwise produced. For goods manufactured/assembled in Canada, with the exception of softwood lumber, the Province of Origin would be that in which the final manufacture/assembly is performed prior to exporting that product to the United States. In cases where the Province in which the merchandise was manufactured/assembled, grown, mined, or produced is unknown, the Province in which the Canadian vendor is located may be reported.

For all shipments of softwood lumber products classified under U.S. Harmonized System tariff items 4407.1000, 4409.1010, 4409.1090, or 4409.1020, the Census Bureau began, effective April 5, 1996, to require information on Canadian Province of Manufacture. This requirement was made to allow the United States to carry out the requirements of an agreement concluded with Canada on the amount of softwood lumber exported to the United States annually. Since Canadian Province of Manufacture is already required for these softwood lumber products, the requirements proposed in this notice do not apply.

The reporting of the Province of Origin will apply to the paper as well as Automated Broker Interface (ABI) entry summaries. For those reporting on paper forms, the Province of Origin code is to replace the Country of Origin on the Customs Form (CF) 7501 Summary Entry form. This requirement would apply only for imports with Country of Origin from Canada.

All electronic ABI Entry Summaries for imports originating in Canada would also require the new Canadian Province of Origin code to be reported in lieu of the Country of Origin. Currently the Country of Origin is transmitted for each entry summary line item in the A40 record positions 6–7.

Proposed Collection

For imports from Canada only, the Province of Origin Code replaces Country of Origin on the CF 7501, Summary Entry form and in positions 6–7 of the ABI A40 electronic record.

Valid Canadian Province/Territory Codes are:

XA—Alberta
XB—New Brunswick
XC—British Columbia
XM—Manitoba
XN—Nova Scotia
XO—Ontario
XP—Prince Edward Island
XQ—Quebec
XS—Saskatchewan
XT—Northwest Territories
XW—Newfoundland
XY—Yukon Territory

The authority to collect this information is provided under Title 13, United States Code, Section 301 (13 U.S.C. 301). This legislation authorizes the Secretary of Commerce to collect from persons importing into or exporting from the United States necessary or appropriate information to foster, promote, develop, and further the commerce, domestic and foreign, of the United States.

Paperwork Reduction Act

The collection of information on Canadian Province of Origin supplements information currently required on the Customs paper form CF 7501 and the ABI automated electronic reporting form A40 for specific softwood lumber imports from Canada. The new collection contained in this Notice of Proposed Rulemaking has been submitted to the OMB by Customs for review under Section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d). For copies of the OMB submission, contact J. Edgar Nichols, U.S. Customs Service, Room 6216, 1301 Constitution Avenue, N.W., Washington, D.C. 20229–0001, by telephone on (202) 927–1426 or by fax (202) 927–0165.

Title: Customs Form 7501 Summary Entry Form and the Electronic ABI Entry Summaries A40 Record.

OMB Number: 1515–0065.

Form Numbers: CF 7501 and CF 7501A and the automated counterpart, the A40 record.

Type of Review: Regular Submission.

Affected Public: Approximately 150 Northern Border entry filers with imports from Canada.

Estimated Time Per Response: We anticipate no increase in the current 22-minute estimate to prepare the CF 7501 and 7501A Entry Summary forms or the electronic counterpart, the Automated Commercial System (ACS) A40 record. Province of Origin is currently available to importers and the Province of Origin codes will replace the Country of Origin code currently being collected.

Estimated Total Annual Burden Hour Increase: None.

Estimated Record Keeping Time Increase: None.

Estimated Total Annual Cost Increase: None.

Comments are solicited on Customs' need for this information, the accuracy of the provided burden estimate, ways to enhance the quality of the information to be collected and any suggested methods for minimizing respondents' burden. Persons wishing to comment on this collection of information should direct their comments to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Customs. Comments must be filed with OMB within 60 days after this notice is published in the Federal Register.

Rulemaking Requirements

This rule is exempt from all requirements of section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. 553 (a)(1)). However, this rule is being published as a proposed rule with an opportunity for public comment because of the importance of the issues raised by this rulemaking.

Because a notice of proposed rulemaking is not required by 5 U.S.C. 553 or any other law, a Regulatory Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603 (a)).

This rule is exempt from the requirements of Executive Order 12866.

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Imports, Reporting and record keeping requirements.

For the reasons set out in the preamble, it is proposed that Part 30 be amended as follows:

PART 30—FOREIGN TRADE STATISTICS REGULATIONS

1. The authority citation for 15 CFR Part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization Plan No. 5 of 1950 (3 CFR 1949–1953 Camp., 1004); Department of Commerce Organization Order No. 35–2A. August 4, 1975, 40 CFR 42765

Subpart F—Special Provisions for Particular Types of Import Transactions

2. Section 30.80 is revised to read as follows:

§ 30.80 Imports from Canada.

(a) When certain softwood lumber products described under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4407.1000, 4409.1010, 4409.1090, and 4409.1020 are imported from Canada, import entry records are required to show a valid Canadian Province of Manufacture Code. The Canadian Province of Manufacture is determined on a first mill basis (the point at which the item was first manufactured into a covered lumber product). For purposes of determination, Province of Manufacture is the first province where the subject merchandise underwent a change in tariff classification to the tariff classes cited above. The Province of Manufacture Code should replace the Country of Origin on the CF 7501 Summary Entry form. For ACS entry summaries, the Canadian Province Code should be transmitted in lieu of the Country of Origin in positions 6–7 of the A40 records. These requirements would apply only for imports of softwood products with Country of Origin Canada.

(b) All other imports from Canada, including softwood lumber products not covered in paragraph (a) of this section, will require the two-letter designation of the Canadian Province of Origin to be reported on U.S. entry summary records. The Province of Origin is defined as the Province where the exported goods were originally manufactured/assembled, grown, mined, or otherwise produced. For goods manufactured/assembled in Canada with the exception of the softwood lumber described in paragraph (a) of this section, the Province of Origin is that in which the final manufacture/assembly is performed prior to exporting that product to the United States. In cases where the province in which the merchandise was manufactured/assembled, grown, mined, or produced is unknown, the province in which the Canadian vendor is located can be reported. For those reporting on paper forms the Province of Origin code is proposed to replace the country of origin on the CF 7501 Summary Entry form.

(c) All electronic ABI Entry Summaries for imports originating in Canada would also require the new Canadian Province of Origin code to be reported in lieu of the Country of Origin. Currently, the Country of Origin is transmitted for each entry summary line item in the A 40 record positions 6–7.

(d) The Province of Origin code replaces Country of Origin only for imports from Canada.

Valid Canadian Province/Territory Codes are:

XA—Alberta
XB—New Brunswick
XC—British Columbia
XM—Manitoba
XN—Nova Scotia
XO—Ontario
XP—Prince Edward Island
XQ—Quebec
XS—Saskatchewan
XT—Northwest Territories
XW—Newfoundland
XY—Yukon Territory

Dated: July 3, 1996.

Bryant Benton,

Deputy Director, Bureau of the Census

[FR Doc. 96–17485 Filed 7–9–96; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[IA–03–94]

Federal Tax Deposits by Electronic Funds Transfer; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed Income Tax Regulations relating to the deposit of Federal taxes by electronic funds.

DATES: The public hearing originally scheduled for Tuesday, July 16, 1996, beginning at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7190, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 6302 of the Internal Revenue Code. A notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing appearing in the Federal Register on Thursday, March 21, 1996 (61 FR 11595), announced that the public hearing on proposed regulations under section 6302 of the Internal Revenue Code would be held on Tuesday, July 16, 1996, beginning at 10:00 a.m., in the Commissioner's Conference Room, Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW. Washington, D.C.

The public hearing scheduled for Tuesday, July 16, 1996, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 96–17520 Filed 7–9–96; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 04–9–4028; FRL–5535–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Disapproval of 15 Percent Reasonable-Further-Progress Plan for the Philadelphia Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to disapprove the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania (for the Philadelphia ozone nonattainment area) to meet the 15 percent reasonable further progress (RFP, or 15% plan), also known as rate-of-progress (ROP) requirements of the Clean Air Act. EPA is proposing disapproval because the 15 percent plan submitted by Pennsylvania for the Philadelphia area assumes credit towards ROP for numerous control strategies which are either not fully adopted, are not creditable towards ROP under the Clean Air Act, or have not been adequately quantified. EPA cannot approve these reductions towards the 15% plan, thus causing a ''shortfall'' towards Pennsylvania's RFP demonstration. Therefore, the Commonwealth has not demonstrated sufficient reductions of volatile organic compounds (VOC) to meet the RFP requirements of the Clean Air Act. Finally, the 1990 emissions inventory estimates used in the 15% plan as the baseline for reasonable further progress differs substantially from Pennsylvania's separate 1990 base year emission inventory SIP submittal. Without justification of these differences, EPA cannot approve the revised inventory estimates.

DATES: Comments on this proposed action must be postmarked by September 9, 1996..

ADDRESSES: Written comments may be mailed to Kathleen Henry, Acting Chief, Ozone/Carbon Monoxide, and Mobile Sources Section, Mailcode 3AT21, 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. Persons interested in examining these documents should schedule an appointment with the contact person (listed below) at least 24 hours before the visiting day. Copies of the documents relevant to this action are also available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Brian K. Rehn, Ozone/Carbon Monoxide and Mobile Sources Section (3AT21), USEPA—Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or by telephone at: (215)566–2176. Questions may also be addressed via e-mail, at the following address: Rehn.Brian@epamail.epa.gov [Please note that only written comments can be accepted for inclusion in the docket.]

SUPPLEMENTARY INFORMATION:

Background

Section 182(b)(1) of the Clean Air Act (the Act), as amended in 1990, requires ozone nonattainment areas classified as moderate or above to develop plans to reduce VOC emissions by fifteen percent from the 1990 baseline inventory for the area. These ''15% plans'' were due to be submitted to EPA by November 15, 1993, with the reductions to occur within 6 years of enactment (i.e. November 15, 1996). Furthermore, the Clean Air Act sets limitations on the creditability of certain control measures towards reasonable further progress. Specifically, States cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (e.g. new car emissions standards) promulgated prior to 1990; or for reductions stemming from regulations promulgated prior to 1990 to lower the volatility (i.e., Reid Vapor Pressure) of gasoline. Furthermore, the Act does not allow credit towards RFP for post-1990 corrections to existing motor vehicle inspection and maintenance (I/M) programs or corrections to reasonably available control technology (RACT) rules, since these programs were required to be in-place prior to 1990. Additionally, section 172(c)(9) of the Clean Air Act requires ''contingency measures'' to be included in the plan revision. These measures are required to

be implemented immediately if reasonable further progress is not achieved, or if the NAAQS standard is not attained under the deadlines set forth in the Clean Air Act.

In Pennsylvania, three nonattainment areas are subject to the Clean Air Act 15 Percent rate-of-progress requirements. These are the Philadelphia severe nonattainment area, the Pittsburgh moderate nonattainment area, and the Reading moderate nonattainment area. On July, 19, 1995, EPA published, in the Federal Register, a final rule waiving the 15% rate-of-progress requirements for the Pittsburgh and Reading moderate ozone nonattainment areas. The basis for that action was a May 10, 1995, EPA policy memo allowing such ''waivers'' for areas having ambient monitoring data which demonstrated compliance with the ozone standard. On June 4, 1996, EPA revoked the waiver for the Pittsburgh area, and reinstated the 15% plan requirement. Pennsylvania submitted separate SIP revisions for Philadelphia and Pittsburgh. The 15% plan for the Philadelphia area (Philadelphia 15% plan) was submitted by Pennsylvania on November 15, 1994, and was re-submitted on January 18, 1995. The Philadelphia metropolitan area includes counties in New Jersey, Delaware, and Maryland, as well as Pennsylvania, all of which must demonstrate reasonable further progress. However, Pennsylvania is only responsible for achieving RFP within the Pennsylvania portion of that metropolitan area. The Commonwealth did not enter an agreement with the other states which comprise the metro Philadelphia area to do a multi-state 15% plan, and submitted only a plan to reduce Pennsylvania's contribution by fifteen percent. EPA is taking action today only on Pennsylvania's 15% plan submittal, which addresses only the Pennsylvania portion of the Philadelphia metropolitan area. EPA will act separately on the Pittsburgh 15% plan, at a later date.

EPA has reviewed the January 18, 1995 Philadelphia area 15% plan submittal and has identified several significant deficiencies, which prohibit approval of this SIP, per section 110 of the Clean Air Act. A detailed discussion of these deficiencies is included below, in the ''Analysis'' portion of this rulemaking action, and also in the technical support document (TSD) for this action. Due to these deficiencies, the 15 percent plan, and the associated contingency measure plan, will not achieve the total reductions required by the rate-of-progress requirements of the Act. Therefore, EPA is proposing disapproval of the plan. This action in no way implies disapproval, or any other action, with respect to the individual control measures utilized in the 15% plan or the contingency plan.

Today's action addresses only the approvability of measures towards the reasonable further progress requirement of the Act, and does not address whether the control measures or inventories included in the 15% plan comply with any specific underlying requirements of the Act. For further information regarding EPA's analysis of the Commonwealth's submittal, please refer to the TSD for this action (found in the official docket). A summary of the EPA's findings follows.

Analysis of the SIP Revision

Base Year Emission Inventory

The baseline from which states must determine the required reductions for 15 percent planning is the 1990 base year emission inventory. The inventory is broken down into several emissions source categories: stationary, area, on-road mobile sources, and off-road mobile sources. Pennsylvania submitted a formal SIP revision containing their official 1990 base year emission inventory on November 12, 1992. EPA has not yet taken rulemaking action on that inventory submittal. There are significant differences between the source categories in the officially submitted 1990 base year inventory and those contained in the 1990 base year inventory in the Philadelphia 15% plan, although total VOC emissions do not substantially vary. The Commonwealth did not acknowledge the inconsistencies in the 15% plan inventory, nor did the Commonwealth attempt to substantiate these differences. Furthermore, the base year inventory in the 15% plan lacks sufficient detail for EPA to accept it as a replacement for the official 1990 base year inventory SIP revision. Nor has Pennsylvania requested EPA to do so. Refer to the TSD for a specific comparison of the inventories. EPA intends to conduct separate rulemaking action on Pennsylvania's 1990 inventory submittal, at a later date.

Growth in Emissions Between 1990 and 1996

EPA has interpreted the Clean Air Act to require that reasonable further progress towards attainment of the ozone standard must be obtained after offsetting any growth expected to occur over that period. Therefore, to meet the 15% RFP requirement, a state must enact measures achieving sufficient emissions reductions to offset projected growth in emissions, in addition to a 15 percent reduction of VOC emissions. Thus, an estimate of emissions growth from 1990 to 1996 is necessary for demonstrating reasonable further progress. Growth is calculated by multiplying the 1990 base year inventory by acceptable forecasting indicators. Growth must be determined separately for each source, or by source category, since sources typically grow at different rates. EPA's inventory preparation guidance recommends the following indicators, in order of preference: product output, value added, earnings, and employment. Population can also serve as a surrogate indicator.

Pennsylvania's 15% plan contains growth projections for point, area, on-road motor vehicle, and non-road vehicle source categories. For a detailed description of the growth methodologies used by the Commonwealth, please refer to the TSD for this action. In general, EPA approves the Commonwealth's 1990–1996 emissions growth projections, with one exception.

EPA disagrees with the growth projections for the on-road vehicle category. The Commonwealth's 15% plan indicates that highway vehicle emissions growth is based on growth in total vehicle miles of travel (VMT) for the region, which the Commonwealth expects to increase by 7.7 million miles per day, and that on-road emissions are projected to decrease by 11.9 tons/day. Since emissions from on-highway emissions control measures are calculated separately in the plan (including reductions associated with fleet turnover and the pre-1990 motor vehicle standards) and Pennsylvania indicates that this growth is based solely upon increasing VMT growth, it is unclear how motor vehicle emissions are declining. Therefore, EPA cannot approve the Commonwealth's on-road motor vehicle growth projection. Growth in highway emissions should be determined independently of mobile source control strategies. Additionally, the 15% plan should indicate what, if any, other factors effect highway emissions growth, other than the previously identified VMT influence.

Calculation of Target Level Emissions

Pennsylvania calculated a ''target level'' of 1996 VOC emissions, per EPA guidance. First, the Commonwealth calculated the non-creditable reductions from the FMVCP program and subtracted those emissions from the 15 percent plans's 1990 inventory estimate. This yields the 1990 ''adjusted inventory''. The emission reduction required to meet the 15 percent rate-of-progress requirement equals the sum of 15 percent of the adjusted inventory and

any reductions necessary to offset emissions growth projected to occur between 1990 and 1996, plus reductions that resulted from corrections to the I/M or VOC RACT rules that were required to be in-place before 1990. Table 1 summarizes the calculations for the five-county Philadelphia area's [1] VOC target level.

Table 1.—Calculation of Required Reductions for the Philadelphia Nonattainment Area's 15% Plan

[Tons/day]

1990 Base Year Emission Inventory [15% plan version]	629.27
Adjustments for FMVCP/RVP programs in-place (prior to 1990)	−32.95
1990 Adjusted Inventory	596.32
15% of the 1990 Adjusted Inventory	89.45
Reductions from Previously Required RACT Rule Corrections	0.84
Projected 1990–1996 Emissions Growth	8.12
1996 Target Level	506.03
1996 [2] Projection Inventory	637.39
Required Reduction	131.36

[2] 1996 forecast emissions (projected from 1990), reflecting only emissions growth and in-place (or, pre-1990) controls.

Control Strategies in the 15% Plan

The specific measures adopted (either through state or federal rules) for the Philadelphia area are addressed, in detail, in the Commonwealth's 15% plan. The following is a brief description of each control measure Pennsylvania has claimed credit for in the submitted 15% plan, as well as the results of EPA's review of the use of that strategy towards the Clean Air Act rate-of-progress requirement.

Creditable Emission Control Strategies

The control measures described below are creditable towards the rate-of-progress requirements of the Act. However, the Commonwealth has in many cases failed to fully document the claimed reductions, particularly in the case of mobile source measures, which Pennsylvania estimates using a Post-Processor for Air Quality (PPAQ) computer model. This model uses MOBILE modeling information as input, and determines total reductions for mobile source control strategies. The Commonwealth provided no documentation from this modeling, with the exception of sample MOBILE input and output files and modeling assumptions which are used as input to the PPAQ. Therefore, for nearly every mobile source control strategy utilized, the 15% plan lacks detailed documentation to support the claimed reductions. EPA is not disapproving these measures, or the creditability of such measures. However, EPA cannot fully approve the reductions from the measures without additional documentation to verify the emissions estimates. For further details regarding EPA's review of the Commonwealth's control measures, please refer to EPA's TSD for this action, located in the docket.

Stage II Vapor Recovery

This state-adopted regulation requires the installation and operation of vapor recovery equipment on gasoline dispensing pumps to reduce vehicle refueling emissions. The state regulation for this program is codified in 25 PA Code § 129.75. EPA approved the Commonwealth's Stage II program on June 13, 1994 (59 FR 112). EPA supports the Commonwealth's use of this measure towards the rate-of-progress requirement. However, EPA is unable to fully verify the 17.0 tons/day credit estimate claimed by the Commonwealth for this program, due to a lack of detail regarding the methodology used to quantify Stage II reductions for the 15% plan.

Automobile Refinishing

EPA is in the process of adopting a national rule to control VOC emissions from solvent evaporation through reformulation of coatings used in auto body refinishing processes. These coatings are typically used by small businesses, or by vehicle owners. VOC emissions emanate from the evaporation of solvents used in the coating process. Pennsylvania's 15% plan claims reductions from EPA's national rule.

Use of emissions reductions from EPA's expected national rule is acceptable towards the 15% plan target. Pennsylvania claims a 35% reduction, or 6.8 tons/day from their 1996 projected uncontrolled autobody refinishing emissions. Due to inventory documentation deficiencies in the 15% plan, EPA cannot verify the claimed reduction.

Reformulated Gasoline

Section 211(k) of the Clean Air Act requires that, beginning January 1, 1995, only reformulated gasoline be sold or dispensed in ozone nonattainment areas classified as severe, or worse. This gasoline is reformulated to reduce combustion by-products and to produce fewer evaporative emissions. As a severe area, Philadelphia benefits from the emission reductions from this program. However, EPA again cannot verify the reductions from this program, based on the documentation provided by the Commonwealth in the 15% plan.

Transportation, Storage, and Disposal Facilities (TSDFs) Rule

TSDFs are private facilities that manage dilute wastewater, organic/inorganic sludges, and organic/inorganic solids. Waste disposal can be done by various means including: incineration, treatment, or underground injection or landfilling. EPA promulgated a national rule on June 21, 1990 for the control of TSDF emissions. Pennsylvania claims an expected VOC reduction of 3.13 tons/day from this national rule. This measure is creditable towards the rate-of-progress requirements of the Act. However, due to conflicts between the 1990 base and 1996 projected uncontrolled emissions from this emissions category, EPA cannot verify this claimed reduction.

Rule Effectiveness (RE) Improvements

Rule effectiveness is a means of enhancing rule compliance or implementation by industrial sources, and is expressed as a percentage of total available reductions from a control measure. The default assumption level for rule effectiveness is 80%. Pennsylvania claims RE improvements from the 80% default level to a level of 90% in their 15% plan SIP revision for Philadelphia, based upon improvements to RACT regulations for twenty-nine facilities in the 5-county Philadelphia area. The applicable RACT rules pertain to surface coating operations (PA Code § 129.52) and offset printing operations (PA Code § 129.67).

Pennsylvania followed EPA policy to quantify emissions reductions from specific RE improvements for two categories, in the absence of quantifiable compliance or emissions data. The RE measures Pennsylvania claims toward the 15% plan include facility improvements, as well as improved state oversight. Facility measures include: Improved operator training, better operation and maintenance of process equipment, improved source monitoring/reporting. State oversight improvements include: More inspector training, stringent compliance inspections of all RE improvement facilities. If the final facility inspections identify a shortfall from the projected RE emission improvements, Pennsylvania will utilize the ''surplus'' projected emissions reductions (i.e., the RE improvement from 90%–94%) to alleviate the shortfall. The state also claimed this four percent RE improvement as a contingency measure in the plan. In the event that these

[1] The five-county Philadelphia area is comprised of the following counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia.

contingency reductions are needed to satisfy the 15% reduction requirement, Pennsylvania must substitute another contingency measure in place of this RE measure. For EPA's detailed analysis of this measure, please refer to the appropriate section of the TSD for this action. RE improvements are creditable toward the 15% plan requirement of the Clean Air Act, and EPA supports Pennsylvania's emissions projections for this measure. Therefore, Pennsylvania's claimed RE improvements are approvable towards the 15% requirement of the Act.

Permanent VOC Source/Facility Shutdowns

Several industrial VOC sources that were operational in 1990 (i.e. included in the base year inventory) have since shut down either processes or entire facilities. Pennsylvania has adopted a banking rule (25 Pa Code § 127.208), which requires that sources wishing to bank emission reduction credits, or ERCs, must do so within one year of initiation of the shutdown. If not, the Commonwealth can claim credit for the reductions as permanent and enforceable emissions reductions.

Pennsylvania's 15% plan claims partial credit for shutdowns for which the source ''banked'' emissions reductions, and the Commonwealth claimed the entire shutdown credit for sources that did not bank their emissions within the one year deadline set forth in Pennsylvania's banking rule. The 15% plan reflects shutdowns from twenty-one VOC sources in the Philadelphia nonattainment area. These credits are ineligible for use as future ERCs, or to offset emissions from new sources under the Commonwealth's new source review regulation.

Reductions from this measure are both permanent and enforceable, since the shutdowns are reflected in RACT permit conditions for the facility. EPA is approving the use of these reductions.

Architectural and Industrial Maintenance Coatings (AIM)

Emission reductions have been projected for AIM coatings due to the expected promulgation by the EPA of a national rule. In a memo dated March 22, 1995, EPA allowed states to claim a 20% reduction of total AIM emissions from the national rule. Pennsylvania claimed a 15% reduction in AIM emissions under its 15% plan. However, due to deficiencies in the documentation of this portion of the underlying emissions inventory, EPA cannot verify the claimed reduction.

Tier I Federal Motor Vehicle Control Program

EPA promulgated a national rule establishing ''new car'' standards for 1994 and newer model year light-duty vehicles and light-duty trucks on June 5, 1991 (56 FR 25724). Since the standards were adopted after the Clean Air Act was amended in 1990, the resulting emission reductions are creditable toward the 15 percent reduction goal. The EPA agrees with the State's projected emission reductions. Due to the three-year phase-in period for this program, and the associated benefits stemming from fleet turnover, the reductions prior to 1996 are somewhat limited. Pennsylvania claimed a reduction of 4.5 tons/day from this post-1990 Federal Motor Vehicle Control Program. As with other on-highway mobile source control measures, the reductions from this program cannot be verified without further information.

Off-Road Use of Reformulated Gasoline

The use of reformulated gasoline will also result in reduced emissions from off-road engines such as outboard motors for boats and lawn mower engines. The EPA agrees with the 0.59 ton/day reduction projected in the 15% plan for off-road engines utilizing reformulated gasoline.

Non-creditable Emissions Control Measures

The following control measure is not creditable towards meeting the rate-of-progress requirements of the Clean Air Act. This measure, as it is described in the submitted 15% plan, is no longer in-place. Therefore, the emission reduction projected for this program is invalid.

Enhanced Vehicle Inspection and Maintenance (I/M) Program

The I/M program described in the Commonwealth's 15% plan is a contractor-operated, centralized, IM240 inspection program. This program was conditionally approved by EPA in August of 1994. However, since that time, Pennsylvania suspended operation of this program, terminated the test inspector contract, and began the rule adoption process for a decentralized program as a replacement for the centralized program. Pennsylvania submitted a new I/M program SIP to EPA, under authority provided by the National Highway Systems Designation Act of 1995, on March 22, 1996. However, Pennsylvania has not revised the 15% plan for Philadelphia to reflect differences in the I/M program description and projected emissions reductions.

Reasonable Further Progress Shortfall

Table 2 summarizes the proposed creditable and non-creditable reductions from Pennsylvania's 15% plan for the Philadelphia area. While the reductions listed as ''creditable'' in this table can be used to satisfy the Clean Air Act's reasonable further progress requirements, the measures in many cases are not approvable because of deficiencies related to quantification, lack of detailed emission inventory information, and documentation deficiencies (particularly related to mobile source control strategies).

Summary of Creditable and Non-creditable Emission Reductions for the Philadelphia Ozone Nonattainment Area

[Tons/day]

Required Reduction for the Philadelphia area	131.36
Creditable Reductions	
Stage II [1]	117.02
FMVCP (Tier I) [1]	4.51
Auto Refinishing [1]	6.79
Rule Effectiveness Improvements (80%–90%)	21.55
Reformulated Gasoline—Highway [1].	
Non-road vehicle use of RFG [1]	0.59
Industrial Facility Shutdowns	3.24
AIM Coatings Rules [1]	5.96
TSDF Controls [1]	3.13
Total	85.85
Reductions not Approvable: Inspection & Maintenance Program [1]	45.64
Total not approved	*45.64*
Shortfall (from target level)	45.51

[1] Pennsylvania's claimed reduction. This estimate cannot be verified based on the supporting documentation (e.g. supporting modeling, sample calculations, base year inventory references, etc.) For specific deficiencies related to an individual category, refer to the applicable portion of section III of EPA's technical support document entitled ''Evaluation of the Commonwealth's 15% Plan Control Measures'', located in the official docket for this action.

Contingency Measures

Per section 172(c)(9) of the Act, for ozone nonattainment areas classified as moderate or above, states must include contingency measures in their 15% plan submittals. These are measures which are to be immediately implemented if reasonable further progress (RFP) is not achieved, or if the areas do not attain the NAAQS standard by the applicable date mandated by the Act. EPA's interpretation of this Clean Air Act requirement is set forth in The General Preamble to Title I (57 FR 13498), which requires that the contingency measures should, at a minimum, ensure that emissions reductions continue to be made if RFP (or attainment) is not

achieved in a timely manner, and additional planning by the state is needed. EPA interprets the Act to require States with moderate and above ozone nonattainment areas to include sufficient contingency measures in the 15% plan SIP submittal, such that upon implementation of those measures, additional emissions reductions of up to three percent of the adjusted base year inventory (or a lesser percentage that will make up the identified shortfall) would be achieved in the year after the failure has been identified. States must show that their contingency measures can be implemented with minimal further action on their part, and with no additional rulemaking actions (e.g. public hearings, legislative review, etc.). EPA has further interpreted the Act to allow states to substitute NO_x control measures to achieve a portion of the required contingency measure reductions.

Analysis of Specific Contingency Measures

The following is a discussion of each of the contingency measures that have been included in the SIP submittals and an analysis of their approvability.

VOC Reasonably Available Control Technology (RACT)

The CAA requires states to adopt regulatory programs mandating RACT control strategies for major sources located in ozone nonattainment areas. Since Philadelphia is a severe ozone nonattainment area, the CAA threshold for major sources is 25 tons/year. Pennsylvania determined reductions from certain classes of major source complying with RACT (on a case-by-case basis) within the Philadelphia area, and claimed a 1.02 ton/day reduction from VOC RACT, for use as a contingency measure. However, EPA interprets the Act to prohibit the use of mandatory measures (i.e. those specified under the Clean Air Act for an applicable nonattainment area) as contingency measures, unless such a measure is in place to reduce another pollutant, and additionally provides VOC or NO_x reductions. Therefore, Pennsylvania's VOC RACT reduction is not creditable as a contingency measure, since VOC RACT is required to be implemented, prior to 1996, under section 182 of the Act.

Employee Commute Options Program

The Clean Air Act required severe nonattainment areas to adopt an employee trip reduction (ETR) program, providing a 25% reduction in average vehicle occupancy levels during the summer morning ''rush hour'' period. In a letter of February 27, 1995 from Pennsylvania Governor Tom Ridge, Pennsylvania announced the suspension of implementation and enforcement of the Commonwealth's adopted ETR program. However, the Commonwealth has not removed the ETR regulation from the Pennsylvania Code of Regulations, but has encouraged voluntary ''trip reduction'' efforts. Since then, Congress has removed the requirement for this program and EPA has issued guidance interpreting Congress's revised legislation. This guidance indicates that ETR need not be implemented if a state undertakes additional measures to make up the ''emissions shortfall'' caused by suspension of the program.

Pennsylvania's 15% plan SIP claims credit for early implementation of ETR as a contingency measure, based on the assumption that the program would be implemented in 1996 and would achieve the predicted emissions benefits at that time. The 15% plan claims ''full'' credit for the program, not accounting for its voluntary nature. EPA cannot approve the Commonwealth's ETR program, as claimed within the 15% plan. However, this measure would be approvable if the Commonwealth amended the 15% plan to provide for reimplementation of the ETR regulation to require a future mandatory ETR program.

NO_x Source/Process Shutdowns

Pennsylvania is claiming credit, as a contingency measure, for emissions reductions credits from four facilities that banked emissions reduction credits from permanent NO_x process shutdowns, under the state's banking rule. These shutdowns occurred after 1990, but before 1996. Pennsylvania's banking regulation is found at 25 Pa. Code § 127.210. The sources for which the Commonwealth claims contingency measure credit include: U.S. Steel—Fairless Hills, Martin Marietta Astro Space, Wyeth-Ayerst Labs, and Marck Co., Inc.

These reductions are permanent, since the shutdowns are to be reflected as RACT permit conditions in the facilities' revised permits. EPA interprets section 182(b)(1) of the Act to require that for the period from 1990 to 1996, only VOC reductions are creditable towards the 15% plan requirement. Furthermore, any contingency measure implemented early (i.e., before 1997) must also be a VOC measure, in order to be creditable as a contingency measure for failure to reach the 15% RFP milestone. Since the claimed shutdowns are NO_x reductions that occurred prior to 1996, the reductions are not approvable as a contingency measure to meet the reasonable further progress requirements of the Clean Air Act. Additionally, in order for a NO_x measure to be creditable as a contingency measure (i.e. reductions occur after 1996), the state must demonstrate that total NO_x reduction from all combined NO_x control strategies does not exceed 2.7% of the adjusted 1990 base year NO_x inventory. Pennsylvania did not submit a 1990 baseline NO_x inventory, nor attempt to make the above demonstration.

Improved Rule Effectiveness (90%–94% Level)

Pennsylvania credits rule effectiveness (RE) improvements from the 80% default level to a level of 90% toward the 15% plan SIP obligation. However, the Commonwealth maintains that the actual RE improvement is 94%, and is utilizing the improvements from the 90% to 94% level as a contingency measure. These RE improvements are obtained from VOC RACT regulations (for the Philadelphia area) pertaining to two categories—surface coating operations (PA Code § 129.52) and offset printing operations (PA Code § 129.67). Table 5.2 of the 15% plan lists those facilities from which the Commonwealth assumes increased RE credits. These are the same facilities listed for RE improvements towards the 15% rate-of-progress plan. If the Commonwealth identifies a shortfall in their rule effectiveness claim (the 80–90% level) in the 15% plan, then the Commonwealth will utilize the reductions from the 90–94% RE level to make up a shortfall in their 15% plan. In that event, another contingency measure must be adopted to make up any shortfall thereby created in the Commonwealth's contingency measure portion of the SIP. EPA approves Pennsylvania's use of this measure, and the credits claimed for its use as a contingency measure. The reductions occurring from this measure will be in place prior to 1996, the earliest time by which reductions for a contingency measure would be needed. However, EPA has issued policy allowing states to implement contingency measures early (without penalty), assuming that such a measure is not a mandatory Part D requirement under the Act.

Consumer and Commercial Products Reformulation

Section 183(e) of the Clean Air Act required EPA to conduct a study of VOC emissions from consumer and commercial products and to compile a regulatory priority list. EPA is then

required to regulate those categories that account for 80% of the consumer product emissions in ozone nonattainment areas. Group I of EPA's regulatory schedule lists 24 categories of consumer products to be regulated by national rule, including personal, household, and automotive products. EPA intends to issue a final rule covering these products in the near future. EPA policy allows states to claim up to a 20% reduction of total consumer product emissions towards the reasonable further progress requirement. Pennsylvania determined reductions from implementation of this national rule, but claimed credit for the program as a contingency measure. However, EPA has interpreted the Clean Air Act to disallow the use of mandatory measures, i.e. those required by the Act to be implemented in an ozone nonattainment area, as contingency measures. Therefore, for the same reason that Pennsylvania cannot utilize VOC RACT as a contingency measure, the state cannot use the consumer products national rule as a contingency measure.

Highway Marking Paints

This measure requires, through a memorandum of understanding with the Pennsylvania Department of Transportation (PennDOT), a conversion from solvent-based to low- or non-VOC paints when painting traffic lines on highway surfaces in the Philadelphia area. EPA considers highway paints as a subset of the AIM coating emissions category, for which Pennsylvania has already claimed emissions reduction in the 15% plan. However, Pennsylvania claims that highway markings are a separately inventoried category. PennDOT estimates for traffic line painting VOC emissions are based on the solvent formulation and usage estimates based on population, and assume a total annual reduction of 58%–73%, compared to solvent-based paints. Pennsylvania claims a VOC reduction in 1996 of 1.56 tons/day. The 15% plan SIP revision does not indicate whether Pennsylvania has executed a memorandum of understanding, the implementation mechanism for this program. This contingency measure involves product reformulations, which are presently commercially available, and utilizes a non-regulatory, yet binding, mechanism for the state to require this measure. EPA assumes that this measure could be enacted within 60 days of the Commonwealth's failure to achieve the RFP requirements of the Clean Air Act, and is therefore an approvable contingency measure.

Table 3.—Summary of Contingency Measures and Associated Reductions (tons/day) for the Philadelphia Non-attainment Area

Required Contingency	17.88
Creditable Reductions:	
Traffic Line Paint Reformulation	1.56
Rule Effectiveness Improvement (90%‰94%)	8.63
Total Creditable Reductions	10.19
Reductions not Creditable:	
VOC RACT reductions	1.02
Consumer/Commercial Products (National Rule)	6.68
NO_X Source/Facility Shutdowns (post-1990)	[1] 1.46
Employer Trip Reduction Program	0.93
Total non-creditable reductions	10.09
Shortfall	7.69

[1] NO_X reduction is listed as a VOC equivalent reduction, based on a NO_X/VOC conversion factor (see discussion of measure in the TSD).

III. Proposed Action

The EPA has evaluated this submittal for consistency with the Clean Air Act, applicable EPA regulations, and EPA policy. Pennsylvania's 15 percent plan for Philadelphia will not achieve sufficient reductions to meet the 15 percent rate-of-progress requirements of section 182(b)(1) of the Act. In addition, the contingency plans in these SIP submittals would not achieve sufficient emission reductions to meet the three percent reduction requirement, under 172(c)(9) of the Act. Additionally, there are measures included in the plan, which are creditable towards the Act requirement, but which are insufficiently documented to qualify for Clean Air Act approval. EPA has not included these measures as part of the 15% plan or contingency measure shortfall, although the reductions from these measures are not fully approvable towards the RFP requirement. Finally, the baseline 1990 emissions inventory contained in the Commonwealth's 15% plan varies from the state's officially submitted 1990 emissions inventory SIP revision, without justification or documentation.

In light of the above deficiencies, EPA is proposing to disapprove this SIP revision under section 110(k)(3) and section 301(a) of the Act. The submittal does not satisfy the requirements of section 182(b)(1) of the Act regarding the 15 percent reasonable further progress plan, nor the requirement of section 172(c)(9) of the Clean Air Act regarding contingency measures.

EPA is aware that Pennsylvania is currently revising the 15% plan, which the Commonwealth intends to submit in the near future. Since Congress passed the National Highway Systems Designation Act of 1995, which amended federal I/M program requirements and granted states authority to revise their I/M programs, and Pennsylvania has utilized that authority to revise its I/M program, revision of the 15% plan to reflect the I/M program changes is expected. When the Commonwealth submits a revised 15% plan, EPA expects they will withdraw the SIP revision which is the subject of today's action. Upon receipt of the revised 15% plan submittal, EPA will undertake a separate review of that plan for compliance with the requirements of the Clean Air Act. If the deficiencies cited in today's action are remedied by the revised submittal, EPA will withdraw this proposed disapproval and propose approval of that submittal.

Nothing in today's 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.

EPA's proposed disapproval of the State request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new federal requirement. Therefore, EPA certifies that this proposed disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing

requirements and impose any new federal requirements.

Under section 179(a)(2), if the EPA Administrator takes final disapproval action on a submission under section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) of the Act (unless the deficiency has been corrected within 18 months of such disapproval). Section 179(b) provides two sanctions available to the Administrator: revocation of highway funding and the imposition of emission offset requirements. The 18-month period referred to in section 179(a) will begin on the effective date established in the final disapproval action. If the deficiency is not corrected within 6 months of the imposition of the first sanction, the second sanction will apply. This sanctions process is set forth in 40 CFR 52.31. Today's action serves only to propose disapproval of the Commonwealth's SIP revision, and does not constitute final agency action. Thus, the sanctions process described above does not commence with today's action.

Also, 40 CFR 51.448(b) of the federal transportation conformity rules (40 CFR 51.448(b)) state that if the EPA disapproves a submitted control strategy implementation plan revision which initiates the sanction process under Act section 179, the conformity status of the transportation plan and transportation improvement plan shall lapse 120 days after the EPA's disapproval.

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

This disapproval action for the Pennsylvania 15% plan for Philadelphia 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.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Parts 52 and 81

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Dated: July 1, 1996.

W. T. Wisniewski,

Acting Regional Administrator.

[FR Doc. 96–17546 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 61

[FRL 5536–2]

National Emission Standards for Hazardous Air Pollutants: National Emission Standard for Radon Emissions From Phosphogypsum Stacks

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of Public Comment Period.

SUMMARY: The Environmental Protection Agency (EPA)is extending the comment period for the rulemaking to reconsider 40 CFR 61.205 and 40 CFR 61.207 which appeared in the Federal Register on May 8, 1996 (61 FR 20775). The extension of the comment period is provided in response to a request by a trade association representing the affected industry. The public comment period for this proposed rule was to end on July 8, 1996. The comment period is extended to July 26, 1996.

DATES: EPA will continue to accept public comments on this proposed rule until July 26, 1996. In addition, pursuant to Section 307(d)(5) of the Clean Air Act, the public may submit rebuttal and supplemental information to the docket for thirty (30) days after the August 1, 1996 public hearing. For more information on the public hearing, see 61 FR 33053 (June 26, 1996).

ADDRESSES: Comments must be submitted, in duplicate, to: Central Docket Section (6101), Environmental Protection Agency, ATTN: Air Docket No. 94–57, Washington, D.C. 20460. The docket is available for public inspection between the hours of 8:00 am and 5:30 pm, Monday through Friday, in Room M1500 of Waterside Mall, 401 M Street, SW, Washington, DC 20460. A reasonable fee may be charged for copying. The FAX number is (202) 260–4400.

FOR FURTHER INFORMATION CONTACT: Eleanor Thornton, or for technical information, Rita Cestaric, at: Office of Radiation and Indoor Air (6602J), Environmental Protection Agency, Washington, DC 20460, (202) 233–9677. The proposed rule and supplementary information are located in Air Docket No. 94–57.

SUPPLEMENTARY INFORMATION: On March 24, 1994, EPA announced its decision concerning a petition by The Fertilizer Institute (TFI) seeking reconsideration of a June 3, 1992 final rule revising the National Emission Standard for Radon Emissions from Phosphogypsum Stacks, 40 CFR Part 61, Subpart R. EPA partially granted and partially denied the TFI petition. Pursuant to that decision, EPA convened a rulemaking to reconsider 40 CFR 61.205, the provision of the final rule which governs distribution and use of phosphogypsum for research and development, and the methodology used under 40 CFR 61.207 to establish the average radium-226 concentration for phosphogypsum to be removed from the phosphogypsum stack. See 61 FR 20775 (May 8, 1996) for a more detailed description of the proposed rule.

Reopening of comment period: The Comment Period for this proposed rule was scheduled to end on July 8, 1996. EPA received a request to extend the period to submit comments from TFI. After considering this request, EPA has decided to extend the comment period for this rulemaking to July 26, 1996.

Dated: July 5, 1996.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 96–17578 Filed 7–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 63

[AD–FRL–5531–2]

Approval of State Programs and Delegation of Federal Authorities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action revises the ''Approval of State Programs and Delegation of Federal Authorities'' (subpart E). These amendments are being made to improve the clarity of subpart E. Because the amendments clarify regulatory text and serve to minimize administrative burden and provide more flexibility to States using this rulemaking, the Agency does not

anticipate receiving adverse comments. Consequently the amendments are also being issued as a direct final rule. If no significant, timely adverse comments are received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this Federal Register will automatically go into effect on the date specified in this rule. If significant timely comments are received on any amendment, that amendment of the direct final rule will be withdrawn and all public comments received on that amendment will be addressed in a subsequent final rule based on the relevant portions of this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

DATES: *Comments.* Comments must be received on or before August 9, 1996, unless a public hearing is requested by July 22, 1996. If a hearing is requested, written comments must be received by August 26, 1996.

Public hearing. Anyone requesting a public hearing must contact the EPA no later than July 22, 1996. If a hearing is held, it will take place on July 25, 1996, beginning at 10 a.m.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–96–09 (see docket section below), Room M–1500, U.S. EPA, 401 M Street, SW., Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

Public hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Pamela J. Smith, U.S. EPA, Research Triangle Park, North Carolina, 27711, telephone (919) 541–5319.

Docket. Docket No. A–96–09, containing supporting information, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, First Floor, 401 M Street SW., Washington, DC 20460, or by calling (202) 260–7548 or 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gil Wood at (919) 541–5272 or Ms. Sheila Q. Milliken at (919) 541–2625 Integrated Implementation Group, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: For further supplemental information, the detailed rationale, and the rule amendments, see the information provided in the direct final rule in the final rules section of this Federal Register.

Paperwork Reduction Act

The information collection requirements of the previously promulgated rulemaking on subpart E were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (with an OMB approval control number 2060–0264) may be obtained from the Regulatory Information Division (Code 2136), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or by calling (202) 260–2740.

Today's changes to the rulemaking will have no significant impact on the information collection burden estimates made previously. Actually, the burden will be reduced slightly. Consequently, the Information Collection Request has not been revised.

Executive Order 12866 Review

The subpart E rulemaking, promulgated on December 26, 1993 was considered a ''significant regulatory action'' under Executive Order 12866 [58 FR 5173, dated October 4, 1993] and submitted to the OMB for review. According to the executive order, a ''significant regulatory action is one that is likely to result in a rule that may:

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

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

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

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

This action is not considered a ''significant regulatory action'' within the meaning of this Executive Order. The amendments issued today clarify the rule and add administrative requirements which increase the flexibility to States in terms of gaining approval of their respective State programs. The EPA concludes these amendments would have no adverse impact and therefore, do not need to undergo OMB review.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a regulatory flexibility analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, a regulatory flexibility analysis has not been prepared.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Today's rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, or tribal governments or the private sector. The UMRA generally excludes from the definition of ''Federal intergovernmental mandate'' duties that arise from participation in a voluntary Federal program. The EPA has also determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

List of Subjects in 40 CFR Part 63

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

Dated: June 26, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–17324 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 136

[FRL–5535–4]

A Public Meeting on Method Flexibility and Streamlining Approval of Analytical Methods at 40 CFR Part 136

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Office of Science and Technology within EPA's Office of Water is conducting a public meeting on approaches to method flexibility and streamlining the proposal and promulgation of analytical methods at 40 CFR Part 136 under Section 304(h) of the Clean Water Act and at 40 CFR Part 141 under Sections 1401 and 1445 of the Safe Drinking Water Act. This public meeting on streamlining EPA's water methods approval programs will be held in conjunction with the Trace Metals Workshop announced concurrently in the Federal Register.

This public meeting follows a series of three public meetings on streamlining held in Seattle, Washington on September 28, 1995, in Boston, Massachusetts on January 25, 1996, and in Chicago, Illinois on February 14, 1996. The Seattle meeting was announced in an FR notice titled, ''A Public Meeting and Availability of Documents on Streamlining Approval of Analytical Methods at 40 CFR Part 136 and flexibility in Existing Test Methods'' [FRL–5294–6] published in the Federal Register on September 12, 1995 at 60 FR 47325. This FR notice provided extensive supplementary information regarding the 304(h) streamlining effort and made available several supporting documents. The supporting documents and summaries of the Seattle, Boston, and Chicago public meetings can be obtained through the contact identified in this notice.

DATES: EPA will conduct the public meeting on 304(h) streamlining on Wednesday, July 24, 1996, in Denver, Colorado. Registration for the meeting will begin at 8 a.m. The meeting will be held from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held in the USGS Lecture Hall, Building 25, Denver Federal Center, 6th & Kipling, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice can be directed to Marion Thompson by phone at (202) 260–7117 or by facsimile at (202) 260–7185.

SUPPLEMENTARY INFORMATION: Meeting arrangements are being coordinated by DynCorp, Inc. For information on registration, contact Cindy Simbanin, 300 N. Lee Street, Suite 500, Alexandria, VA 22314. Phone: (703) 519–1386. Facsimile number: (703) 684–0610. Space is limited and reservations are being taken on a first come, first served basis. No fees will be charged to attend.

Hotel reservations may be made by contacting the Comfort Suites in Lakewood, Colorado at (303) 231–9929. The hotel address is 11909 W. 6th Avenue, Lakewood, Colorado 80033. Single occupancy guest rates are $83.55, including tax. When making reservations, you must specify that you are affiliated with the EPA Meeting to qualify for the quoted rate.

Accommodations are limited, so please make your reservations early. The Comfort Suites does not provide transportation to/from the airport or to the Federal Center. Guests should take the Airport shuttle to/from the airport and use taxi service to the Federal Center. The Federal Center is within walking distance of the Comfort Suites, but it is not an easy walk due to the location of the main gate into the Federal Center.

Title: A Public Meeting on Method Flexibility and Streamlining Approval of Analytical Methods at 40 CFR Part 136

Abstract

Under Section 304(h) of the Clean Water Act, EPA is responsible for promulgating analytical methods at 40 CFR Part 136 for use in monitoring pollutant discharges. EPA uses these methods to support development of effluent guidelines promulgated at 40 CFR Parts 400–499, and both EPA and the regulated community use the methods for establishing compliance with National Pollutant Discharge Elimination System (NPDES) permits and other monitoring purposes. The methods approved for use at 40 CFR Part 136 have been developed by EPA, by industrial associations such as the American Society for Testing Materials, and by other governmental agencies such as the U.S. Geological Survey. In the past, the methods proposal and promulgation process has been cumbersome, and has not provided the flexibility to take advantage of new analytical technologies in a timely manner. In response to the Administration's Environmental Technology Initiative, EPA is proposing a comprehensive Section 304(h) streamlining initiative to increase method flexibility to allow use of emerging technologies and to expedite the method approval process, to encourage development of new methods and technologies by organizations outside of EPA.

The Office of Ground Water and Drinking Water within EPA's Office of Water is also developing approaches to increasing method flexibility and streamlining the approval of analytical methods at 40 CFR Part 141 under Sections 1401 and 1445 of the Safe Drinking Water Act. EPA is coordinating these efforts with the CWA Section 304(h) streamlining effort in an overall initiative to streamline its water methods approval programs.

EPA has held three public meetings to outline plans for method flexibility and for streamlining proposal and promulgation of new methods, and to elicit stakeholder views regarding these plans. EPA had compiled and evaluated stakeholder input received at the public meetings and has revised its approach to streamlining accordingly.

Agenda Topics

The purpose of the public meetings on 304(h) streamlining is to outline plans for method flexibility and for streamlining proposal and promulgation of new methods at 40 CFR Part 136 under Section 304(h) of the Clean Water Act, and to elicit stakeholder views regarding these plans. The following topics will be addressed at the public meetings:

- Increasing method flexibility to allow use of new technologies and to identify modifications that are acceptable within the scope of existing methods and do not require proposal of an alternate method
  - —Interpretation of flexibility in existing 40 CFR Part 136 methods
  - —Advantages and disadvantages of method flexibility (no flexibility, limited flexibility, and unlimited flexibility)
  - —Proposal to allow nearly unlimited ''front-end'' method modifications as long as the determinative technique is not changed and method performance is demonstrated to be equivalent
- Establishing standardized quality control (QC) and QC acceptance criteria to support determination of method equivalency
- Streamlining the method proposal process to take advantage of emerging analytical technologies in a timely manner
  - —Standardized format for preparing new methods

—Three-tiered method validation process based on method use
—OST coordination of method submission and approval
• Harmonization of 40 CFR Part 136 methods with other EPA methods to allow standardization of methods across EPA programs
• Other streamlining issues
—Standardized data elements for reporting, to allow access to Agency databases in a standardized data format
—Withdrawal of 40 CFR Part 136 methods that contain outdated technologies
—Incorporating new methods into the Federal Register by reference and making them available through other suitable venues, to reduce publication expense

Dated: July 3, 1996.

James Hanlon,

Deputy Director, Office of Science and Technology.

[FR Doc. 96–17551 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[OPP–300425; FRL–5374–3]

RIN 2070–AC18

Maleic Anhydride-Diisobutylene Copolymer, Sodium Salt; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of maleic anhydride-diisobutylene copolymer, sodium salt when used as an inert ingredient (suspending agent and dispersing agent) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and applied to animals. This proposed regulation was requested by Rhone-Poulenc North America Chemicals, Inc.

DATES: Written comments, identified by the docket number [OPP–300425], must be received on or before August 9, 1996.

ADDRESSES: By mail, submit written comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–300425]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Bipin Gandhi, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703) 308–8380, e-mail: gandhi.bipin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Rhone-Poulenc North America Chemicals, Inc., CN 5255, Princeton, NJ 08543–5255 submitted pesticide petition (PP) 6E04665 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346 a(e)), propose to amend 40 CFR 180.1001(c), (d) and (e) by establishing an exemption from the requirement of a tolerance without limitation for residues of maleic anhydride-diisobutylene copolymer, sodium salt (CAS Reg. No. 37199–81–1), when used as an inert ingredient (suspending agent and dispersing agent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest, under 40 CFR 180.1001(c) and applied to animals under 40 CFR 180.1001(e), and deleting the current exemption from the requirement of a tolerance with a use limitation of 3 percent under 40 CFR 1001(d) for application to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for maleic anhydride-diisobutylene copolymer, sodium salt will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as ''polymers,'' the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Maleic anhydride-diisobutylene copolymer, sodium salt conforms to the definition of polymer given in 40 CFR 723.250(b) and meets the following

criteria that are used to identify low risk polymers:

1. Maleic anhydride-diisobutylene copolymer, sodium salt is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Maleic anhydride-diisobutylene copolymer, sodium salt contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen, and sodium.

3. Maleic anhydride-diisobutylene copolymer, sodium salt does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Maleic anhydride-diisobutylene copolymer, sodium salt is not designed, nor it is reasonably anticipated to substantially degrade, decompose or depolymerize.

5. Maleic anhydride-diisobutylene copolymer, sodium salt is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Maleic anhydride-diisobutylene copolymer, sodium salt is not water absorbing polymer.

7. The minimum number-average molecular weight of maleic anhydride-diisobutylene copolymer, sodium salt is 20,900 daltons. Substances with molecular weights (MW) greater than 400 generally are not absorbed through the intact skin, and substances with MW greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) track. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

8. Maleic anhydride-diisobutylene copolymer, sodium salt has a number average molecular weight of 20,900 and an oligomer content less than 2 percent below MW 500 and less than 5 percent MW 1000.

Based on the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemptions from the requirement of a tolerance be established for this polymer as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the docket number, [OPP–300425].

A record has been established for this rulemaking under docket number [OPP–300425] (including comments and data submitted electronically as described below). A public version of this record, including printed paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

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

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

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

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

Pursuant to the requirement of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have an economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subject in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Processed foods, Reporting and recordkeeping requirements.

Dated: July 1, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.1001, paragraphs (c) and (e), the table in each paragraph is amended by adding alphabetically the inert ingredient ''Maleic anhydride-dissobutylene copolymer, sodium salt (CAS Reg. No. 37199–81–8), average molecular weight (in amu) 18,000,'' to read as set forth below, and the table in paragraph (d) is amended by removing the entry for ''Maleic anhydride dissobutylene copolymer, sodium salt.''

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert Ingredient	Limits	Uses
* * * * * * *		
Maleic anhydride-dissobutylene copolymer, sodium salt (CAS Reg. No. 37199–81–8), average molecular weight (in amu) 18,000..		Suspending agent and dispersing agent.
* * * * * * *		

* * * * * (e) * * *

Inert Ingredient	Limits	Uses
* * * * * * *		
Maleic anhydride-dissobutylene copolymer, sodium salt (CAS Reg. No. 37199–81–8), average molecular weight (in amu) 18,000.		Suspending agent and dispersing agent.
* * * * * * *		

[FR Doc. 96–17575 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 6E4644/P668; FRL–5380–5]

RIN 2070–AC18

Polyvinylpyrrolidone Butylated Polymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of polyvinylpyrrolidone butylated polymer when used as an inert ingredient (surfactants, related adjuvant of surfactants and binder) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and applied to animals. This proposed regulation was requested by International Specialty Products.

DATES: Written comments, identified by the document control number [PP 6E4644/P668], must be received on or before August 9, 1996.

ADDRESSES: By mail, submit written comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 6E4644/P668]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Bipin Gandhi, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, 703–308–8380, e-mail: gandhi.bipin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: International Specialty Products, 1361 Alps Road, Wayne, NJ 07470, submitted pesticide petition (PP) 6E4644 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346 a(e)), propose to amend 40 CFR 180.1001(c) and (e) by exempting polyvinylpyrrolidone butylated polymer (CAS No. 26160–96–3) when used as an inert ingredient (surfactants, related adjuvant of surfactants and binder) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest, under 40 CFR 180.1001(c) and applied to animals under 40 CFR 180.1001(e) and deleting the current exemption from the requirement of a tolerance under 40 CFR 180.1001(d) for application to growing crops only. Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency

generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for polyvinylpyrrolidone butylated polymer will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as ''polymers,'' the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Polyvinylpyrrolidone, butylated polymer conforms to the definition of polymer given in 40 CFR 723(b) and meets the following criteria that are used to identify low risk polymers:

1. Polyvinylpyrrolidone, butylated polymer is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Polyvinylpyrrolidone, butylated polymer contains as an integral part of its composition the atomic elements carbon, hydrogen, oxygen, and nitrogen.

3. Polyvinylpyrrolidone, butylated polymer does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Polyvinylpyrrolidone, butylated polymer is not designed, nor it is reasonably anticipated to substantially degrade, decompose or depolymerize.

5. Polyvinylpyrrolidone, butylated polymer is not manufactured or imported from monomers and /or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The minimum number-average molecular weight of polyvinylpyrrolidone, butylated polymer is listed as 9,569 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract generally are incapable of eliciting a toxic response.

7. Polyvinylpyrrolidone, butylated polymer has a number average molecular weight of 9,569 and contains less than 10 percent oligomeric material below molecular weight 500 and less than 25 percent oligomeric material below 1,000 molecular weight.

8. Polyvinylpyrrolidone, butylated polymer does not contain reactive functional groups that are intended or reasonably anticipated to undergo further reaction. Based on the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and tolerance is not necessary to protect the public health and to reclassify this product from 40 CFR 180.1001(d) to 40 CFR 180.1001(c) and (e). Therefore, EPA proposes that the exemptions from the requirement of a tolerance be established for this polymer as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 6E4644/P668].

A record has been established for this rulemaking under docket number [PP 6E4644/P668] (including comments and data submitted electronically as described below). A public version of this record, including printed paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall ı2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

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

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

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

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

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is (is not) a ''major rule'' asdefined by 5 U.S.C. 804(2) of the APA as amended.

Pursuant to the requirement of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have an economic impact on a substantial number of small entities. A certification statement explaining the basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subject in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Processed foods, Reporting and recordkeeping requirements.

Dated: July 2, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.1001 the table in paragraph (c) and (e) is amended by adding alphabetically the inert ingredient, to read as set forth below, and the table in paragraph (d) is amended by removing the entry for ''Polyvinylpyrrolidone butylated,'' follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert Ingredient	Limits	Uses
* * * * * * *		
Polyvinylpyrrolidone butylated polymer, molecular weight (in amu) 9,500.	minimum number-average	Surfactants, related adjuvant of surfactants and binder.
* * * * * * *		

(e) * * *

Inert Ingredient	Limits	Uses
* * * * * * *		
Polyvinylpyrrolidone butylated polymer, molecular weight (in amu) 9,500.	minimum number-average	Surfactants, related adjuvant of surfactants and binder.
* * * * * * *		

[FR Doc. 96–17577 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[NV–960–1060–00–24 1A]

RIN 1004–AC61

Adoption Fee for Wild Free-Roaming Horses and Burros

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to revise the procedure used to set adoption fees for Wild Horses and Burros to allow use of competitive methods. The purpose of the amendment is to allow BLM more flexibility in establishing adoption fees and to recover a higher proportion of the associated cost.

DATES: You must submit comments by September 9, 1996. Comments received or postmarked after this date may not be considered in the decision making process on the issuance of the final rule.

ADDRESSES: You must submit comments or suggestions to: Director (420), Bureau of Land Management, 1849 C Street NW, 401 LS, Washington, DC 20240. Comments can also be sent to Internet: WOComment@WO0033wp.wo.blm.gov. Please include ''attn: AC61'' and your name and address in your internet message. Comments will be available for public review at 1620 L Street NW, Room 401, Washington, DC 20036, during regular business hours (7:45 am to 4:15 pm), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lili Thomas, Wild Horse and Burro National Program Office (702) 785–6457 or Bob Barbour, Regulatory Management Team (202) 452–7785.

SUPPLEMENTARY INFORMATION:

I. Discussion of Proposed Rule

In the 1950's a group concerned with the welfare of America's diminishing wild horse herds formed under the leadership of Velma Bronn Johnson. Better known as ''Wild Horse Annie,'' this woman from Nevada, along with many others, worked to ensure a place for wild horses and burros on Federal rangelands.

In 1971, Congress passed The Wild Free Roaming Horse and Burro Act recognizing these animals as an integral part of the natural system they inhabited at the time of passage. In 1973, BLM began a program that offered animals for ''adoption'' to qualified private individuals who agree to provide them humane treatment. The Adopt a Horse or Burro Program has placed over 141,000 animals in private care.

The existing adoption fee of $125 for wild horses and $75 for wild burros was implemented in 1982 to recapture a portion of the adoption cost, limit adoption to individuals with financial ability to care for the adopted animal, and assure that every animal was adopted as quickly as practical after its removal from public lands. The adoption fee was originally set using the market price of horses in 1982. In the early 1980's the value of horses and burros was low because of an overabundance of these animals in the market. Currently the market value of the lowest quality domestic horse is about $300, well above the fee BLM charges. Additionally since 1982 the cost BLM incurs to feed, provide veterinary care and transport wild horses and burros has increased significantly.

Because of the low adoption fee, there is a significant economic incentive for adopters to sell their animals when they receive title. In addition, the low fee encourages adoption by individuals who are not financially able to provide proper care. Placement of wild horses and burros to these individuals often results in animals not receiving proper care and later having to be repossessed.

As explained within, BLM is proposing a more flexible approach to adoption fees to deal with this situation. Under this adoption system horses and burros would be offered to the public at

competitive adoptions. Animals not selected by the public through a competitive adoption, would be available at the base fee $125.00. BLM is not changing the qualification requirements for adoption of a wild horse or burro. Adopters must meet the requirements of 43 CFR 4750 before they are allowed to participate in an adoption event.

An increased adoption fee would also shift some of the cost of the adoption from the general taxpayer to the individuals who benefit directly from this program. Future adoption fees would reflect market value of the animals and strike a balance between supply and demand.

Prior to each adoption event BLM will provide information on how the adoption will be conducted and the method to be used for establishing adoption fees.

II. Procedural Matters

National Environmental Policy Act

The BLM has determined that this rule is categorically excluded from further environmental review pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, and that the proposal would not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM 2, Appendix 2. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions that do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Executive Order 12866 and Regulatory Flexibility Act

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866. The cost of complying with the requirements of the rule is indistinguishable from the requirements imposed by the existing adoption fee regulations. Further, for the same reasons, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the rule will not have a significant economic impact on a substantial number of small entities. The rule does not distinguish between entities based on size.

Federal Paperwork Reduction Act

The provisions for collection of information contained at 43 CFR Part 4710 have previously been approved by the Office of Management and Budget and assigned clearance numbers 1004–0042.

This rule does not contain additional information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12630

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

Unfunded Mandates Reform Act

The BLM has determined that this regulation is not significant under the Unfunded Mandates Reform Act of 1995, because it will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Further, this rule will not significantly or uniquely affect small governments.

Executive Order 12988

The Department has determined that these final regulations *et the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.*

Authors: The principal authors of this proposed rule are Lili Thomas of the Wild Horse and Burro National Program Office and Bob Barbour of the Regulatory Management Team, BLM, assisted by Kim Fondren of the Office of the Solicitor, Department of the Interior.

List of Subjects 43 CFR Part 4700

Animal Welfare, Horses, Penalties, Public Lands, Range Management, Reporting and recordkeeping requirements, Wildlife.

Accordingly, BLM proposes to amend Subpart 4750 as follows:

PART 4700—[AMENDED]

1. The authority citation for Part 4700 continues to read as follows:

Authority: 16 U.S.C. 1331–1340; 18 U.S.C. 47; 43 U.S.C. 315 and 1740.

2. Section 4750.4–2 is revised to read as follows:

§ 4750.4–2 Adoption Fee

(a) Does BLM charge an adoption fee for wild horses and burros?

You must pay a base adoption fee of $125 for each wild horse or burro you adopt. You will not be charged an adoption fee for orphan foals.

(b) Can the adoption fee be increased?

Yes, BLM may choose to hold a competitive adoption for particular wild horses or burros. At competitive adoptions, qualified adopters under 43 CFR part 4750 set adoption fees through competitive bidding. Horses or burros remaining at the end of a competitive adoption will be available for adoption at the base fee.

(c) Can the adoption fee be reduced or waived?

(1) The BLM Director may reduce or waive the fee when wild horses or burros are un-adoptable at the base adoption fee.

(2) A reduction or waiver of the adoption fee is available only if you are willing to comply with all regulations relating to wild horses and burros.

Dated: June 24, 1996.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 96–17487 Filed 7–09–96; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–28; Notice 8]

RIN 2127–AF73

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend Standard No. 108, the Federal motor vehicle safety standard on lighting, to afford an option to existing headlamp aiming specifications which is intended to improve the objectivity and accuracy of motor vehicle headlamp aim when headlamps are aimed visually and/or optically. The proposal reflects the consensus of NHTSA's Advisory Committee on Regulatory Negotiation concerning the improvement of headlamp aimability performance and visual/optical headlamp aiming. The Committee was composed of representatives of government, industry, and consumer interest groups.

DATES: Comments are due October 8, 1996.

ADDRESSES: Comments should refer to Docket No. 95–28; Notice 8 and must be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4:00 p.m.). Do not send originals of comments to any person named below.

FOR FURTHER INFORMATION CONTACT: (NHTSA Advisory Committee representative) Steve Kratzke, Office of Safety Performance Standards, NHTSA (Phone: 202–366–5203; FAX: 202–366–4329); (technical information) Rich Van Iderstine, Office of Safety Performance Standards, NHTSA (Phone: 202–366–5275; FAX: 202–366–4329); (legal information) Taylor Vinson, Office of Chief Counsel, NHTSA (Phone: 202–366–5263; FAX: 202–366–3820).

SUPPLEMENTARY INFORMATION:

Background

On June 9, 1995, at 60 FR 30506, the National Highway Traffic Safety Administration (NHTSA) published a notice of intent to establish an advisory committee (''the Committee'') for regulatory negotiation to develop recommended specifications for altering the lower beam patterns of Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices and Associated Equipment* to be more sharply defined. Such a pattern would facilitate visual aimability of headlamps. The notice requested comment on membership, the interests affected by the rulemaking, the issues the Committee should address, and the procedures it should follow. The notice also announced that NHTSA had procured the services of the Federal Mediation and Conciliation Service to facilitate the negotiations. The reader is referred to the notice of June 9, 1995, for further information on these issues.

On the basis of comments received to the notice, NHTSA determined that establishing an advisory committee on this subject would be advantageous and in the public interest. In accordance with Section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. I sec. 9(c), NHTSA prepared a Charter for the establishment of a Negotiated Rulemaking Advisory Committee. On April 17, 1995, the Office of Management and Budget approved the Department's Advisory Committee Plan for FY 1995 which included this advisory committee, and on July 6, 1995, the Secretary approved the Charter, authorizing the Committee to begin negotiating the recommended changes.

Membership

In addition to a representative from NHTSA, the Committee consisted of representatives from the following organizations:

Advocates for Highway and Auto Safety
American Association of Motor Vehicle Administrators
American Association of State Highway and Transportation Officials
American Automobile Manufacturers Association
Association of International Automobile Manufacturers, Inc.
Automotive Service Association
Groupe de Travail ''Bruxelles 1952''
Hopkins Manufacturing Corporation
Japanese Automobile Standards Internationalization Center
Liaison Committee for the Manufacturers of Automobile Equipment and Spare Parts
National Automobile Dealers Association
National Committee on Uniform Traffic Control Devices
Society of Automotive Engineers, Road Illumination Devices Standards Committee
Traffic Control Materials Division, 3M Corporation
Wagner Lighting Division of Cooper Industries

In accordance with the directives for negotiated rulemaking, these participants represent all ''interests'' identified by NHTSA as affected by a final rule on headlamp aimability: the consumer; Federal and State governments; American, European, and Asian manufacturers of motor vehicles and headlamps; the automobile service industry; and manufacturers of headlamp aiming equipment and traffic control devices.

Meetings

Utilizing the services of the Federal Mediation and Conciliation Service (FMCS) as facilitators/mediators, NHTSA convened the first Committee on July 25, 1995. The Committee held an additional series of meetings in September, October, and November 1995, and in January, March, April, and May 1996. Under the direction of the FMCS mediators the Committee received training in the interest-based negotiation process. The Committee used the interest-based negotiation process to fulfill its charter. At its final meeting prior to publication, on May 29, 1996, the Committee reached a consensus on the rationale and proposed regulatory text for this NPRM. The Committee meetings were open to the public, and NHTSA placed the minutes into a public docket (Docket No. 95–28).

NHTSA's Perspective of Headlamp Aimability

At its simplest expression, proper aim is required to ensure that headlamps installed on motor vehicles fulfill the functions intended by their designers. There are three principal methods of aiming headlamps. The first is visual: project the beam upon a vertical surface and adjust the headlamp as determined by an observer; the second is optical: project the beam into a device that is placed in front of the headlamp and adjust the headlamp until the beam conforms to the parameters of the device; the third is mechanical: without activation of the headlamp, determine proper aim through the use of equipment external to the headlamp. Mechanical aim was introduced in 1955 by the automotive industry in response to aiming concerns expressed by the states. These concerns were related to visual and optical and involved ease of use, repeatability, and accuracy of aim.

A constant requirement of Standard No. 108 from its effective date on January 1, 1968, has been the ability of motor vehicle headlamps to be mechanically aimed. Mechanical aiming was necessary because visual/optical aim of the lower beam pattern in use in the United States was difficult. Sealed beam headlamps, the only type of headlamps permitted until 1983, are required to have one of four aiming-pad patterns on the lens. These patterns consist of three raised aiming pads arranged as a triangle at specified points on the lens which provide a precise interface between the headlamp and a mechanical aiming device attached to the headlamp during the aiming verification process. The mechanical aiming device provides information so that the aiming planes of the headlamps, defined by the three aiming pads, can be adjusted to be parallel with each other and perpendicular to the road surface. Because a headlamp's beam pattern is designed to be correctly aimed when the aiming plane is oriented as stated, the beam pattern can be aimed without the need for illuminating the headlamp.

With the advent of replaceable bulb headlamps in 1983, restrictions on the size and shape of headlamps were no longer required, and two additional configurations of mechanical aiming pads were permitted. This necessitated new adapters and also adjustable adapters for mechanical aiming devices used with replaceable bulb headlamps. Initially, NHTSA required that vehicles with replaceable bulb headlamps also be equipped with aim adapters until the adapters could be supplied to the service industry. However, this design

freedom resulted in a proliferation of headlamp aimer adapters, adding complexity and error to the previously simple and accurate process of mechanical headlamp aim. In addition, headlamps became smaller, and it became increasingly difficult for the traditional type of mechanical aiming device to measure aim.

In response to this problem, since June 8, 1989, NHTSA has allowed a method of mechanical aim that is no longer dependent upon an external applied mechanical aiming device but one which is accomplished by mechanical aiming equipment on the vehicle itself. NHTSA terms this a ''vehicle headlamp aiming device'' or ''VHAD''. A VHAD is equipment installed on the vehicle which is used for determining headlamp aim mechanically. In its most common form, these are bubble vials on the headlamp housing which have a closely specified geometric (mechanical) relationship to a beam's vertical location. When the bubble is within a specific area indicated on the housing, the headlamp's vertical aim is correct. A similar mechanical reference marking system is used for correct horizontal aim. One attractive feature of VHADs is that they provide a simple way for anyone to determine proper aim and to correct misaim. But, in the event of damage involving the headlamp, VHADs may have to be replaced, with recalibration by a person other than the vehicle manufacturer who initially installed them. NHTSA believes, and the Committee concurred, that distributors, dealers, and service facilities do not have the ability to recalibrate replacement equipment to the same accuracy as the manufacturer. VHADs add to vehicle costs, and not all vehicles are equipped with them; therefore visual aim and optical aim remain important.

As NHTSA understands it, state inspection stations and private repair shops are less likely today to use mechanical aiming devices and, for the most part, choose to aim headlamps either visually or with optical aimers. Given the lack of sharply defined visual cues in the lower beam pattern in headlamps that are designed to conform to Standard No. 108, aiming visually or with an optical aiming device yields variable results. As a consequence, there are increasing numbers of misaimed headlamps in the nation's vehicle fleet, with a higher risk of glare and inadequate illumination of the roadway including traffic control devices.

When NHTSA published a general notice asking for candidates for regulatory negotiation, the American Automobile Manufacturers Association (AAMA) identified headlamp aimability as its first choice. NHTSA agreed with this recommendation. The NPRM that is published today is the result of negotiated rulemaking. The anticipated result is a final rule that specifies an option to mechanical aiming for easy, accurate headlamp aiming.

The Process Followed by the Committee and Its Recommendations

As part of the interest-based negotiation process, the Committee first defined issues for the regulatory negotiation. The Committee then identified its interests and finally reached consensus on criteria for the regulatory standards.

The Committee used the interest-based process to identify the basic issue as ''what standard will permit the visual/optical aiming of lower beam headlamps''. Subsequently the visual/optical aimability of the upper beam was added.

The Committee-defined interests were divided into three main themes: ''Safety'', ''Service Sector and Manufacturer Needs'', and ''Visual/Optical''. A summary of each issue is as follows:

A. Safety: Any method of ensuring visual and or optical aim of low beam headlamps that involves the proposed adoption of a new Federal standard for lower beam headlamp photometry must not degrade , and desirably will enhance, the safety performance of the existing traffic control nighttime driving environment. A visually/optically aimable headlamp beam pattern shall ensure adequate driver control and avoidance of hazardous features (pedestrians, roadside objects, etc.), in the nighttime driving environment, without creating disabling glare.

B. Service Sector and Manufacturing Needs: Implementation of a visual aim standard must consider the following service sector (dealers, repair garages, service stations, state inspection stations, body shops) and manufacturing (vehicles, headlamps, and aiming equipment) needs: simplicity, user friendliness, repeatability, reliability, cost effectiveness, equipment, compatible aiming methods.

C. Visual/Optical: The development of the aiming standard should consider other established aiming standards.

The Committee then developed six criteria as critical for the development of a consensus standard for visual/optical aim. These criteria are:

1. Accuracy: proper placement of beam pattern.

2. Repeatability: repeatable aimability.

3. Simplicity: performable by operators of varying skill levels.

4. Reasonable cost: no unreasonable costs for manufacturers, the service and inspection industry, or consumers.

5. Critical beam characteristics: preservation of beam characteristics for driver control, avoidance of road hazards and pedestrians, detection and legibility of traffic control devices, and restriction of disabling glare.

6. Ambient light conditions: achievement of acceptable aim within a range of ambient light conditions at manufacturer and service facilities.

The Committee then determined that the new visual/optical aim standard should be an option to current mechanical and VHAD aim specifications in Standard No. 108, and usable with all headlamps: sealed beam, integral beam, replaceable bulb, and combination-type headlamps. Therefore, the Committee developed an outline to be used by NHTSA for the NPRM.

To achieve its goals, the Committee decided that:

A. the lower beam pattern must have a wider illumination,

B. a horizontal visual cue must be added to either the left or right side of the lower beam,

C. the basic characteristics of the lower beam pattern must not be changed,

D. all lenses for visually/optically aimable headlamps must be marked to ensure that persons aiming the headlamps know that the headlamp can be correctly aimed using a visual or optical aiming procedure, and

E. existing requirements for VHADs must be amended to add a specification currently missing which results in aim error.

Proposed Requirements and Their Rationales

The Committee recommends and NHTSA proposes that the visually/optically aimable lower beam of a headlamp meet the following criteria:

A. *Vertical Aim of Lower Beam*. A visual cue (cutoff) is required in the lower beam pattern to permit accurate aiming. The cutoff marks a transition between the areas of higher and lower luminous intensities. The cutoff in the lower beam pattern is a horizontal line composed of maximum vertical logarithmic gradients of the illumination of the aiming screen.

Vertical aim requires both a laboratory specification for headlamps before installation and a field specification for headlamps after installation. This notice proposes that the laboratory specifications be incorporated into Standard No. 108. The field

specifications represent the Committee's recommendations to all persons who perform visual/optical headlamp aiming in the field.#

1. *Laboratory Specification for the Vertical Visual Aim of the Lower Beam*. The Committee, in establishing and recommending to NHTSA a laboratory specification for visual aim of the lower beam, agreed that several factors must be considered to ensure accurate and repeatable results that would also relate to the requirements for field aimability. Accuracy for laboratory aim was specified to be within ± 0.1 degree. This was based on the test equipment positioning capability of± 0.01 degree along with the associated lamp-to-lamp and laboratory-to-laboratory variances. The Committee agreed that the specification for the gradient in the proposal be based on a required ± 0.1 degree laboratory aim accuracy and a 0.25 degree field aim accuracy with confidence limits of ± 2 sigma (95% of all aims will be in the range).

A University of Michigan Transportation Research Institute (UMTRI) study titled ''Visual Aiming of European and U.S. Low-Beam Headlamps'' (Report No. UMTRI–91–34, by Sivak, Flannagan, Chandra, and Gellatly) provided information which led to the establishment of the necessary gradient level. In the study by UMTRI, a wide range of lamps were tested, some of which were not designed for visual aiming. A subsequent study of visually aimable headlamps conducted at GE by the Society of Automotive Engineers' (SAE) Beam Pattern Task Force (in developing SAE J1735 ''Harmonized Vehicle Headlamp Performance Requirements'') found the standard deviation of vertical aim to be smaller than the standard deviation in the UMTRI study. Based on that study, SAE J1735 specifies a design value of 80% contrast based on 0.2 degree spacing of test points which corresponds to a value of 0.13 in log units with a 0.1 degree spacing of test points. The Committee concluded that a gradient of 0.13 would satisfy its goal for field aim accuracy.

Measurement of the specific gradients may be carried out using traditional photometric measurement equipment; however, photometric distance may vary between companies. It was decided that a procedure which has been developed by the Groupe de Travail ''Bruxelles 1952'' (GTB) Short-term Scientific Studies Working Group (SSST WG) would provide a baseline system for this test. This may be found in ''Draft Minutes of the Meeting held at Budapest 1995 October 3'' on file in the docket as attachment 3–9 to the Committee's minutes of Meeting No. 3.

The cutoff can be on either the right or left side of the lower beam pattern. When so located, it provides the necessary reference for placing the beam in the appropriate vertical location for correct aim. In order to achieve a cutoff in a beam, there must be a distinct difference in illumination levels above and below the cutoff. This may be achieved by numerous methods in the design of a headlamp. For the purposes defined by the Committee, a horizontally-oriented cutoff is necessary. Based on work done by the SAE Beam Pattern Task Force, UMTRI, Commision Internationale de l'Eclairage Working Group on Vehicle Lighting (CIE TC4.10) (''Definition of the Vertical Cut-off of Vehicle Headlights'' draft 1993–3–15), and the GTB SSST WG, and reviewed by the Committee, the method for describing the cutoff is as follows.

Scientific studies by Blackwell, Olson, Forbes, Sivak, Flannigan, et al., have shown that the human eye responds to the logarithm (to base 10) of the gradient of screen luminance. This mathematical expression simulates in the laboratory where human vision perceives the cutoff on a screen during field aiming. A vertical scan of the lower beam pattern at a specified number of degrees to the right or left of the headlamp beam pattern's vertical axis, where the cutoff is located, is taken to gather data on the intensity values. Thes data are then analyzed using the mathematical expression to determine where the greatest rate of change of illumination occurs; the vertical location of the cutoff is thus defined. For example, a person could use a goniophotometer to record data in small vertical increments at the locations at 2.5 degrees left or 2.0 degrees right in order to determine the cutoff location.

For effective field aiming, the cutoff needs to be finitely long so that the person looking at the cutoff has a sufficient cue to find it. This range should extend at least one degree on each side of the specified measurement point of the cutoff and should be approximately straight and horizontal.

The cutoff on the left side of the beam pattern can be achieved by putting more light below the horizontal on the left rather than reducing the intensity of light above the cutoff. This added light provides more illumination to detect objects on the left side of the beam pattern and more uniformity of the total light output from the vehicle. The light above the horizontal would not be decreased. The right side of the beam needs no such enhancement to achieve an adequate gradient for the cutoff. In addition to the above, these changes cause small effects in other areas of the beam that will be addressed below.

The Committee recommends and NHTSA proposes the following changes to the existing photometric figures in Standard No. 108 for all headlamps designed for visual/optical aiming:

(a) elimination of the 0.5 deg. D–1.5 deg. L to L test points,

(b) elimination of the 1.0 deg. D–6.0 deg. L test point,

(c) addition of an 0.86 deg. D–3.5 deg. L test point with intensity requirements of 1800 cd. minimum, and 12000 cd. maximum, and

(d) addition of an 0.86 deg D–V test point with intensity requirements of 4500 cd minimum,

(e) addition of an 0.6 deg D–1.3 deg R test point replacing the current test point at 0.5 deg D–1.5 deg R with intensity requirements shown below:

Proposed test point: 0.6 deg. D–1.3 deg. R (cd minimum)	Proposed Source of requirement (Std. No. 108)	Replaced Test Point: 0.5 deg. D–1.5 deg. R		Source of requirement (Std. No. 108)
		cd minimum	cd maximum	
10000	new Fig. 15va & 17va.	10000	20000	Fig. 15A & 17A.
10000	new Fig. 27va & 28va.	8000	20000	Fig. 27 & 28.

(f) and modification of the 4 degree D–V test point in the Figure 15va lower beam maximum candela column from 7000 cd to 10000 cd.

In Figures 27 and 28 of Standard No. 108 the maximum value at 0.5 degree D–1.5 degrees L is 2500 cd. In Figures

15A and 17A, the maximum value at 0.5 degree D–1.5 degrees L is 3000 cd. The value of the 1.0 degree D–6.0 degrees L test point is 750 cd minimum, and it becomes superfluous because of the additional illumination provided by the new test point specified at 0.86 degree D–3.5 degrees L.

The three test points: 0.86 degree D–3.5 degrees L; 0.86 degree D–V; and 0.6 degree D–1.3 degree R; have all been the subject of lower beam headlamp harmonization activities with GTB, GRE, JASIC, and SAE. A research study, UMTRI Report 94–27 ''Evaluation of the SAE J1735 Draft Proposal for a Harmonized Low-Beam Headlighting Pattern'' reports that these three test points contribute to better performance of the lower beam headlamp.

In the past there has been one ''seeing light'' test point at 0.5 degree D–1.5 degree R. This is being replaced by three new ''seeing light'' test points: 0.6 degree D–1.3 degrees R; 0.86 degree D–V; and 0.86 degree D–3.5 degree L. The new 0.86 degree D–V test point with the 4500 cd minimum will increase uniformity of the beam pattern below the horizontal line between the high intensity zones on the left and right. The new 0.6 degree D–1.3 degree R test point represents a relocation of a current test point by 0.1 degree D (from 0.5 degree D to 0.6 degree D) and 0.2 degree L (from 1.5 degree R to 1.3 degree R). These changes represent a significant improvement in providing more light to the left side of the beam pattern.

There is a maximum (20000 cd) requirement at the 0.5 degree D–1.5 degree R test point. Because of significantly greater control of minimum and maximum illumination above the horizontal axis, there is no continuing need for a maximum at this location.

The recommendation to modify the test point value at 4D–V in Fig. 15va from 7000 cd maximum to 10000 cd maximum is based on the substantial increase of light resulting from the test point modifications discussed above which extend the high intensity zone on the right side of the beam pattern to the left side of the beam. The previous test point value at 0.5 degree D–1.5 degrees L to L limited not only the light to the left region of the roadway, but also to the foreground area. Directing more light to the left will increase foreground light levels. Studies performed by UMTRI have shown that very high levels of foreground light can depreciate the driver's seeing-distance performance. A modest increase in the maximum candela level at this test point from 7000 to 10000 will allow the additional left-lane light yet not create undue foreground illumination.

The Committee believes that the compromise between ''seeing light'' and glare protection requires an asymmetric beam pattern. The beam pattern should be lower on the left to protect oncoming drivers from glare. This is consistent with both the current U.S. and European beam pattern design. Therefore the Committee recommends and NHTSA proposes that the cutoff location be positioned at 0.4 degree below the H–H line for headlamps designed to be aimed using the left side of the beam pattern and at the H–H line for headlamps designed to be aimed using the right side of the beam pattern. The 0.4 degree down aim on the left side would cause the top edge of the main part of the beam pattern on the left to intersect the road surface at approximately 90 m. (300 feet) from the vehicle with headlamps mounted at 635 mm. (25 inches) above the road surface. This distance is increased from present headlamps that are limited by the 0.5 degree D–1.5 degrees L to L test point that exists today. The H–H line was selected for the right side location of the cutoff so that the high intensity zone of the beam is properly placed for adequate seeing distance and because glare is less of a concern on the right side.

The specific mathematical expression for identifying the cutoff is: $G = \log E(\alpha) - \log E(\alpha+0.1)$, where ''G'' is the gradient, ''E'' is illumination and ''α'' is the vertical angular position. The maximum value of the gradient ''G'' determines the angular location of the cutoff.

2. *Field Specification for Visual Aim of Lower Beam.* As noted above, the field specification will not be incorporated into Standard No. 108 but represents the Committee's recommendation that should be used by persons in the field who will be aiming visually/optically aimable headlamps. The goal of this specification is to assure that a procedure for accurately aiming visually/optically aimable headlamps is available for use by people who need to aim headlamps. The intent of the Committee for this specification is to make it as similar to existing practices as possible. To this end, the practice in SAE J599 ''Lighting Inspection Code'' and the AAMVA ''Vehicle Inspection Handbook'', as well as studies done by NHTSA, UMTRI and JASIC, were used to develop the specification. The Committee made decisions about the field specification that are incorporated below.

a. *Distance.*

(i) Visual aim shall be performed at not less than 7.5 m. (this value is a rounded down conversion from the 25-foot distance typical of field aim using a screen). The 7.5 m. distance is measured from the front of the headlamp lens to the viewing screen.

(ii) Optical aim shall be performed at the distance specified by the manufacturer of the optical aiming device.

b. *Accuracy.* The field aiming procedure shall be capable of placing the cutoff within ±0.25 degree.

c. *Ambient Light.* The ambient light level during the aiming process affects the accuracy of aiming headlamps installed on motor vehicles. The ambient light level should be not more than 110 lux (10 foot-candle) measured vertically at the screen surface around the H–V point for each lamp.

d. *Floor.* The surface upon which the vehicle rests is flat and approximately level.

e. *Screen.* The screen upon which headlamp beams are projected is perpendicular to the floor and the vehicle's longitudinal axis, flat, uniformly light in color, unobstructed, and wide and high enough to accommodate the vehicle beam patterns to be aimed. The screen should be wide enough to provide at least 1 m. of space outboard of the vehicle's headlamp spacing.

(i) Placement of the horizontal reference line on the screen for lower beam headlamps marked ''VOL'' (the symbol is explained later in this notice): 52 mm. with a screen at 7.5 m. (2.1 inches at 24.6 feet) below the height of the optical axis of the headlamp (this represents approximately 0.4 degree down coincident with the laboratory specification).

(ii) Placement of the horizontal reference line on the screen for lower beam headlamps marked ''VOR'': at the height of the optical axis of the headlamp (coincident with the laboratory specification).

(iii) Placement of each of the two vertical reference lines on the screen for lower beam headlamps marked either ''VOL'' or ''VOR'': at the vertical centerline of each lower beam headlamp.

f. *Aim Procedure.* Aim the cutoff vertically so that it is centered on the horizontal reference line. This is correct aim. Aim inspection limits are ± 100 mm. (4 in.). Note: only headlamps with a VHAD will be horizontally adjustable. (When horizontal aim is non-adjustable, horizontal aim will not be compromised because most state laws require that headlamps be correctly aimed at the time of the first sale of the vehicle. Further, proper repair of collision-damaged vehicles will assure correct

placement of headlamps and thus maintain proper horizontal aim.)

g. *Reduction in Vertical Aim Inspection Limits.* The Committee believes that an improved beam cutoff allows some reduction in the vertical inspection limits. For instance, many state aim inspection requirements prescribe tolerances for mechanically aimed headlamps which allow the beam to vary ±4 inches at 25 feet measuring distance (±0.76 degree) as stated in f. above. The Committee believes that a reduction of this tolerance range is feasible for lower beam headlamps marked ''VOR'' and ''VOL'' and urges the SAE and the states to investigate and implement a uniformly reduced vertical aim inspection limit for these types of headlamps.

B. *Horizontal Aim of Lower Beam.*

1. *Eliminating Horizontal Aim Adjustability.* Horizontal aimability is mandatory for mechanically-aimed headlamps under Standard No. 108. Because the lower beam of a headlamp designed to conform to Standard No. 108 does not have any visual cues for achieving correct horizontal aim when aimed visually or optically, and because it is not possible to add such visual features without damaging the beam pattern, horizontal aim should be either fixed and non-adjustable, or have a horizontal VHAD.

When horizontal aim is non-adjustable, horizontal aim will not be compromised because most state laws require that headlamps be correctly aimed at the time of the first sale of the vehicle. Generally, the vehicle's manufacturer accepts the responsibility for assuring correct aim of headlamps on new motor vehicles. Further, proper realignment of front-end components of collision-damaged vehicles will assure correct placement of headlamps and thus maintain proper horizontal aim. Thus, no further specifications are necessary for field use, except to note that horizontal aim may not be adjustable on some lamps marked ''VOR'' or ''VOL'' on the lens.

Standard No. 108 specifies for the lower beam, test points at 15 and 9 degrees left and right, with minimum candela of 850 and 1000 (test points 15 and 9 degrees, Figures 15A and 17A) and 700 and 750 (test points 15 and 9 degrees, Figures 27 and 28). NHTSA proposes new Figures 15va, 17va, 27va, and 28va in which these values are increased. New test points to be added at 20 degrees left and right further widen the beam. In addition to the substitution of the above mentioned 0.86D–3.5L test point for the 0.5D–1.5L to L, to facilitate the cutoff, these changes make the new beam pattern less sensitive to horizontal positioning. The proposed modifications and additions are:

9 deg L&R–2 deg D	1250 cd. min.
15 deg L&R–2 deg D	1000 cd. min.
20 deg L&R–4 deg D	300 cd. min.

These locations and values were taken from SAE J1735 which achieves a wider beam pattern as a result of these test points.

2. *Horizontal Aim of Lower Beam for Laboratory Photometry tests.* The headlamp shall be mounted onto a fixture which simulates its actual design orientation on any vehicle for which the headlamp is intended. The fixture, with the headlamp installed, shall be attached to the goniometer table in such a way that the fixture alignment axes are coincident with the goniometer axes. Shimming or adjustment of the headlamp's attachment to the test fixture to comply with the photometric requirements is not allowed. If there is a VHAD, the aim of the headlamp shall be adjusted, using the headlamp's horizontal aiming adjusters so that the VHAD reads zero. When the headlamp has been aimed vertically, the lamp is ready to be tested for photometric compliance.

C. *Vertical Aim of Upper Beam.* As with vertical aim of the lower beam, vertical aim of the upper beam requires both a laboratory specification for headlamps before installation and a field specification for headlamps after installation; however, the aim of the upper beam is not nearly as critical as it is for the lower beam. The notice proposes that the laboratory specification be incorporated into Standard No. 108 for visually/optically aimable headlamps. For a headlamp that incorporates both a lower beam and an upper beam, the laboratory procedure and the field procedure for upper beam are not applicable, because the headlamp must be aimed using the lower beam, and, by design, both beams are photometered in that position.

For a headlamp that has only an upper beam, the following apply:

1. *Laboratory Specification for Vertical Visual Aim of Upper Beam.* The vertical aim of the upper beam shall be adjusted so that the maximum beam intensity is located on the H-H axis.

2. *Laboratory Specification for Horizontal Visual Aim of Upper Beam.* The horizontal aim of the upper beam shall be adjusted so that the maximum beam intensity is located on the V-V axis unless the headlamp has fixed horizontal aim or a VHAD. In these cases, it shall be mounted onto a fixture which simulates its actual design orientation on any vehicle for which the headlamp is intended. The fixture, with the headlamp installed, shall be attached to the goniometer table in such a way that the fixture alignment axes are coincident with the goniometer axes. Shimming or adjustment of the headlamp's attachment to the test fixture to comply with the photometric requirements is not allowed. If there is a VHAD, the aim of the headlamp shall be adjusted, using the headlamp's horizontal aiming adjusters so that the VHAD reads zero. When the headlamp has been aimed vertically, the lamp is ready to be tested for photometric compliance.

3. *Field Specification for Visual Aim of Upper Beam.* As noted above, the field specification will not be incorporated into Standard No. 108 but represents the Committee's recommendation that should be used by persons in the field who will be aiming visually/optically aimable headlamps. The goal of this specification is to assure that a procedure for accurately aiming visually/optically aimable headlamps is available for use by people who need to aim headlamps. The intent of the Committee for this specification is to make it as similar to existing practices as possible. To this end, the practice in SAE J599 ''Lighting Inspection Code'' and the AAMVA ''Vehicle Inspection Handbook'', were used to develop the specification. The Committee made decisions about the field specification that are incorporated below.

a. *Distance.*

(i) Visual aim shall be performed at not less than 7.5 m. (this value is a rounded down conversion from the 25-foot distance typical of field aim using a screen). The 7.5 m. distance is measured from the front of the headlamp lens to the viewing screen.

(ii) Optical aim shall be performed at the distance specified by the manufacturer of the optical aiming device.

b. *Accuracy.* The field aiming procedure shall be capable of placing the high intensity zone of the upper beam within ±0.3 degree vertically and ±0.6 degree horizontally.

c. *Ambient Light.* The ambient light level during the aiming process affects the accuracy of aiming headlamps installed on motor vehicles. The ambient light level adequate for visually/optically aiming the lower beam is amply low enough for accurate aiming of the upper beam.

d. *Floor.* The surface upon which the vehicle rests is flat and approximately level.

e. *Screen.* The screen upon which headlamp beams are projected is perpendicular to the floor and the

vehicle's longitudinal axis, flat, uniformly light in color, unobstructed, and wide and high enough to accommodate the vehicle beam patterns to be aimed. The screen should be wide enough to provide at least 1 m. of space outboard of the vehicle's headlamp spacing.

(i) Placement of the horizontal reference lines on the screen for upper beam headlamps marked ''VO'': at the height of the optical axis of the headlamp.

(ii) Placement of the vertical reference lines on the screen for upper beam headlamps marked ''VO'': each reference line separated horizontally from the point of projection of the vehicle's longitudinal axis on the screen, by one half the distance separating the optical axes of the upper beam headlamps on the vehicle.

f. *Aim Procedure.* Adjust the aiming screws so that the high intensity zone is centered at the intersection of the horizontal and vertical reference lines on the screen and within the allowable tolerances of ±100mm (4 in.). Note: only headlamps with a VHAD will be horizontally adjustable. (When horizontal aim is non-adjustable, horizontal aim will not be compromised because most state laws require that headlamps be correctly aimed at the time of the first sale of the vehicle. Further, proper repair of collision damaged vehicles will assure correct placement of headlamps and thus maintain proper horizontal aim.)

D. *Movable Reflector Headlamps.* Movable reflector headlamps have a lens and headlamp housing that does not move with respect to the surrounding car structure when headlamps are aimed. Therefore the range of headlamp aim limits does not need to be as large to cover repairs from vehicle collisions. Requirements for the aiming of movable reflector headlamps have been clarified and expanded to cover headlamps which are visually/optically aimable. The vertical aim range limits will now cover only the full range of pitch on the vehicle on which the headlamp system is installed. (Full range of pitch on the vehicle is defined in S7.8.3 of Standard No. 108.) When horizontal aim is incorporated in a headlamp the horizontal aim range limits will remain 2.5 degrees. Photometry will then be done over the applicable aim limits used for the headlamp system.

E. *Marking Requirements*

1. *Headlamp Optical Axis Mark.* The accuracy and reliability of headlamp aim depends upon the correct placement of aiming equipment in front of the vehicle and its headlamps. To assure that this placement is correct and precise, it is necessary for the headlamps to have an indication of the optical axis to act as a geometric reference for measuring distances to the floor and between the headlamps and the vehicle's longitudinal axis. This may be done by a mark on the interior or exterior of the lens, or by a mark or central structure on the interior or exterior of the headlamp. Thus, Standard No. 108 should be changed to require that a headlamp have this mark.

While this is necessary for visual/optical aim headlamps, it is also desirable for all headlamps because people who aim headlamps use visual/optical aim even though today's headlamps are not designed to be aimed by this method. In the interest of promoting correct aim, this optical axis mark is recommended for all future headlamp designs. This proposal may require changes in headlamps for existing production vehicles, however it is not intended to be a retroactive requirement. Adequate leadtime is required for this proposal. Commenters are invited to discuss leadtime concerns.

2. *Visual/Optical Aimability Identification mark.* Marking of headlamps would indicate that the lamp is visually/optically aimable according to the means specified in the final rule. Thus, Standard No. 108 would require that the visible part of the lens of each original and replacement equipment headlamp and headlamp lens, and of each original equipment and replacement equipment beam contributor, designed to be visually/optically aimable, manufactured on or after the effective date of the final rule, be marked with the symbols ''VOL'', ''VOR'', or ''VO'' either horizontally or vertically. The Committee determined that ''VOR'' and ''VO'' respectively should be the only marking used for all lower beam and upper beam sealed beam and integral beam headlamp types existing before the effective date of the final rule resulting from this NPRM if these types are ever redesigned to be visually/optically aimable. This will ensure that replacement headlamps are identically marked.

NHTSA proposes that manufacturers which introduce new visually/optically aimed headlamp types after the effective date be required to determine the aim method and apply the required marking. This aim method and marking must be followed by all subsequent manufacturers of this headlamp type.

A lower beam headlamp would be marked ''VOL'' if the manufacturer designs it to be visually/optically aimed using the left side of the lower beam pattern, and ''VOR'' if using the right side. If a sealed beam or an integral beam headlamp system is in production before the publication of the final rule, the lens of any lamp in such system that is manufactured on or after the effective date of the final rule would be marked ''VOR'', and would have the gradient on the right side, if the system is ever redesigned so that its lamps are visually/optically aimable. A headlamp would be marked ''VO'' if it is solely an upper beam headlamp and intended to be visually/optically aimed.

In accordance with other marking requirements of Standard No. 108, the letters would be not less than 3 mm high.

Allowing Existing Headlamps to Use the New Photometrics

The Committee also decided that the improved photometrics represented by Figures 15va, 17va, 27va or 28va should be available to manufacturers of headlamps that are not visually/optically aimable within the meaning of this rulemaking action, but which presently are designed to meet the photometrics of Figures 15A, 17A, 27 or 28. This raises no safety issues regarding glare or compatibility of replacement equipment, and NHTSA is proposing amendments to the text and Figure 26 appropriate to implement the Committee's decision.

Other Issues

Independent of the recommendations of the Committee to NHTSA, the agency would like to have comment regarding the costs, benefits and other impacts associated with the following issues.

(1) For the express purpose of simplifying the requirements of the Standard No. 108 to reduce the burden on regulated persons, please comment on the possibility and timing of an eventual mandatory requirement for having only visually/optically aimable headlamps. Such an action would eliminate at least four Figures (15A, 17A, 27 and 28) and significant text associated with mechanical and VHAD aiming.

(2) For additional significant gains toward simplification and burden reduction that could be achieved, please comment on the possibility and timing of using only Figures 15va and 17va as the only allowed photometric performance at sometime in the future. This can eliminate another three Figures (26, 27va and 28va) and many pages of text associated with explanations of how to select the correct photometric performance.

Proposed Effective Dates

The amendments that allow headlamps to be visually/optically aimable as an alternative to existing aimability requirements would be effective 60 days after publication of the final rule in the Federal Register.

The amendments to S7.8.1 amending the fiducial marking to require an optical axis mark for headlamps that are not visually/optically aimable would become effective September 1 of the year following one year after publication of the final rule. For example, if the final rule is published after September 1, 1996 and before September 1, 1997, the effective date of the rule would be September 1, 1998. There would be no retroactive effect on existing headlamps or their replacements. The amendments to S7.8.5.2(c) amending the calibration requirements for the VHAD also would become effective September 1 of the year following one year after publication of the final rule. There would be no retroactive effect on existing headlamps or their replacements.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12866. Further, it has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is to provide an alternative and more objective means of determining the accuracy of headlamp aim. As an alternative, the provisions would not be mandatory unless a manufacturer chose to install visually/optically aimable headlamps on a motor vehicle that it intends to sell. Because of offsetting benefits to vehicle manufacturers when choosing this option, it is likely that greater benefits than costs will occur. The costs of the final rule would be so minimal as not to warrant preparation of a full regulatory evaluation.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that a final rule based on this proposal would have a significant effect upon the environment. The composition of headlamps would not change from those presently in production.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. For the reasons stated above and below, I certify that this rulemaking action would not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and motor vehicle equipment, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act.

Executive Order 12612 (Federalism)

This rulemaking action has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice

A final rule based on this proposal would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR Part 571 would be amended as follows:

1. The authority citation for Part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.108 would be amended by:

a. amending Section S4 to add new definitions: ''Cutoff'' and ''Visually/optically aimable headlamp'' in alphabetical order to read as set forth below;

b. revising the definition in S4 of ''Vehicle headlamp aiming device'', to read as set forth below;

c. revising S7.3.2(a)(3); 7.3.3(a); S7.3.4; S7.3.5(a); S7.3.6(a); the first sentence of S7.3.7(b); S7.3.7(d); S7.3.7(h)(1); the last sentence of S7.3.8(b); S7.4(a)(1)(i); S7.4(a)(1)(ii); S7.4(a)(1)(iii); S7.4(a)(2)(i); S7.4(a)(2)(ii); the first sentence of S7.4 (a)(3); S7.5(d)(2)(i)(A)(*1*); S7.5(d)(2)(i)(A)(*2*), S7.5(d)(2)(ii)(A)(*1*), S7.5(d)(2)(ii)(A)(*2*), S7.5(d)(3)(i)(A); S7.5(d)(3)(i)(B); S7.5(d)(3)(ii)(A); S7.5(d)(3)(ii)(B); S7.5(e)(2)(i)(A); S7.5(e)(2)(i)(B); S7.5(e)(2)(ii)(A); S7.5(e)(2)(ii)(B); the

first sentences of S7.5(e)(3)(i) and S7.5(e)(3)(ii); S7.6.2; S7.6.3; and S7.8.1; S7.8.2; S7.8.2.2; and S7.8.5, to read as set forth below;

d. redesignating paragraph S7.8.5.2(c) as S7.8.5.2(d);

e. adding new S7.8.5.2(c) and S7.8.5.3 to read as set forth below;

f. revising the fourth sentence of S10 (a) and the third sentence of S10(b) to read as set forth below;

g. adding new Figures 15B, 17B, 27A, and 28A, to read as set forth below; and

h. revising Figure 26 to read as set forth below:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4 *Definitions.*

* * * * *

Cutoff means a generally horizontal, visual/optical aiming cue in the lower beam that marks a separation between areas of higher and lower luminance.

* * * * *

Vehicle headlamp aiming device or VHAD means motor vehicle equipment, installed either on a vehicle or headlamp, which is used for determining the horizontal or vertical aim, or both the vertical and horizontal aim of the headlamp.

Visually/optically aimable headlamp means a headlamp which is designed to be visually/optically aimable in accordance with the requirements of S7.8.5.3 of this standard.

S7.3.2 *Type A headlighting system.* * * *

(a) * * *

(3) In S4.5.2 and S5.1.6, the words ''Figure 28 or 28A of Motor Vehicle Safety Standard No. 108 are substituted for ''Table 3.''

* * * * *

S7.3.3 *Type B headlighting system.* * * *

(a) The requirements of S7.3.2(a) through (c), except that Figure 27 or Figure 27A is substituted for Table 3 in S7.3.2(a)(3).

* * * * *

S7.3.4 *Type C headlighting system.* A Type C headlighting system consists of two Type 1C1 and two Type 2C1 headlamps and associated hardware, which are designed to conform to the requirements of S7.3.2(a) through (d), except that Figure 28 or 28A is substituted for Table 3 in S7.3.2(a)(3).

S7.3.5 *Type D headlighting system.* (a) A Type D headlighting system consists of two Type 2D1 headlamps and associated hardware, which are designed to conform to the requirements of S7.3.2(a) through (c), except that Figure 27 or 27A is substituted for Table 3 in S7.3.2(a)(3).

* * * * *

S7.3.6 *Type E headlighting system.* (a) A Type E headlighting system consists of two Type 2E1 headlamps and associated hardware, which are designed to conform to the requirements of S7.3.2(a) through (c), except that Figure 27 or 27A is substituted for Table 3 in S7.3.2(a)(3).

* * * * *

S7.3.7 *Type F headlighting system.* * * *

* * * * *

(b) The photometric requirements of Figure 15A or 15B of this standard. * * *

* * * * *

(d) When tested in accordance with paragraph (c) of this section, the mounted assembly (either Type UF or Type LF headlamps, respective mounting ring, aiming ring, and aim adjustment mechanism) shall be designed to conform to the requirements of Figure 15A or 15B for upper or lower beams respectively without reaim when any conforming Type UF or LF headlamp is tested and replaced by another conforming headlamp of the same Type.

* * * * *

(h) * * *

(1) The assembly (consisting of the Type UF and LF headlamps, mounting rings, the aiming/seating rings, and aim adjustment mechanism) shall be designed to conform to the test points of Figure 15A or 15B.

* * * * *

S7.3.8 Type G headlighting system. * * *

* * * * *

(b) * * * In S4.5.2, the words ''either Figure 28 or 28A'' are substituted for the words ''Table 3''.

* * * * *

S7.4 *Integral beam headlighting systems.* * * *

(a) * * *

(1) * * *

(i) Figure 15A or 15B; or

(ii) Figure 15A or 15B, except that the upper beam test value at 2.5D-V and 2.5D–12R and 12L, shall apply to the lower beam headlamp and not to the upper beam headlamp, and the upper beam test point value at 1.5D–9R and 9L shall be 1000; or

(iii) Figure 28 or 28A.

(2) * * *

(i) Figure 17 or 17B; or

(ii) Figure 27 or 27A.

(3) In a system in which there is more than one beam contributor providing a lower beam, and/or more than one beam contributor providing an upper beam, each beam contributor in the system shall be designed to meet only the photometric performance requirements of Figure 15A or 15B based upon the following mathematical expression: conforming test point value = 2 (Figure 15A or 15B test point value)/total number of lower or upper beam contributors for the vehicle, as appropriate. * * *

* * * * *

S7.5 *Replaceable bulb headlighting systems.* * * *

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) * * *

(*1*) The lower beam requirements of Figure 27 or 27A or Figure 17A or 17B if the light sources in the headlamp system are any combination of dual filament replaceable light sources other than Type HB2; or

(*2*) The lower beam requirements of Figure 17A or 17B if the light sources are Type HB2, or any dual filament replaceable light sources that include Type HB2; or

(B) * * *

(ii) * * *

(A) * * *

(*1*) The upper beam requirements of Figure 27 or 27A, or Figure 17A or 17B if the light sources in the headlamp system are any combination of dual filament replaceable light sources that include Type HB2, or

(*2*) The upper beam requirements of Figure 17A or 17B if the light sources are Type HB2, or any combination of replaceable light sources that include Type HB2; or

* * * * *

(3) * * *

(i) * * *

(A) The lower beam requirements of Figure 27 or 27A, or Figure 15A or 15B if the light sources in the headlamp system are any combination of dual filament light sources other than Type HB2; or

(B) The lower beam requirements of Figure 15A or 15B if the light sources are Type HB2, or dual filament light sources other than Type HB1 and Type HB5. * * *

(ii) * * *

(A) The upper beam requirements of Figure 27 or 27A or Figure 15A or 15B if the light sources in the headlamp system are any combination of dual filament light sources other than Type HB2; or

(B) The upper beam requirements of Figure 15A or 15B if the light sources are Type HB2, or dual filament light

sources other than Type HB1 and Type HB5. * * *

(e) * * *

* * * * *

(2) * * *

(i) * * *

(A) By the outboard light source (or the uppermost if arranged vertically) designed to conform to the lower beam requirements of Figure 17A or 17B; or

(B) By both light sources, designed to conform to the lower beam requirements of Figure 17A or 17B.

(ii) * * *

(A) By the inboard light source (or the lower one if arranged vertically) designed to conform to the upper beam requirements of Figure 17A or 17B; or

(B) By both light sources, designed to conform to the upper beam requirements of Figure 17A or 17B.

(3) * * *

(i) The lower beam shall be produced by the outboard lamp (or upper one if arranged vertically), designed to conform to the lower beam requirements of Figure 15A or 15 B. * * *

(ii) The upper beam shall be produced by the inboard lamp (or lower one if arranged vertically), designed to conform to the upper beam requirements of Figure 15A or 15B.

* * *

* * * * *

S7.6.2 In a combination headlighting system consisting of two headlamps, each headlamp shall be designed to conform to Figure 17A or 17B and shall be a combination of two different headlamps chosen from the following types: a Type F headlamp, an integral beam headlamp, and a replaceable bulb headlamp.

* * * * *

S7.6.3 In a combination headlighting system consisting of four headlamps, each headlamp shall be designed to conform to Figure 15A or 15B, or if an integral beam headlamp in which there is more than one beam contributor, designed to conform to Figure 15A or 15B in the manner required by S7.4(a)(3) of this standard.

* * * * *

S7.8.1 (a) Each headlamp or beam contributor that is not visually/optically aimable in accordance with S7.8.5.3 of this standard shall be equipped with fiducial marks, aiming pads, or similar references of sufficient detail and accuracy, for determination of an appropriate vehicle plane to be used with the photometric procedures of SAE J1383 APR85 for correct alignment with the photometer axis when being tested for photometric compliance, and to serve for the aiming reference when the headlamp or beam contributor is installed on a motor vehicle. The fiducial marks, aiming pads, or similar references are protrusions, bubble vials, holes, indentations, ridges, scribed lines, or other readily identifiable marks established and described by the vehicle or headlamp manufacturer.

(b) Each motor vehicle manufactured on and after September 1 [of the year following one year after publication of the final rule] shall be equipped with headlamps or beam contributors which have a mark or markings that are visible from the front of the headlamp to identify the optical axis of the headlamp to assure proper horizontal and vertical alignment of the aiming screen or optical aiming equipment. The manufacturer is free to choose the design of the mark or markings. The mark or markings may be on the interior or exterior of the lens or indicated by a mark or central structure on the interior or exterior of the headlamp.

(c) Each headlamp that is visually/optically aimable in accordance with S7.8.5.3 of this standard shall be marked in accordance with S7.8.5.3(f).

S7.8.2 Except as provided in this section, each headlamp shall be installed on a motor vehicle with a mounting and aiming mechanism that allows aim inspection and adjustment of both vertical and horizontal aim, and is accessible for those purposes without removal of any vehicle parts, except for protective covers removable without the use of tools. A visually/optically aimable headlamp that has a lower beam shall not have a horizontal adjustment mechanism unless such mechanism meets the requirements of S7.8.5.2 of this standard.

* * * * *

S7.8.2.2 If the headlamp is aimed by moving the reflector relative to the lens and headlamp housing, or vice versa, it shall:

(a) Allow movement of the headlamp system, when tested in the laboratory, to be not less than the full range of pitch on the vehicle on which the headlamp system is installed and for the horizontal aim range limits of S7.8.4,

(b) Conform with the photometrics applicable to it with the lens at any position relative to the reflector within the range limits as specified in paragraph (a) of this section,

(c) Be exempted from the aim range limits for testing in a laboratory as specified in S7.8.3, and

(d) Be exempted from S7.8.4 if it is visually/optically aimable and has fixed horizontal aim.

* * * * *

S7.8.5 When activated in a steady-burning state, headlamps shall not have any styling ornament or other feature, such as a translucent cover or grill, in front of the lens. Headlamp wipers may be used in front of the lens provided that the headlamp system is designed to conform with all applicable photometric requirements with the wiper stopped in any position in front of the lens. When a headlamp system is installed on a motor vehicle, it shall be aimable with at least one of the following:

(a) An externally applied aiming device, as specified in S7.8.5.1;

(b) An on-vehicle headlamp aiming device installed by the vehicle or lamp manufacturer, as specified in S7.8.5.2; or

(c) By visual/optical means, as specified in S7.8.5.3.

* * * * *

S7.8.5.2(c) Each headlamp equipped with a VHAD that is manufactured for use on motor vehicles manufactured on or after September 1 [of the year following one year after publication of the final rule] shall be manufactured with its calibration permanently fixed by its manufacturer. Calibration in this case means the process of accurately aligning the geometry of the VHAD devices with the beam pattern for the purposes of compliance with the standard.

* * * * *

S7.8.5.3 *Visual/optical aiming.* Each visually/optically aimable headlamp shall be designed to conform to the following requirements:

(a) *Vertical aim, lower beam.* Each lower beam headlamp shall have a cutoff in the beam pattern. It may be either on the left side or the right side of the optical axis, but once chosen for a particular headlamp system's design, the side chosen for the cutoff shall not be changed for any headlamps intended to be used as replacements for those system's headlamps.

(1) *Vertical position of cutoff.* The headlamp shall be aimed vertically so that the cutoff is on the left side, at 0.4 degree down from the H–H line, or on the right side, at the H–H line.

(2) *Vertical gradient.* The gradient of the cutoff measured at either 2.5 degrees L or 2.0 degrees R shall be not less than 0.13 based on the procedure of paragraph (a)(5) of this section.

(3) *Horizontal position of the cutoff.* The width shall be not less than two degrees, with not less than two degrees of its actual width centered at either 2.5 degrees L, or 2.0 degrees R.

(4) *Maximum inclination of cutoff.* The vertical location of the highest gradient at the ends of the minimum width shall be within ±0.2 degree of the vertical location of the maximum

gradient measured at the appropriate vertical line (at either 2.5 degrees L for a left side cutoff, or 2.0 degrees R for a right side cutoff.)

(5) *Measuring the cutoff parameters.* (i) The headlamp shall be mounted on a fixture which simulates its actual design location on any vehicle for which the headlamp is intended. The fixture, with the headlamp installed shall be attached to the goniometer table in such a way that the fixture alignment axes are coincident with the goniometer axes. The headlamp shall be energized at the specified test voltage.

(ii) The headlamp beam pattern shall be aimed with the cutoff at the H–H axis. There shall be no adjustment, shimming, or modification of the horizontal axis of the headlamp or test fixture, unless the headlamp is equipped with a VHAD. In this case the VHAD shall be adjusted to zero.

(iii) A vertical scan of the beam pattern shall be conducted for a headlamp with a left side gradient by aligning the goniometer on a vertical line at 2.5 degrees L and scanning from 1.5 degrees U to 1.5 degrees D. For a headlamp with a right side gradient, a vertical scan of the beam pattern shall be conducted by aligning the goniometer on a vertical line at 2.0 degrees R and scanning from 1.5 degrees U to 1.5 degrees D.

(iv) Determine the maximum gradient within the range of the scan by using the formula: $G=\log E(\alpha) - \log E(\alpha+0.1)$, where ''G'' is the gradient, ''E'' is illumination and ''α'' is vertical angular position. The maximum value of the gradient ''G'' determines the vertical angular location of the cutoff. Perform vertical scans at 1.0 degree L&R of the measurement point of the maximum gradient to determine the inclination.

(b) *Horizontal aim, lower beam.* There shall be no adjustment of horizontal aim unless the headlamp is equipped with a horizontal VHAD. If the headlamp has a VHAD, it shall be set at zero.

(c) *Vertical aim, upper beam.* (1) If the upper beam is combined in a headlamp with a lower beam, the vertical aim of the upper beam shall not be changed from the aim set using the procedures of S7.8.5.3 (a) and (b) used for the lower beam.

(2) If the upper beam is not combined in a headlamp with a lower beam, the vertical aim of the upper beam shall be adjusted so that the maximum beam intensity is located on the H–H axis.

(d) *Horizontal aim, upper beam.* (1) If the upper beam is combined in a headlamp with a lower beam, the horizontal aim of the upper beam shall not be changed from the aim set using the procedures of S7.8.5.3 (a) and (b) used for the lower beam.

(2) If the upper beam is not combined in a headlamp with the lower beam and has fixed horizontal aim or has a horizontal VHAD, then the headlamp shall be mounted on a fixture which simulates its actual design location on any vehicle for which the headlamp is intended. The fixture, with the headlamp installed shall be attached to the goniometer table in such a way that the fixture alignment axes are coincident with the goniometer axes. The headlamp shall be energized at 12.8±0.20 mV. There shall be no adjustment, shimming, or modification of the horizontal axis of the headlamp or test fixture, unless the headlamp is equipped with a VHAD. In this case the VHAD shall be adjusted to zero.

(3) If the upper beam is not combined in a headlamp with a lower beam, and it does not have a VHAD, the horizontal aim of the upper beam shall be adjusted so that the maximum beam intensity is located on the V–V axis.

(e) *Photometric requirements and measurements.* (1) Instead of being designed to conform to the photometric requirements of Figures 15A, 17A, 27 or 28, a visually/optically aimable headlamp shall be designed to conform to the requirements of Figures 15B, 17B, 27A or 28A when tested in accordance with paragraph (e)(2) of this section and SAE J575 DEC88, with the distance from the photometer to the headlamp no less than 18.3 m.

(2) If the lower beam has a left side cutoff, reaim the headlamp vertically to place the maximum gradient found in S7.8.5.3 at 0.4 degree below the H–H line. For a headlamp with a lower beam right side cutoff, place the maximum gradient found in S7.8.5.3 at the H–H line. For an upper beam, the headlamp would already be aimed at the end of the procedure found in S7.8.5.3. A 0.25 degree reaim is permitted in any direction at any test point.

(f) *Marking.* (1) *Headlamp optical axis mark.* There shall be a mark or markings identifying the optical axis of the headlamp visible from the front of the headlamp, to assure proper horizontal and vertical alignment of the aiming screen or optical aiming equipment with the headlamp being aimed. The manufacturer is free to choose the design of the mark or markings. The mark or markings may be on the interior or exterior of the lens or indicated by a mark or central structure on the interior or exterior of the headlamp.

(2) *Visual/optical aimability identification marks.* (i) The lens of a lower beam headlamp shall be marked ''VOL'' if the headlamp is intended to be visually/optically aimed using the left side of the lower beam pattern.

(ii) The lens of a lower beam headlamp shall be marked ''VOR'' if the headlamp is intended to be visually/optically aimed using the right side of the lower beam pattern.

(iii) The lens of each sealed beam or integral beam headlamp shall be marked ''VOR'' if the headlamp is of a type that was manufactured before [the effective date of the final rule] and if such headlamp type has been redesigned since then to be visually/optically aimable.

(iv) The lens of a headlamp that is solely an upper beam headlamp and intended to be visually/optically aimed using the upper beam shall be marked ''VO''.

(v) Each letter used in marking according to this paragraph shall be not less than 3 mm. high.

* * * * *

S10. *Simultaneous aim photometry tests.*

(a) *Type F headlamp systems.* * * * Photometry measurements of the UF photometry unit shall be completed using the aiming plane so established, and the procedures of section 4.1 and 4.1.4 Standard J1383 APR85, and Figure 15A or 15Ba. * * *

(b) *Integral beam headlamp systems.* * * * Photometric compliance of the lower beam shall be determined with all lower beam contributors illuminated and in accordance with sections 4.1 and 4.1.6 of SAE Standard J1383 APR85, and Figure 15A or 15B. * * *

* * * * *

FIGURE 15B.—PHOTOMETRIC TEST POINT VALUES

Test points (degrees)	Candela maximum	Candela minimum
Upper Beam		
2U–V	—	1,500
1U–3L and 3R	—	5,000
H–V	70,000	40,000
H–3L and 3R	—	15,000
H–6L and 6R	—	5,000
H–9L and 9R	—	3,000
H–12L and 12R	—	1,500
1.5D–V	—	5,000
1.5D–9L and 9R	—	2,000
2.5D–V	—	2,500
2.5D–12L and 12R	—	1,000
4D–V	5,000	—
Lower Beam		
10U–90U	125	—
4U–8L and 8R	—	64
2U–4L	—	135
1.5U–1R to 3R	—	200

FIGURE 15B.—PHOTOMETRIC TEST POINT VALUES—Continued

Test points (degrees)	Candela maximum	Candela minimum
1.5U–1R to R	1,400	—
1U–1.5L to L	700	—
0.5U–1.5L to L	1,000	—
0.5U–1R to 3R	2,700	500
H–V	5,000	—
H–4L	—	135
H–8L	—	64
0.6D–1.3R	—	10,000
0.86D–V	—	4,500
0.86D–3.5L	12,000	1,800
1.5D–2R	—	15,000
2D–9L and 9R	—	1,250
2D–15L and 15R	—	1,000
4D–V	10,000	—
4D–4R	12,500	—
4D–20L and 20R	—	300

FIGURE 17B.—PHOTOMETRIC TEST POINT VALUES

Test Points (degrees)	Candela maximum	Candela minimum
Upper Beam		
2U–V	—	1,500
1U–3L and 3R	—	5,000
H–V	75,000	40,000
H–3L and 3R	—	15,000
H–6L and 6R	—	5,000
H–9L and 9R	—	3,000
H–12L and 12R	—	1,500
1.5D–V	—	5,000
1.5D–9L and 9R	—	2,000
2.5D–V	—	2,500
2.5D–12L and 12R	—	1,000
4D–V	12,000	—
Lower Beam		
10U–90U	125	—

FIGURE 17B.—PHOTOMETRIC TEST POINT VALUES—Continued

Test Points (degrees)	Candela maximum	Candela minimum
4U–8L and 8R	—	64
2U–4L	—	135
1.5U–1R to 3R	—	200
1.5U–1R to R	1,400	—
1U–1.5L to L	700	—
0.5U–1.5L to L	1,000	—
0.5U–1R to 3R	2,700	500
H–4L	—	135
H–8L	—	64
0.6D–1.3R	—	10,000
0.86D–V	—	4,500
0.86D–3.5L	12,000	1,800
1.5D–2R	—	15,000
2D–9L and 9R	—	1,250
2D–15L and 15R	—	1,000
4D–4R	12,500	—
4D–20L and 20R	—	300

FIGURE 26.—TABLE FOR DETERMINING THE PHOTOMETRIC REQUIREMENTS OF REPLACEABLE BULB HEADLAMP SYSTEMS

	Any dual filament type other than HB2 used alone or with another dual filament type other than HB2, filed in Docket No. 93–11	HB2 or any single filament type used alone or with any other single or dual filament type, filed in Docket No. 93–11
Four-Headlamp Systems	Fig. 27 or 27A, Fig. 15 or 15B.	Fig. 15 or 15B.
Two-Headlamp Systems	Fig. 27 or 27A, Fig. 17 or 17B.	Fig. 17 or 17B.

FIGURE 27A.—PHOTOMETRIC TEST POINT VALUES

Test points (degrees)	Candela maximum	Candela minimum
Upper Beam		
2U–V	—	1,000
1U–3L and 3R	—	2,000
H–V	75,000	20,000
H–3L and 3R	—	10,000
H–6L and 6R	—	3,250
H–9L and 9R	—	1,500
H–12L and 12R	—	750
1.5D–V	—	5,000
1.5D–9L and 9R	—	1,500
2.5D–V	—	2,500

FIGURE 27A.—PHOTOMETRIC TEST POINT VALUES—Continued

Test points (degrees)	Candela maximum	Candela minimum
2.5D–12L and 12R	—	750
4D–V	5,000	—
Lower Beam		
10U–90U	125	—
4U–8L and 8R	—	64
2U–4L	—	135
1.5U–1R to 3R	—	200
1.5U–1R to R	1,400	—
1U–1.5L to L	700	—

FIGURE 27A.—PHOTOMETRIC TEST POINT VALUES—Continued

Test points (degrees)	Candela maximum	Candela minimum
0.5U–1.5L to L	1,000	—
0.5U–1R to 3R	2,700	500
H–4L	—	135
H–8L	—	64
0.6D–1.3R	—	10,000
0.86D–V	—	4,500
0.86D–3.5L	12,000	1,800
1.5D–2R	—	15,000
2D–9L and 9R	—	1,250
2D–15L and 15R	—	1,000
4D–4R	12,500	—
4D–20L and 20R	—	300

FIGURE 28A.—PHOTOMETRIC TEST POINT VALUES

Headlamp type	1A1, 1C1, and 1G1		2A1, 2C1, and 2G1	
Test points (degrees)	Candela maximum	Candela minimum	Candela maximum	Candela minimum
Upper Beam				
2U–V	.....	750	.....	750
1U–3L and 3R	.....	3,000	.....	2,000
H–V	60,000	18,000	15,000	7,000
H–3L and 3R	.....	12,000	.....	3,000
H–6L and 6R	.....	3,000	.....	2,000

FIGURE 28A.—PHOTOMETRIC TEST POINT VALUES—Continued

Headlamp type	1A1, 1C1, and 1G1		2A1, 2C1, and 2G1	
Test points (degrees)	Candela maximum	Candela minimum	Candela maximum	Candela minimum
H–9L and 9R		2,000		1,000
H–12L and 12R		750		750
1.5D–V		3,000		2,000
1.5D–9L and 9R		1,250		750
2.5D–V		1,500		1,000
2.5D–12L and 12R		600		400
4D–V	5,000		2,500	

Headlamp type	2A1, 2C1, and 2G1	
Test points (degrees)	Candela maximum	Candela minimum
Lower Beam		
10U–90U	125	
4U–8L and 8R		64
2U–4L		135
1.5U–1R to 3R		200
1.5U–1R to R	1,400	
1U–1.5L to L	700	
0.5U–1.5L to L	1,000	
0.5U–1R to 3R	2,700	500
H–4L		135
H–8L		64
0.6D–1.3R		10,000
0.86D–V		4,500
0.86D–3.5L	12,000	1,800
1.5D–2R		15,000
2D–9L and 9R		1,250
2D–15L and 15R		1,000
4D–4R	12,500	
4D–20L and 20R		300

Issued on July 2, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Rescheduled Public Hearing on Proposed Threatened and Endangered Status for Five Plants and a Lizard From Monterey County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule, notice of rescheduled public hearing.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of rescheduling of a public hearing on the proposed endangered status for coastal dunes milkvetch (*Astragalus tener* var. *titi*), Yadon's piperia (*Piperia yadonii*), Hickman's potentilla (*Potentilla hickmanii*), Monterey clover (*Trifolium trichocalyx*) and the black legless lizard (*Anniella pulchra nigra*); and threatened status for Gowen cypress (*Cupressus goveniana* ssp. *goveniana*). All parties are invited to submit comments on this proposal.

DATES: A public hearing was originally scheduled for Wednesday, July 17, 1996, in Monterey, California. The hearing has been rescheduled to be held on Tuesday, August 20, 1996, from 6:00 p.m. to 8:00 p.m. in Monterey, California. Any comments received by August 30, 1996, will be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held at the Hyatt Regency Hotel, One Golf Course Road, Monterey, California. Written comments and materials concerning this proposal may be submitted at the hearing or sent directly to the Field Supervisor, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Connie Rutherford (see **ADDRESSES** section) or at 805/644–1766.

SUPPLEMENTARY INFORMATION:

Background

Most of the habitat for the plants and lizard is found in coastal habitats in northern Monterey County. Coastal dunes milk-vetch and Monterey clover are restricted to private lands on the Monterey Peninsula. Hickman's potentilla is restricted to two populations: one on the Monterey Peninsula, and one recently discovered near Devil's Slide in San Mateo County. Gowen cypress stands occur on the Monterey Peninsula, and at Point Lobos State Reserve five miles to the south. Yadon's piperia occurs primarily on private lands on the Monterey Peninsula, with other populations extending as far south as Palo Colorado Canyon, and as far north as Blohm

Ranch north of Prunedale. The black legless lizard occurs on private and State Park lands between the Salinas and Carmel Rivers, on the Monterey Peninsula, and along Monterey Bay. A few populations of Yadon's piperia and the black legless lizard occur on Federal lands at Fort Ord.

The five plant taxa and the lizard are threatened by one or more of the following: alteration, destruction, and fragmentation of habitat resulting from urban and golf course development; recreational activities; highway widening; military activities; competition with non-native species; and alteration of natural fire cycles. All taxa are also threatened with stochastic extinction due to the small numbers of populations or individuals.

On August 2, 1995, the Service published a proposed rule on proposed endangered status for *Astragalus tener* var. *titi, Piperia yadonii, Potentilla hickmanii, Trifolium trichocalyx,* and the black legless lizard (*Anniella pulchra nigra*); and threatened status for Gowen cypress (*Cupressus goveniana* ssp. *goveniana* (60 FR 39326). Section 4(b)(5)(E) of the Act requires that a public hearing be held if one is requested within 45 days of the publication of the proposed rule in the Federal Register. A public hearing request was received within the allotted time period from Robert D. Thornton of Nossaman, Guthner, Knox & Elliott in Irvine, California. On June 26, 1996, the Service announced that a public hearing was scheduled to be held on July 17, 1996 (61 FR 33082). The hearing has been rescheduled to be held on August 20, 1996, at the Hyatt Regency Hotel, One Golf Course Road, Monterey, California.

Anyone wishing to make statements for the record should bring a written copy of their statements to the hearing. Oral statements may be limited in length if the number of parties present at the hearing necessitates such a limitation. Oral and written comments receive equal consideration. The Service places no limits to the length of written comments or materials presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing are being published in local newspapers. Written comments may be submitted until August 30, 1996, to the Service office in the **ADDRESSES** section.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*)

Dated: July 3, 1996.

Don Weathers,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 96–17523 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 61, No. 133
Wednesday, July 10, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

Food Distribution Program: Value of Donated Foods From July 1, 1996 to June 30, 1997

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or, where applicable, cash in lieu thereof to be provided in the 1997 school year for each lunch served by schools participating in the National School Lunch Program (NSLP) or by commodity only schools and for each lunch and supper served by institutions participating in the Child and Adult Care Food Program.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Henigan, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302 or telephone (703) 305–2660.

SUPPLEMENTARY INFORMATION:

Classification

These programs are listed in the Catalog of Federal Domestic Assistance under Nos. 10.550, 10.555, and 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. This notice has been determined to be exempt under Executive Order 12866.

National Average Minimum Value of Donated Foods for the Period July 1, 1996 through June 30, 1997

This notice implements mandatory provisions of sections 6(e), 14(f) and 17(h)(1) of the National School Lunch Act (the Act) (42 U.S.C. 1755(e), 1762a(f), and 1766(h)(1)). Section 6(e)(1)(A) of the Act establishes the national average value of donated food assistance to be given to States for each lunch served in NSLP at 11.00 cents per meal. Pursuant to section 6(e)(1)(B), this amount is subject to annual adjustments as of July 1 of each year to reflect changes in a three-month average value of the Price Index for Food Used in Schools and Institutions for March, April, and May of each year. Section 17(h)(1) of the Act provides that the same value of assistance in donated foods for school lunches shall also be established for lunches and suppers served in the Child and Adult Care Food Program. Notice is hereby given that the national average minimum value of donated foods, or cash in lieu thereof, per lunch under NSLP (7 CFR Part 210) and per lunch and supper under the Child and Adult Care Food Program (7 CFR Part 226) shall be 14.50 cents for the period July 1, 1996 through June 30, 1997.

The Price Index for Food Used in Schools and Institutions is computed using five major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products; meats, poultry and fish; dairy products; processed fruits and vegetables; and fats and oils). Each component is weighed using the same relative weight as determined by the Bureau of Labor Statistics. The value of food assistance is adjusted each July 1 by the annual percentage change in a three-month average value of the Price Index for March, April and May. The three-month average of the Price Index increased by 2.50 percent from 124.29 for March, April and May of 1995 to 127.40 for the same three months in 1996. When computed on the basis of unrounded data and rounded to the nearest one-quarter cent, the resulting national average for the period July 1, 1996 through June 30, 1997 will be 14.50 cents per meal. This is an increase of 0.25 cents from the school year 1996 rate.

Section 14(f) of the Act provides that commodity only schools shall be eligible to receive donated foods equal in value to the sum of the national average value of donated foods established under section 6(e) of the Act and the national average payment established under section 4 of the Act (42 U.S.C. 1753). Such schools are eligible to receive up to 5 cents per meal of this value in cash for processing and handling expenses related to the use of such commodities.

Commodity only schools are defined in section 12(d)(7) of the Act (42 U.S.C. 1760(d)(7)) as ''schools that do not participate in the school lunch program under this Act, but which receive commodities made available by the Secretary for use by such schools in nonprofit lunch programs.''

For the 1997 school year, commodity only schools shall be eligible to receive donated food assistance valued at 32.25 cents for each lunch served. This amount is based on the sum of the section 6(e) level of assistance announced in this notice and the adjusted section 4 minimum national average payment factor for school year 1997. The section 4 factor for commodity only schools does not include the two cents per lunch increase for schools where 60 percent of the lunches served in the school lunch program in the second preceding school year were served free or at reduced prices, since that increase is applicable only to schools participating in the National School Lunch Program.

Section 103 of the Healthy Meals for Healthy Americans Act of 1994, (Public Law 103–448) amended section 6 of the National School Lunch Act by adding a new paragraph (g), which mandates that not less than 12 percent of the assistance provided under sections 4, 6, and 11 of the Act be in the form of commodity assistance, including cash in lieu of commodities and administrative costs for commodity procurement of commodities under section 6. In school year 1996, the announced rate generated commodity assistance at a level that exceeded the 12-percent mandate. In the event that the rate of $.1450 announced in this Notice fails to meet the 12-percent requirement, the rate will be retroactively adjusted upward, and the additional commodities will be

delivered to States during the first quarter of the next school year.

Authority: Sections 6(e)(1) (A) and (B), 14(f) and 17(h)(1) of the National School Lunch Act, as amended (42 U.S.C. 1755(e)(1) (A) and (B), 1762a(f), and 1766(h)(1)).

Dated: July 2, 1996.

Willliam E. Ludwig,

Administrator.

[FR Doc. 96–17519 Filed 7–9–96; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Cost Study for Single-Family Value-in-Place (VIP)

ACTION: Proposed Agency Information Collection Activity; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 9, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Masato Asanuma, Bureau of the Census, Manufacturing and Construction Division, Room 2136, FOB 4, Washington, DC 20233–6900, (301) 457–1241.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau produces a monthly data series on the value of private single-family residential construction put in place. Estimates for the series are derived from the Bureau's Survey of Construction (SOC) by using a mathematical model and construction progress patterns. The application of the mathematical model requires us to subtract out nonconstruction costs from sales price or contract value that we collect for the SOC and add construction costs not normally included in the contract value. The factors representing these corrections to the cost need to be updated in order to bring them up to date with today's housing market and recent innovations in construction. The factors currently in use were derived from two studies conducted in the early 1980's. The Census Bureau will conduct a special one-time study to re-estimate these factors based on current single-family construction data.

II. Method of Collection

A subset of the SOC respondents for single-family housing completions will be asked to provide the Census Bureau with up to nine construction cost items. The sample will be drawn from the single family units in the SOC that have been completed. The sample of 7,600 SOC respondents will be spread over a period of 13 months. The study is a mailout/mailback survey with telephone followups for nonresponse and data review. The respondents will be initially contacted within two months of the reported completion of the SOC.

III. Data

OMB Number: Not available.

Form Number: C–702(S) and C–702(C).

Type of Review: Regular.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 7,600.

Estimated Time Per Response: 12 minutes.

Estimated Total Annual Burden Hours: 1,520.

Estimated Total Annual Cost: $12,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: July 3, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–17543 Filed 7–9–96; 8:45 am]

BILLING CODE 3510–07–P

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

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.

Export Trade Certificate of Review No. 88–00016 was issued to Wood Machinery Manufacturers of America (''WMMA'') on February 3, 1989 (54 FR 6312, February 9, 1989) and previously amended on June 22, 1990 (55 FR 27292, July 2, 1990); August 20, 1991 (56 FR 42596, August 28, 1991); December 20, 1993 (58 FR 66344, December 20, 1993); and August 23, 1994 (59 FR 44408, August 29, 1994).

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice

to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as ''Export Trade Certificate of Review, application number 88–6A016.''

Summary of the Application:

Applicant: Wood Machinery Manufacturers of America, 1900 Arch Street, Philadelphia, Pennsylvania 19103–1498.

Contact: Harold R. Zassenhaus, Export Director, Telephone: (301) 652–0693.

Application No.: 88–6A016.

Date Deemed Submitted: June 25, 1996.

Proposed Amendment: WMMA seeks to amend its Certificate to:

1. Add as ''Members'' the following companies: Alexander Dodds Company of Grand Rapids, Michigan; Mereen-Johnson Machine Company of Minneapolis, Minnesota; North American Products Corporation of Jasper, Indiana; and Wood-Mizer Products of Indianapolis, Indiana.

2. Delete as ''Members'' the following companies: Ken Hazledine Machine Company, Inc. of Terre Haute, Indiana; Kimwood Corporation of Cottage Grove, Oregon; Medalist Automated Machinery of Oshkosh, Wisconsin (currently doing business as Wisconsin Automated Machine Corp.); and VETS, Inc. of Fridley, Minnesota.

Dated: July 3, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96–17500 Filed 7–9–96; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive, or Partially-Exclusive Licensing of Motion Sensor Technology

AGENCY: Picatinny Arsenal, New Jersey.

ACTION: Notice.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive or non-exclusive Licenses under patent application Serial Number 08/596,396 filed February 12, 1996, Docket No: DAR–18–94 by Mark Johnson and Thomas Simkins entitled ''Motion Sensor''. Licenses shall comply with 35 U.S.C. 209 and 37 CFR part 404.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Goldberg, Chief, Intellectual Property Law Division, AMSTA–AR–GCL, U.S. Army ARDEC, Picatinny Arsenal, NJ 07806–5000, telephone (201) 724–6950.

SUPPLEMENTARY INFORMATION: Written objections must be filed within 3 months from the date of publication of this notice in the Federal Register.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–17616 Filed 7–9–96; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers

Inland Waterways Users Board

AGENCY: Department of the Army, DOD.

ACTION: Notice of request for nominations.

SUMMARY: Section 302 of Public Law (PL) 99–662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. Its 11 members are appointed by the Secretary of the Army. This notice is to solicit nominations for five (5) appointments or reappointments to two-year terms that will begin January 1, 1997.

ADDRESSES: Office of the Assistant Secretary of the Army (Civil Works), Department of the Army, Washington, D.C. 20310–0103. Attention: Inland Waterways Users Board Nominations Committee.

FOR FURTHER INFORMATION CONTACT: Honorable H. Martin Lancaster, Assistant Secretary of the Army (Civil Works) (703) 697–4671.

SUPPLEMENTARY INFORMATION: The selection, service, and appointment of Board members are covered by provisions of Section 302 of PL 99–662. The substance of those provisions is as follows:

a. Selection

Members are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterway commerce as determined by commodity ton-miles statistics.

b. Service

The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

c. Appointment

The operation of the Board and appointment of its members are subject to the Federal Advisory Committee Act (PL 92–463, as amended) and departmental implementing regulations. Members serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in section 302 for the selection of the Board members, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

(1) Carriers and Shippers

The law uses the terms ''primary users and shippers.'' Primary users has been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers has been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Individuals are appointed to the Board, but they must be either a carrier or shipper, or represent a firm that is a carrier or shipper. For that purpose a trade or regional association is neither a shipper or primary user.

(2) Geographical Representation

The law specifies ''various'' regions. For the purpose of selecting Board members, the waterways subjected to fuel taxes and described in PL 95–502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Intracoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake River System and Upper Willamette. The intent is that each region shall be represented by at least one Board member, with that representation determined by the regional concentration of the individual's traffic on the waterways.

(3) Commodity Representation

Waterway commerce has been aggregated into six commodity

categories based on ''inland'' ton-miles shown in Waterborne Commerce of the United States. In rank order they are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All other. A consideration in the selection of Board members will be that the commodities carried or shipped by those individuals or their firms will be reasonably representative of the above commodity categories.

d. Nomination

Reflecting preceding selection criteria, the current representation by the five (5) Board members whose terms expire December 31, 1996, is as follows: One member representing the Upper Mississippi River (Region 1), one member representing the Lower Mississippi River (Region 2), one member representing the Ohio River (Region 3), one member representing the Gulf Intracoastal Waterway in Louisiana and Texas (Region 4), and one member representing the Columbia-Snake River System and Upper Willamette (Region 6). Also, these Board members represent one shipper, three carriers and one representing both.

Three (3) of the five members whose terms expire December 31, 1996, are eligible for reappointment.

Nominations to replace Board members whose terms expire December 31, 1996, may be made by individuals, firms or associations. Nomination will:

(1) state the region to be represented;

(2) state whether the nominee is representing carriers, shippers or both;

(3) provide information on the nominee's personal qualifications;

(4) include the commercial operations of the carrier and/or shipper with whom the nominee is affiliated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years) using the waterway regions and commodity categories previously listed.

Nominations received in response to last year's Federal Register notice published on July 31, 1995 have been retained for consideration for reappointment along with nominations received in response to this Federal Register notice. Renomination is not required but may be desirable.

e. Deadline for Nominations

All nominations must be received at the address shown above no later than August 31, 1996.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–17539 Filed 7–9–96; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.183A]

Drug and Violence Prevention Program in Higher Education—Institution-Wide Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 1996

Purpose of Program: To provide grants to develop, implement, validate, and disseminate model programs and strategies to promote the safety of students attending institutions of higher education (IHEs) by preventing the illegal use of alcohol and other drugs and by preventing violent behavior.

Eligible Applicants: IHEs, and consortia of IHEs.

Deadline for Transmittal of Applications: August 12, 1996.

Deadline for Intergovernmental Review: September 11, 1996.

Applications Available: June 25, 1996.

Available Funds: $2,750,000.

Estimated Range of Awards: Up to $65,000.

Estimated Average Size of Awards: $45,000.

Estimated Number of Awards: 25 to 75.

Note: The Department is not bound by any estimates in this notice.

Project Period: 28 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR Part 612.

SUPPLEMENTARY INFORMATION: This program is authorized under Title IV, section 4122 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, P. L. 103–382 (October 20, 1994) (to be codified at 20 U.S.C. 7132, formerly at 20 U.S.C. 3211). This FY 1996 competition supports the tenth cohort of grants under the program.

The 1994 amendment of the statute modified the scope of authorized programs. Projects may now address violence prevention, in addition to alcohol and other drug abuse. Such projects may also serve as models for the field. The amendment also modified the definition of a qualifying IHE by adopting the definition of an IHE in Sec. 1201(a) of the Higher Education Act of 1965. This competition is covered by the scope of the amended statute and the application procedures in the 34 CFR part 612. In the case of any inconsistency between program regulations and the new statutory provisions, the statute will control.

Priorities

Absolute Priority

Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(b) the Secretary gives an absolute preference to applications that meet the following priority.

The Secretary funds under this Institution-Wide competition only applications that meet this absolute priority:

Projects designed to develop, implement, validate, or disseminate model programs or strategies that concentrate on specific approaches to the prevention of illegal use of alcohol and other drugs and the prevention of violent behavior by students.

Invitational Priority

Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive absolute or competitive preference over other applications:

Applications that in addressing the absolute priority propose projects addressed at prevention of violence towards women on campus, particularly as may be influenced by drug and alcohol abuse.

Selection Criteria

In evaluating applications for grants under this competition, the Secretary uses the applicable selection criteria in 34 CFR 612.23(c)(1).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Design (34 CFR 612.23(c)(2)(ii). Ten points are added to this criterion for a possible total of 30 points.

Organizational Commitment (34 CFR 612.23(c)(2)(vii). Five points are added to this criterion for a possible total of 20 points.

For Applications or Information Contact

FIPSE, FY 1996—A Competition, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202–5175. Telephone: (202) 708–5750 to order applications or for information.

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 thru Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases); or on the World Wide Web at (http://www.ed.gov/money.html). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 7132.

Dated: July 5, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 96–17564 Filed 7–9–96; 8:45 am]

BILLING CODE 4000–01–P

Federal Interagency Coordinating Council Meeting (FICC)

AGENCY: Federal Interagency Coordinating Council, Education.

ACTION: Notice of a public meeting.

SUMMARY: This notice describes the schedule and agenda of a forthcoming meeting of the Federal Interagency Coordinating Council. Notice of this meeting is required under section 685(c) of the Individuals with Disabilities Education Act, as amended, and is intended to notify the general public of their opportunity to attend the meeting. The meeting will be accessible to individuals with disabilities.

DATE AND TIME: August 22, 1996, from 1 p.m. to 4:30 p.m.

ADDRESSES: Hubert H. Humphrey Building, Room 503A/529A, 200 Independence Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Connie Garner, U.S. Department of Education, 600 Independence Avenue, SW., Room 3127, Switzer Building, Washington, DC 20202–2644. Telephone: (202) 205–8124. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205–8170.

SUPPLEMENTARY INFORMATION: The Federal Interagency Coordinating Council (FICC) is established under section 685 of the Individuals with Disabilities Education Act, as amended (20 U.S.C. 1484a). The Council is established to: (1) Minimize duplication across Federal, State and local agencies of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families and preschool services for children with disabilities; (2) ensure effective coordination of Federal early intervention and preschool programs, including Federal technical assistance and support activities; and (3) identify gaps in Federal agency programs and services and barriers to Federal interagency cooperation. To meet these purposes, the FICC seeks to: (1) Identify areas of conflict, overlap, and omissions in interagency policies related to the provision of services to infants, toddlers, and preschoolers with disabilities; (2) develop and implement joint policy interpretations on issues related to infants, toddlers, and preschoolers that cut across Federal agencies, including modifications of regulations to eliminate barriers to interagency programs and activities; and (3) coordinate the provision of technical assistance and dissemination of best practice information. The FICC is chaired by the Assistant Secretary for Special Education and Rehabilitative Services.

At this meeting the FICC plans to: (1) Update the membership on the reauthorization of the Individuals with Disabilities Education Act; and (2) discuss issues related to dispute resolution and the Part H program.

The meeting of the FICC is open to the public. Written public comment will be accepted at the conclusion of the meeting. These comments will be included in the summary minutes of the meeting. The meeting will be physically accessible with meeting materials provided in both braille and large print. Interpreters for persons who are hearing impaired will be available. Individuals with disabilities who plan to attend and need other reasonable accommodations should contact the contact person named above in advance of the meeting.

Summary minutes of the FICC meetings will be maintained and available for public inspection at the U.S. Department of Education, 600 Independence Avenue, SW., Room 3127, Switzer Building, Washington, DC 20202–2644, from the hours of 9 a.m. to 5 p.m., weekdays, except Federal Holidays.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 96–17570 Filed 7–9–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Record of Decision for Plutonium Finishing Plant Stabilization Final Environmental Impact Statement, Hanford Site, Richland, WA

AGENCY: U.S. Department of Energy.

ACTION: Notice of record of decision.

SUMMARY: The U.S. Department of Energy (DOE) has prepared this Record of Decision (ROD) pursuant to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations [CFR] 1500–1508) and the DOE NEPA regulations (10 CFR 1021). The ROD is based on the analyses of environmental impacts identified in the *Plutonium Finishing Plant Stabilization Final Environmental Impact Statement* (DOE/EIS–0244–F); consideration of project costs; compliance requirements for systems involved in stabilizing plutonium-bearing material; and public and agency comments.

DOE has prepared the Final Environmental Impact Statement (EIS) to provide an objective technical basis for evaluating alternatives to: (1) Convert the plutonium-bearing materials at the Plutonium Finishing Plant (PFP) Facility into a more stable, safer form; (2) reduce radiation exposure to PFP Facility workers; and (3) reduce the cost of maintaining the PFP Facility and its contents at the Hanford Site, Benton County, Washington. The actions evaluated in the Final EIS would stabilize PFP Facility materials that represent environmental, safety, or health vulnerabilities in their current condition. Existing vulnerabilities are the result of discontinuing nuclear material production and processing operations following the end of the Cold War. Although DOE has initiated programmatic environmental evaluations on the ultimate disposition of nuclear materials in the DOE complex which are now surplus to national defense requirements, the implementation of decisions regarding ultimate disposition will take several years. In the interim, DOE wants to eliminate vulnerabilities associated with certain current nuclear material storage

configurations in order to protect the environment and the health and safety of workers and the public.

Reviews by DOE and the Defense Nuclear Facilities Safety Board (DNFSB) have identified environmental, safety, and health vulnerabilities associated with the continued storage of certain nuclear materials at the PFP Facility in their current location and physical condition. The Final EIS evaluates alternatives for managing these materials. In making the decisions announced in this ROD, DOE considered environmental and health impacts, costs, engineering feasibility, technology availability, and, to the greatest possible extent, stakeholder concerns and preferences.

After careful consideration of environmental impacts, costs, engineering evaluations, and public and agency comments, DOE has decided to implement a select group of stabilization alternatives identified in the Final EIS. These include three out of four of the preferred stabilization alternatives supplemented by other stabilization and immobilization processes analyzed in the final EIS. DOE is documenting this determination in this ROD. The action will involve the removal of readily retrievable plutonium-bearing material in hold-up at the PFP Facility, and the stabilization of this and other plutonium-bearing material at the PFP Facility. Following stabilization, plutonium-bearing material will be in a form suitable for interim storage in existing vaults at the PFP Facility. Plutonium-bearing material having low plutonium content (less than 50 weight percent) and meeting criteria established by DOE may be immobilized through a cementation process at the PFP Facility. All immobilized material will be transferred to solid waste management facilities at the Hanford Site and, as a consequence, will be removed from safeguards control. In selecting these alternatives, DOE has identified the most suitable strategy for reducing the long-term risk to the public, workers, and the environment.

EFFECTIVE DATE: The actions set forth in this ROD are effective upon being made public on June 28, 1996, in accordance with DOE's NEPA implementation regulations (10 CFR 1021.315).

ADDRESSES: For further information on the stabilization of material at the PFP Facility or this ROD or to receive a copy of the Final EIS, please contact: Mr. Ben F. Burton, U.S. Department of Energy, Richland Operations Office, Attn: PFP–EIS, P.O. Box 550, MSIN B1–42, Richland, Washington 99352, (509) 946–3700.

For further information on DOE's NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–4600 or (800) 472–2756.

The ROD, Final EIS, and reference documents are available in the public reading rooms and libraries identified in the Federal Register Notice that announced the availability of the Final EIS (61 FR 26178) or by calling (509) 946–3700.

I. Background

In 1943, the federal government selected the Hanford Site as part of the Manhattan Project to produce plutonium for national defense needs. Metallic uranium fuel was irradiated in nuclear reactors at the Hanford Site to produce plutonium. Chemical processing separated the irradiated plutonium from the other elements in the irradiated fuel. The product was plutonium nitrate, which needed further processing to produce the metallic form used in nuclear weapons. Initially, the plutonium nitrate was shipped offsite for this additional processing. The post-war construction of the PFP Facility at the Hanford Site's 200 West Area eliminated this necessity.

Located approximately 51 kilometers (32 miles) northwest of Richland, Washington, the PFP Facility includes production and recovery areas, laboratories for routine analysis and research, and secure vaults for storage of plutonium. Currently, about 240 employees are physically located within the fenced area of the PFP Facility. Additional staff is located outside the fenceline, bringing the total number of employees to 592 people.

When PFP Facility production operations stopped in 1989, most of the processing residues remained either in storage containers or on surfaces in enclosed process areas as hold-up. DOE has recognized the need for a plan that would result in the:

- Stabilization of plutonium-bearing materials at the PFP Facility to a form suitable for interim storage;
- Removal of readily retrievable, plutonium-bearing materials left behind in process equipment, process areas, and air and liquid waste management systems as a result of historic uses; and
- Placement of stabilized fissile material in existing vaults at the PFP Facility for interim storage.

In June 1993, DOE announced its proposal to operate certain processes in the PFP Facility to stabilize plutonium-bearing materials and to prepare an Environmental Assessment (EA) pursuant to NEPA. As part of the NEPA process for the EA, DOE conducted public meetings in the summer and fall of 1993 to discuss the proposal to stabilize the plutonium-bearing materials. As a result of the public comments received, DOE decided that an EIS would be the appropriate level of NEPA review.

On October 27, 1994, a Notice of Intent was published in the Federal Register (59 FR 53969) that identified the purpose, scope, and preliminary alternatives for the Draft EIS and invited the public to participate in the scoping process. Public meetings on the EIS scope were conducted in six Washington and Oregon cities. The public scoping process ended on December 12, 1994. Both oral and written comments were received during the Draft EIS scoping process.

The Draft EIS (DOE/EIS–0244–D) was issued in November 1995. The Draft EIS presented alternatives that would achieve the purpose and need of the program and included analyses of the potential environmental impacts that would result.

On December 5, 1995, a Notice of Availability was published in the Federal Register (60 FR 62244) which formally announced the release and availability of the Draft EIS. The public hearing date, time, and location were also published and public comments on the Draft EIS were requested. A public meeting on the Draft EIS was held in Pasco, Washington, on January 11, 1996. While the comment period officially ended on January 23, 1996, DOE decided to accommodate comments received through February 15, 1996. Both oral and written comments were received during the comment period.

Based on existing and draft DOE policy on plutonium disposition, and a comment received during the public hearing, DOE decided to evaluate another alternative not contained in the Draft EIS. This alternative would involve the immobilization of materials that have a low associated plutonium content and thus do not warrant stabilization measures and vault storage as do the other plutonium-bearing materials analyzed in this EIS. These materials would be immobilized through a cementation process, packaged, and transported to a Hanford Site solid waste management facility.

The plan to include this alternative in the Final EIS was announced in the Federal Register on May 2, 1996. The announcement also opened the alternative for public comment during a

21-day comment period. Comments received are considered in this ROD.

The Final EIS was issued in May 1996. In addition to the analysis presented in the Draft EIS, the Final EIS contained responses to comments received on the Draft. On May 24, 1996, a Notice of Availability was published in the Federal Register (61 FR 26178) which formally announced the release and availability of the Final EIS.

II. Alternatives Evaluated in EIS

Preferred Alternative: The plutonium-bearing materials at the PFP Facility can be separated into two categories: (1) Materials that are stored in vaults or gloveboxes; and (2) materials referred to as hold-up. The preferred alternative identified in the Final EIS would involve the removal of readily retrievable plutonium-bearing material in hold-up and the stabilization of this and plutonium-bearing materials in vaults and gloveboxes.

The PFP Facility contains a variety of reactive plutonium-bearing materials that are chemically and physically dissimilar. These materials have been grouped into four inventory categories. The preferred alternative includes the following stabilization process for the four inventory groups:

(1) Plutonium-bearing solutions
—Ion exchange, vertical calcination, and thermal stabilization;
(2) Oxides, fluorides, and process residues
—Thermal stabilization using a continuous furnace;
(3) Metals and alloys
—Repackaging; and
(4) Polycubes and combustibles
—Pyrolysis.

The preferred alternative for stabilization would involve processing the plutonium-bearing materials at the PFP Facility into a form suitable for interim storage in existing PFP Facility vaults. When stabilized, the material would have minimal chemical reactivity and would remain in solid form with a low water and organic content.

The preferred alternative would also involve removing and stabilizing plutonium-bearing material currently in hold-up at the PFP Facility. Hold-up is material that has accumulated or been retained in PFP Facility gloveboxes, hoods, process equipment, piping, exhaust and ventilation systems, and canyons as a result of 40 years of plutonium-processing operations at the Facility. The removal activities would be limited to substantive quantities of readily retrievable plutonium-bearing material currently in hold-up. Due to the nature and location of the material in hold-up, various technologies would be employed to remove the material for subsequent stabilization. The removal methods would include chemical and mechanical processes and disassembly. No exterior construction or major internal modification to the PFP Facility is planned for facility stabilization.

Alternatives: In addition to the preferred alternative, alternative stabilization processes and an immobilization process have been analyzed. These alternatives include:

- Plutonium-bearing solutions
  —Hydroxide precipitation followed by thermal stabilization;
- Oxides, fluorides, and process residues
  —Batch thermal stabilization using muffle furnaces and
  —Immobilization;
- Metals and alloys
  —Batch thermal stabilization using muffle furnaces; and
- Polycubes and combustibles
  —Batch thermal stabilization,
  —Molten salt oxidation, and
  —Immobilization.

No Action Alternative: Under the no action alternative, actions would be limited to ongoing maintenance and security activities necessary for safe and secure management of the PFP Facility. DOE would not install processes to stabilize the plutonium-bearing materials at the PFP Facility. However, plutonium-bearing materials stored in the PFP Facility vaults that constitute an immediate safety hazard would continue to be repackaged as necessary for interim storage. In addition, the DOE would not remove plutonium-bearing materials in hold-up at the PFP Facility. The plutonium-bearing materials would remain within or on PFP Facility systems.

III. Environmental Impacts of Alternatives

In the Final EIS, DOE evaluated each alternative to assess the full range of potential environmental impacts.

The impact analysis showed that there would be no measurable impacts to geology, seismology, and soils; water resources and hydrology; air quality; noise and sound levels; ecosystems; transportation; land use; or archaeological resources. No income or population group would experience disproportionate health or environmental effects under any of the alternatives. Environmental categories where potential impacts were identified include population and socioeconomics, historic resources, and anticipated health effects.

Preferred Alternative: Environmental effects identified under the preferred alternative are primarily related to health, population and socioeconomics, cost, and historic resources.

For the preferred alternative, the total PFP Facility worker radiation dose for stabilization and removal would be 930 person-rem. The total radiation dose to offsite individuals would be 14 person-rem. Based on commonly accepted dose to risk conversion factors, the probability of latent cancer fatalities to these affected groups would be 0.37 and 0.0070, respectively. Therefore, no latent cancer fatalities would be anticipated.

Population and socioeconomic effects resulting from the preferred alternative would be small. The estimated staff of 592 at the PFP Facility would be temporarily increased by approximately 10 percent. Following the completion of the preferred alternative, staff levels would be reduced to approximately 250. There would be less than a 1 percent change to the area's population or economics from this alternative. The anticipated change from the preferred alternative would be too small to meaningfully influence the Benton and Franklin County economies or impact the existing infrastructure.

The removal activities under the preferred alternative would be intrusive and destructive, and would involve equipment removal. Impacts to the Remote Mechanical A Line, the Plutonium Reclamation Facility, and any of the PFP facilities currently eligible for the National Register of Historic Places would require mitigation to preserve the history of these historic resources. These mitigation measures have been agreed to in a Memorandum of Agreement between DOE and the Washington State Historic Preservation Officer.

Alternatives: Environmental effects identified under the alternative stabilization processes are primarily related to health, population and socioeconomics, and historic resources. The environmental effects associated with these alternative stabilization processes to population and socioeconomics and historic resources are similar to those discussed for the preferred alternative.

Environmental effects from implementing an immobilization process are primarily related to waste storage capacity. It is anticipated that the immobilization alternative would generate up to 1,600 drums of transuranic waste, with each drum containing approximately 170 grams of plutonium. Hanford Site solid waste management facilities would manage all transuranic waste generated by this process over the six-year period. There

is currently space for approximately 500 drums at the Transuranic Waste Storage and Assay Facility. Additional space would become available when existing drums at the facility are transferred to other Hanford Site solid waste management facilities.

No Action Alternative: For the no action alternative, the total PFP Facility worker radiation dose would be 53 person-rem per year. The total radiation dose to offsite individuals would be 0.26 person-rem per year. Based on commonly accepted dose to risk conversion factors, the probability of latent cancer fatalities to these affected groups during an assumed 30 years operational life of the no action alternative would be 0.64 and 0.0039, respectively.

Population and socioeconomic effects resulting from the no action alternative would be small. The existing staff at the PFP Facility would be reduced by approximately 100 because ongoing cleanup and stabilization activities would cease. The decrease in staff would be too small to meaningfully influence the Benton and Franklin County economies or impact the existing infrastructure. However, the PFP Facility would be required to maintain this work force indefinitely.

Selected Alternatives: As with the preferred alternatives, the environmental effects identified under the selected alternatives are primarily related to health, population and socioeconomics, cost, and historic resources.

For the selected alternative, the total PFP Facility worker radiation dose for stabilization and removal would be 1,120 person-rem. The total radiation dose to offsite individuals would be 25 person-rem. Based on commonly accepted dose to risk conversion factors, the probability of latent cancer fatalities to these affected groups would be 0.45 and 0.013, respectively. Therefore, no latent cancer fatalities would be anticipated.

Population and socioeconomic effects would be the same as the preferred alternative. Impacts on historic resources and proposed mitigations would also be the same.

IV. Environmentally Preferred Alternative

To determine the environmentally preferred alternative, the short-term (six years or the time required to implement the selected alternatives) and long-term (greater than six years) time frames are considered.

Over the short-term, the no action alternative would not result in increased PFP Facility worker or public radiation exposure, costs, or loss of historic resources. These impacts would occur under all other alternatives analyzed. Therefore, in the short-term, the no action alternative could be considered preferable to the other alternatives. However, implementation of the no action alternative would not resolve the long-term health risks associated with the current form of the plutonium-bearing material within the PFP Facility.

Implementation of the preferred alternative, identified in the Final EIS, or the alternatives selected by this ROD would result in increased exposure to Hanford Site workers and the public during the anticipated six-year period of operation. However, following completion of all proposed activities the radiation exposure to in-facility workers would drop to 45 percent of its current level. Continued exposure following the completion of stabilization and immobilization would be the result of facility transition until final disposition of the facility. Under the no action alternative the high background radiation levels would continue indefinitely. In about 30 years the radiation exposure to workers from the no action alternative would exceed the radiation exposure from the preferred or selected alternatives and would correspondingly result in greater health risk. Therefore in the long-term, the environmentally preferred alternative would be to stabilize and immobilize reactive plutonium-bearing material in the facility.

The no action alternative does not address the continued degradation of the PFP Facility and the containers in which the plutonium-bearing materials are stored. Since the PFP Facility is over 40 years old, there is a higher likelihood in the long-term of a release to the environment under accident conditions than would be anticipated under the preferred alternative, other stabilization alternatives, or the immobilization alternative.

V. Other Considerations

In addition to the assessment of environmental impacts provided by the Final EIS, DOE considered the plutonium disposition criteria, costs, the recommendations of the DNFSB, the *Storage and Disposition of Weapons-Usable Fissile Material Draft EIS* (DOE/EIS–0229–D), and comments received on the immobilization alternative and Final EIS in determining a course of action to meet the need for interim management of the plutonium-bearing material. Comments received on the immobilization alternative and the Final EIS are discussed in Section VI.

Plutonium Disposition Criteria: In January 1996, A DOE office internally circulated for review and comment a draft policy for the disposition of excess plutonium-bearing residues containing less than 50 weight percent plutonium. Under this draft policy, plutonium-bearing material would be processed to one of two end-states: (1) Plutonium packaged for storage in accordance with DOE storage standard; or (2) waste suitable for disposal at the Waste Isolation Pilot Plant. This policy would require that a determination of which end-state is more cost-effective be made by the responsible field office and approved by the appropriate DOE Secretarial Officer. As a result, the Final EIS included an alternative to immobilize candidate plutonium-bearing material through cementation.

The cementation process was favored for immobilization because: (1) The ingredients are inexpensive, safe, and readily available; (2) the equipment needs are simple; (3) the final waste form has proven stability; (4) it meets the safeguards and security requirements; and (5) it meets the Hanford Site solid waste acceptance criteria and has been used extensively at the Hanford Site for immobilizing wastes. In contrast, immobilizing of materials in a glass (i.e., vitrification) or a ceramic matrix was not considered desirable because of the cost, specialized equipment required, lack of such equipment on the Hanford Site, and lack of site experience. These factors would result in delays in implementing these alternatives and additional health and safety risks. Another alternative would be to mix the plutonium with uranium to produce a mixed oxide fuel suitable for energy production in a nuclear power reactor. Because of the relatively small quantity of plutonium material being considered, it was not considered reasonable to develop the technology at the Hanford Site to support this alternative.

The Final EIS contains the statement, ''The * * * Record of Decision will not include a decision on the immobilization alternative unless this draft policy or a comparable policy has been finalized.'' This policy has not been finalized, therefore decisions to immobilize plutonium-bearing materials will continue to be made in accordance with factors and provisions contained in the April 1994 DOE memorandum from Mr. C. Halsted, then Acting Director, Office of Nuclear Weapons Management.

The Halsted memorandum provides evaluation factors for discard decisions for plutonium-bearing material. These factors are: worker safety, minimizing

environmental impact, regulatory concerns, waste minimization, disposal technical factors, technical risk, stakeholder interest, risk assessment, implementation time and feasibility, proliferation potential, cost, and interim storage feasibility. These factors will be applied to the categories of plutonium-bearing material potentially suitable for immobilization. Future policies of this nature will be evaluated in connection with decisions to immobilize low concentration materials.

Costs: In the long-term, cost savings would be achieved by removing, stabilizing, and/or immobilizing the plutonium-bearing material at the PFP Facility versus continuing to operate the Facility in its current condition.

Implementation of the preferred alternative would result in a ten percent increase in expenditures from the estimated fiscal year 1995 level of $80 million to approximately $89 million. Following completion of stabilization and removal activities in about six years, the expenditures at the PFP Facility would decline to approximately $34 million per year.

The cost of implementing the other alternatives would be comparable to the cost of the preferred alternative.

Under the no action alternative, the cost of operating the Facility would drop by approximately 17 percent from the fiscal year 1995 level of $80 million to approximately $67 million in fiscal year 1997. This reduction would result from a cessation of ongoing interim actions. This expenditure would go on indefinitely and may increase as the Facility ages and needs additional maintenance. In approximately 10 years, the cost of continuing to maintain the PFP Facility would exceed the cost of stabilization.

Defense Nuclear Facilities Safety Board (DNFSB): The DNFSB is chartered by Congress to review and evaluate the content and implementation of the standards relating to the design, construction, operation, and decommissioning of DOE's defense nuclear facilities (including applicable DOE Orders, regulations, and requirements). The DNFSB recommended to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected. In *Recommendation 94–1,* the DNFSB noted that it was concerned that the halt in production of materials to be used in nuclear weapons froze the manufacturing pipeline in a state that, for safety reasons, should not be allowed to persist unremediated.

In *Recommendation 94–1,* the DNFSB specifically advised: ''that an integrated program plan be formulated on a high priority basis, to convert within two to three years the materials'' plutonium metal that is in contact with, or in proximity to, plastic ''to forms or conditions suitable for safe interim storage;'' that the plan ''will require attention to limiting worker exposure and minimizing generation of additional waste and emission of effluents to the environment;'' and finally, that the plan ''should include a provision that, within a reasonable period of time (such as eight years), all storage of plutonium metal and oxide should be in conformance with the DOE standard on storage of plutonium.''

All alternatives evaluated in the Final EIS, with the exception of the no action alternative would achieve the recommendation of the DNFSB.

Fissile Material Programmatic EIS: The *Storage and Disposition of Weapons-Usable Fissile Material Programmatic Draft EIS* (DOE/EIS–0229–D) evaluates alternatives for the long-term storage and disposition of plutonium and other special nuclear material. None of the alternatives considered in the *Plutonium Finishing Plant Stabilization Final EIS* would preclude alternatives considered in the programmatic EIS.

VI. Comment on Immobilization Alternative and Final EIS

DOE received three comments from individuals and organizations on the Immobilization Alternative and the Final EIS.

1. *Comment:* Gordon Rogers provided the following comment:

I have no objection to the alternative for immobilization in general. However, DOE should consider the additional security costs associated with the relatively large amount of plutonium-bearing material to be sent to the solid waste management facilities. The security provisions in place at the PFP Facility are more stringent than at the Hanford Site solid waste management facilities.

Response: According to DOE Order 5632.1C, *Protection and Control of Safeguards and Security Interests,* protection and control shall be provided in a graded, cost-effective fashion in accordance with the potential risks to the national security and/or health and safety of DOE and contractor employees, the public, and the environment. By a graded approach, the DOE intends that the level-of-effort and magnitude of resources expended for the protection of a particular security interest are commensurate with the security interest's importance or the impact of its loss, destruction, or misuse.

DOE Order 5633.3B, *Control and Accountability of Nuclear Materials,* defines materials attractiveness levels for the purpose of applying safeguards and security requirements. Prior to implementing the immobilization of plutonium residues, DOE will ensure that the material in its final form is placed in a category which will not impose additional safeguards and security requirements upon the Hanford Site solid waste facilities.

2. *Comment:* The following comment was received from the Washington State Department of Ecology, Nuclear Waste Program:

The fact that U.S. Department of Energy has not made a decision on whether this material has beneficial use seems inconsistent with the proposal to immobilize and transfer it to the Hanford Site Solid Waste Management Facilities. The new alternative addendum should fully describe the applicability of the State of Washington Hazardous Waste Management Act (HWMA) to the immobilization of the plutonium bearing material being considered. The addendum should provide a regulatory rationale that supports this new alternative. Please refer to our letter to Mr. James E. Mecca, dated April 7, 1996, where we clearly state the materials which contain Special Nuclear Material (SNM) at PFP are regulated wastes under the HWMA, so long as 1) they classify as a solid waste, 2) they classify as a mixed waste, and 3) they designate pursuant to Chapter 173.303.070 WAC.

Response: The DOE has not classified any special nuclear material (SNM) currently in storage at the PFP Facility as waste. The materials stored at the PFP Facility have been determined to be excess to the nuclear weapons program needs, but an ultimate disposition for the material has not been determined.

There is currently existing guidance contained in a 1994 DOE memorandum from Mr. C. Halsted, then Acting Director, Office of Nuclear Weapons Management, providing evaluation criteria for the economic and other discard related approaches for these materials. Lacking updated policy for these materials, the Final EIS provides an approach to utilize the existing guidance to evaluate the SNM inventory at the PFP Facility.

Before proceeding with the alternative to immobilize residues, DOE recognizes that agreement upon an acceptable regulatory strategy will need to be reached with the Washington State Department of Ecology (Ecology). In the event that a regulatory path cannot be achieved, then the economic factors in the evaluation of candidate residues

will likely drive the residues to be thermally stabilized for storage or result in a further evaluation of the alternatives for recovery of the plutonium rather than it being immobilized for discard. The discussion below assumes that a path forward can be achieved.

As the total inventory of material is evaluated, those items that are determined to be suitable for discard will be immobilized to the current Waste Isolation Pilot Project (WIPP) criteria and the Nuclear Safeguards and Security criteria. The SNM material would be removed from the PFP Facility inventory and transferred to a Hanford Site solid waste management facility for future shipment to the WIPP disposal area. The material would be defined as a waste at the point where the DOE requirements for discard are met; i.e., the material form and plutonium quantity are such that non-proliferation protection (safeguards) are no longer required. At the point of solid waste generation, DOE would designate the wastes as applicable under Washington Administrative Code (WAC) 173–303–070, and would implement any applicable requirements of WAC 173–303 for dangerous waste accumulation, transportation, and storage to the extent that non-SNM components are present which would require designation as dangerous waste.

As discussed above, DOE is currently working with Ecology to develop a regulatory path forward. Resolution of this issue will be needed before DOE can implement plans to immobilize plutonium-bearing material in vault storage and hold-up.

3. *Comment:* The following comment was received from the Washington State Department of Ecology, Nuclear Waste Program:

The new alternative does not clearly compare or contrast the difference between the description and quantities of plutonium-bearing materials potentially suitable for immobilization under Section 3.1.3 of the PFP-EIS and the new alternative. Please provide further clarification of the description and quantities between the two.

Response: The description and quantity of plutonium-bearing materials potentially suitable for immobilization, discussed in Section 3.1.3 and Appendix E of the Final EIS, are equivalent. Because the inventory of the plutonium-bearing material at the PFP Facility is of a varied nature, the material was grouped into inventory categories. These categories correspond to the inventory categories presented for stabilization.

Up to 272 kg (599 lbs) of plutonium are candidates for immobilization. This number includes approximately 222 kg (489 lbs) of plutonium contained in 1,500 items that are currently stored in PFP Facility vaults and 50 kg (110 lbs) of plutonium in hold-up. The plutonium-bearing material in vault storage includes approximately 91 kg (200 lbs) of oxides with less than 50 weight percent of plutonium, 81 kg (178 lbs) of ash residues, 43 kg (95 lbs) of slag and crucible residues, and 7 kg (15 lbs) of miscellaneous plutonium-bearing material. The plutonium-bearing material in hold-up includes up to 4.5 kg (10 lbs) of plutonium from the E–4 ventilation system ductwork; up to 4.3 kg (9.5 lbs) of plutonium from vacuum process piping; up to 28 kg of plutonium from gloveboxes and hoods; and up to 12.5 kg (27.5 lbs) of plutonium from the Plutonium Reclamation Facility canyon.

VII. Decision

DOE prepared the Draft and Final EIS to evaluate environmental and human health impacts associated with operation of systems to continue the safe management of plutonium-bearing material at the PFP Facility. After careful consideration of environmental impacts, costs, engineering evaluations, and public and agency comments, DOE has decided to implement a select group of stabilization alternatives identified in the Final EIS. These include three out of four of the preferred stabilization alternatives supplemented by other stabilization and immobilization processes analyzed in the Final EIS. The action will also involve the removal of readily retrievable plutonium-bearing material in hold-up at the PFP Facility and the stabilization of this and other plutonium-bearing material at the PFP Facility. Following stabilization, plutonium-bearing material will be in a form suitable for interim storage in existing vaults at the PFP Facility. Plutonium-bearing material having low plutonium content and meeting criteria established by DOE may be immobilized through a cementation process at the PFP Facility and transferred to a Hanford Site solid waste management facility for storage. By selecting a suite of alternatives, DOE anticipates that health impacts to workers, and the cost to implement the action will be reduced. DOE is documenting this determination in this ROD.

This action will reduce radiation exposure and risk to workers and the public, and future resources needed to safely manage the PFP Facility.

Since the PFP Facility contains a variety of reactive plutonium-bearing materials that are chemically and physically dissimilar, various processes will be required to stabilize these materials. The primary means to accomplish this will be through the implementation of the stabilization processes described under the preferred alternative in the Final EIS. However, stabilization of some portion of the plutonium-bearing materials may be better accomplished through one of the alternative stabilization processes analyzed in the Final EIS. For this reason, DOE may implement these alternative processes on a case-by-case basis. The primary stabilization processes which will be implemented for each inventory category are:

(1) *Plutonium-bearing solutions:* For Plutonium-bearing solutions two alternatives are selected.

—Ion exchange, vertical calcination, and thermal stabilization. Most plutonium-bearing solutions will be stabilized by thermal treatment using a vertical calciner. For this application, the feed material will include plutonium nitrate solutions, solutions containing chlorides, caustic solutions, and dissolved plutonium fluoride.

In order to utilize the vertical calcination process, some of the plutonium-bearing solutions will require pretreatment by ion exchange to remove chemical constituents that are not compatible with the vertical calcination process or the process equipment. In addition, the calciner product may require further thermal stabilization in order to meet DOE's ''Criteria for Safe Storage of Plutonium Metals and Oxides'' (DOE–STD–3013–94).

The combined ion exchange/vertical calciner/thermal treatment process will be capable of processing most of the inventory of plutonium nitrate and chloride solutions. It also will be able to process the plutonium fluoride solids if they are first dissolved and converted to the nitrate form using an acid dissolution pretreatment operation. This will increase the quantity of material to be stabilized from 335 kg (738 lb) plutonium to 338 kg (745 lb) of plutonium associated with approximately 4,800 l (1,268 gal) of solution.

—Hydroxide precipitation followed by thermal stabilization. Plutonium-bearing solutions could be alternatively treated by a relatively simple hydroxide precipitation process. The resultant plutonium precipitate will then be thermally stabilized to an oxide form capable of meeting DOE's ''Criteria for Safe

Storage of Plutonium Metals and Oxides,'' (DOE–STD–3013–94). This alternative would be applied to the portion of the plutonium-bearing solutions that are determined to be unsuited for vertical calcination. An example would be material that could create a resinous residue or cause corrosion within the vertical calciner. No more than 20 percent of the plutonium solutions are anticipated to fall into this category.

Caustic or other hydroxide-forming reagents will be added to the solution, gradually increasing the pH until insoluble plutonium hydroxide is formed. The plutonium hydroxide and other metal impurities, such as nickel, chromium, and iron, will precipitate out and be filtered from solution. The filtered solids will then be thermally processed into a stable oxide form.

(2) *Oxides, fluorides, and process residues:* For oxides, fluorides, and process residues one alternative was selected.

—Batch thermal stabilization using muffle furnaces. Although it would result in additional radiation exposure to the PFP Facility worker, over the preferred alternative, this alternative was selected because development of the continuous process furnace has not proceeded as anticipated and the continuous furnace may not be capable of producing product that meets DOE's ''Criteria for Safe Storage of Plutonium Metals and Oxides'' (DOE–STD–3013–94). In addition, some of the materials are not amenable to continuous process furnace due to their size, moisture content, or high organic content. These materials, however, can be processed through a batch thermal stabilization process.

Under the batch thermal stabilization using muffle furnaces process, the plutonium-bearing solids will be fed into a muffle furnace which is elevated to a temperature of approximately 1,000°C (1,832°F). The high temperature air environment lowers the residual moisture level and facilitates conversion of incompletely oxidized plutonium to plutonium oxides.

Material that meets the DOE storage standard would not require any additional thermal stabilization and will be directly repackaged. Plutonium fluorides will pose problems in the muffle furnace due to the corrosive nature of fluoride-bearing gases that could be liberated. The plutonium fluorides may be pretreated using an acid dissolution process and blended with the plutonium-bearing solutions. Alternately, a corrosion control program may be established and the fluorides sent through the muffle furnace.

This process may stabilize 2,417 kg (5,329 lb) of plutonium. The resultant plutonium oxides will be tested in accordance with the DOE storage standard. Product deemed acceptable may be packaged using existing capabilities at the Hanford Site and placed in the vault(s) at the PFP Facility for storage. Product not meeting the DOE storage standard will be recycled through the muffle furnace. The product may be retrieved and repackaged at a later date to meet the DOE storage standard specifying organic-free containers when a bagless transfer system becomes available at the Hanford Site. Alternatively, the material may go directly to an organic free container.

(3) *Metals and alloys:* For metals and alloys two alternatives are selected.

—Batch thermal stabilization using muffle furnaces. The plutonium-bearing solids will be fed into a muffle furnace and elevated to a final temperature of approximately 1,000°C (1,832°F). The high temperature air environment facilitates conversion of the metal and alloys to metal oxides (i.e., plutonium oxides).

A total of 770 kg (1,698 lb) of plutonium may be stabilized using this process. The resultant product will be tested in accordance with the DOE storage standard. Product deemed acceptable will be packaged using existing capabilities at the Hanford Site and placed in the vault(s) at the PFP Facility for storage. It is assumed that the metals and alloys may require more than one thermal processing cycle to achieve the desired oxide product. The product may be retrieved and repackaged at a later date to meet the DOE storage standard specifying organic-free containers once a bagless transfer system becomes available at the Hanford Site. Alternatively, the material may go directly to an organic-free container.

—Repackaging. Non-destructive testing could indicate that some plutonium metals and alloys may safely be repackaged without thermal stabilization. These materials would be repackaged using methods that do not rely upon organic seals or plastic bags. The repackaged materials will be stored in the vault(s) at the PFP Facility and routinely monitored until final disposition.

(4) *Polycubes and combustibles:* For polycubes and combustibles, because of technical uncertainties associated with the preferred alternative, two alternatives are selected.

—Pyrolysis. This alternative is a thermal process involving distillation and decarbonization, that separates the plutonium oxides from the polystyrene. The product, stable plutonium oxides, will be packaged and returned to the vaults at the PFP Facility.

The pyrolysis process has the capability for processing other combustibles such as rags and polyethylene. If part of the inventory of combustibles is not suitable for pyrolysis, those combustibles may be sent to the Hanford Site solid waste management facilities for storage.

A total of 35 kg (77 lb) of plutonium may be stabilized by this alternative. The resultant plutonium oxide will be thermally tested in accordance with DOE's ''Criteria for Safe Storage of Plutonium Metals and Oxides'' (DOE–STD–3013–94). Product determined to be acceptable will be packaged using existing packaging capabilities and placed in the vault(s) at the PFP Facility for storage. Product not meeting the DOE storage standard will be run through additional thermal stabilization processes.

—Batch thermal stabilization. Alternatively, a process involving batch thermal stabilization of the plutonium-bearing polycubes and combustibles could be used. Although the thermal stabilization method used for the two types of materials is the same, each type of material will be processed separately. The polycubes or combustibles will be fed into a muffle furnace, which is elevated to a temperature of approximately 300°C (572°F). Initially, the furnace will be purged with nitrogen gas to maintain an inert environment and prevent combustion of the organic component. At 300°C (572°F), the organic component of the feed will be driven off into a secondary combustion chamber. The plutonium-bearing material remaining in the muffle furnace will be exposed to air and elevated to approximately 1,000°C (1,832°F). The high temperature environment facilitates conversion of incompletely oxidized plutonium to plutonium oxides.

(5) *Removal of holdup:* This ROD will also implement the preferred alternative for removal. The removal activities will be limited to plutonium-bearing materials that are readily retrievable. Plutonium-bearing material with a high quantity of plutonium will be stabilized as described above. Material with a low plutonium content may be immobilized and sent to a Hanford Site solid waste management facility for storage. Due to

the nature and location of the material in hold-up, various technologies will be employed to remove the material for subsequent stabilization. All technologies analyzed in the Final EIS will be utilized to some degree. Four areas of the PFP Facility have been identified for removal of readily retrievable hold-up material: ductwork, vacuum system piping, gloveboxes and hoods, and the Plutonium Reclamation Facility canyon floor. These areas represent locations where a high quantity of plutonium-bearing material exists as hold-up and where removal actions will be beneficial in reducing the exposure risk. Non-readily retrievable plutonium-bearing material with a low quantity of plutonium will remain in hold-up at the PFP Facility. This material will be addressed when DOE makes a decision to decontaminate and decommission the PFP Facility.

(6) *Immobilization:* Candidate plutonium-bearing material with low plutonium content may be immobilized and discarded. The plutonium-bearing material will include: (1) Materials that are containerized and stored in vaults or gloveboxes; and (2) hold-up material.

The immobilization process will be applicable for up to 272 kg (599 lbs) of plutonium from selected quantities of the following plutonium-bearing materials:

Oxides, fluorides, and process residues (not applicable for any fluorides or for oxides greater than 50 weight percent plutonium)
—Immobilization of candidate materials
Polycubes and combustibles (not applicable for polycubes)
—Immobilization of candidate materials
Low plutonium content material removed from hold-up (less than 50 weight percent plutonium)

The immobilization process will include a cementation step which will fix the plutonium-bearing material into a solid matrix, packaging the cemented materials into appropriate shipping containers, and transporting the containers to a Hanford Site solid waste management facility for storage.

VIII. Mitigation

Since land use and water resources would not be impacted by the preferred alternative or other stabilization alternatives analyzed in the Final EIS, no mitigation measures would need to be taken in regard to these resources. Mitigation measures in place for the PFP Facility have been discussed in the Final EIS (e.g., High-efficiency particulate air filtration of exhaust pathways).

To ensure that activities and consequences (e.g., radiological dose to PFP Facility workers) for normal/routine activities would remain within established requirements, and to ensure that the risk of accidents would be minimized, numerous measures would be taken in association with the preferred alternative. These measures include adequate (engineered) design features for gloveboxes, systems, and components; the development of safety analyses consistent with the process established by DOE; and the implementation of numerous programs that already exist at the Hanford Site. Examples of these programs are as follows:

- Maintenance program—Ensures that hardware performs as expected when demanded
- Fire protection program—Mitigates property loss and minimizes human health impacts due to fire
- Criticality prevention program—Mitigates potential human health impacts of an inadvertent criticality
- Radiological controls program—Mitigates routine and accident-related doses
- Industrial hygiene program—Mitigates routine and accident-related chemical exposure
- Training program—Minimizes and mitigates adverse impacts to personnel by training them in proper ways to perform their job and to respond during emergency events.

Certain removal activities will substantially alter or demolish existing equipment and facilities at the PFP Facility which have been found to be eligible for inclusion in the National Register of Historic Places. A Memorandum of Agreement between DOE and the Washington State Historic Preservation Officer has been accepted by the Advisory Council on Historic Preservation. This agreement addresses the measures that will be required to mitigate these adverse impacts. Because all practical means to avoid or mitigate environmental impacts from this removal action are incorporated in the PFP Facility and practices, DOE has determined that there is no need to prepare a Mitigation Action Plan in accordance with Section 1021.331(a) of DOE's regulations implementing NEPA (10 CFR 1021).

Issued: This ROD for PFP Stabilization EIS is issued by DOE, Richland Operations Office, Richland, Washington on June 25, 1996.

John D. Wagoner,

Manager, Richland Operations Office.

[FR Doc. 96–17561 Filed 7–10–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[FERC–716A]

Proposed Information Collection and Request for Comments

July 3, 1996.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before September 9, 1996.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael P. Miller, Information Services Division, ED–12.4, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael P. Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–716A ''Application for Transmission Services Under Section 211 of the Federal Power Act'' (OMB No 1902–0168) is used by the Commission to implement the statutory provisions of Section 211 of the Federal Power Act (FPA), 16 U.S.C. 824j as amended by the Energy Policy Act of 1992 (Pub. L. 102–486) 106 Stat. 2776. Under Section 211, the Commission may order transmission services if it finds that such action would be in the public interest and would not unreasonably impair the continued reliability of systems affected by the order. Section 211 allows any electric utility, Federal power marketing agency or any other person generating electric energy for sale or resale to apply for an order requiring a transmitting utility to provide transmission services to the applicant. The applicant is required to provide a form of notice suitable for publication in the Federal Register, and notify the affected parties. The Commission uses the information to carry out its responsibilities under Part II of the Federal Power Act. The Commission implements these filing

requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 36.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
20	1	5	100

Estimated cost burden to respondents: 100 hours/2,087 hours per year×$102,000 per year=$4,887.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technologies collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17505 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

CPS Capital, Ltd.; Notice of Issuance of Order

[Docket No. ER96–1798–000]

July 5, 1996.

CPS Capital, Ltd. (CPS) submitted for filing a rate schedule under which CPS will engage in wholesale electric power and energy transactions as a marketer. CPS also requested waiver of various Commission regulations. In particular, CPS requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by CPS.

On July 27, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CPS should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, CPS is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such proposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CPS's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 29, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17555 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1735–000]

GDK Corporation; Notice of Issuance of Order

July 5, 1996.

GDK Corporation (GDK) submitted for filing a rate schedule under which GDK will engage in wholesale electric power and energy transactions as a marketer. GDK also requested waiver of various Commission regulations. In particular, GDK requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by GDK.

On June 26, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by GDK should file a motion to intervene or protest with 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 385.214).

Absent a request for hearing within this period, GDK is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of GDK's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 26, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17554 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Application Tendered for Filing With the Commission

June 28, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* P–2487–003.

c. *Date Filed:* June 10, 1996.

d. *Applicant:* Hydro-Power Inc.

e. *Name of Project:* Hoosick Falls Hydro Project.

f. *Location:* On the Hoosick River in Rensselaer County, near Hoosick, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. sections 791(a)–825(r).

h. *Applicant Contact:* Mr. John M. Skorupski, 71 River Road, Hoosick Falls, NY 12090, (518) 686–0062.

i. *FERC Contact:* Ed Lee (202) 219–2809.

j. *Comment Date:* Within 60 days of the filing date.

k. *Description of Project: The existing project would consist of:* (1) an existing 16-foot-high and 149.5-foot-long dam; (2) an existing 16-acre reservoir; (3) a powerhouse containing two generating units for a total installed capacity of 830 kW; (4) a 500-foot-long transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 3,700 MWh for the project.

l. With this notice, we are initiating consultation with the New York State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17507 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1819–000]

ICC Energy Corporation; Notice of Issuance of Order

July 5, 1996.

ICC Energy Corporation (ICC) submitted for filing a rate schedule under which ICC will engage in wholesale electric power and energy transactions as a marketer. ICC also requested waiver of various Commission regulations. In particular, ICC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by ICC.

On June 27, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by ICC should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, ICC is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of ICC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 29, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17556 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–290–000]

Michigan Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

July 3, 1996.

Take notice that on June 28, 1996, Michigan Gas Storage Company (MGS) tendered for filing as part of its FERC Gas Tariff, Volume No. 1, the following tariff sheets, to become effective August 1, 1996: the title page and Sheet Nos. 1 through 8, 13, 14, 15, 20, 21, 22, 27, 28, 29, 33, 34, 35, 41, 52, 56 through 64, 67, 68, 70, and 71. The proposed changes would increase revenues from jurisdictional service by approximately $5.5 million based on the 12-month period ending March 31, 1996, as adjusted. Various other tariff sheet changes are also included, notably adding an ACA clause and changes in nomination procedures.

MGS states that the filed tariff sheets implement a general cost of service increase from that approved by the Commission in MGS' last rate filing (RP93–159–000). MGS states that the reasons for the filing are to avoid a revenue deficiency caused by increasing operating and maintenance expenses (including the amortization of certain environmental cleanup costs), to include in cost of service the costs of additional pipeline facilities that are to be constructed by MGS and in service by the end of the test period, and to satisfy a filing requirement included in the settlement of its previous rate case.

Copies of the filing were served upon MGS's jurisdictional customers and the Michigan Public Service Commission.

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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17506 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–53–000]

NE Hub Partners, L.P.; Notice of Technical Conference

July 3, 1996.

Take notice that a technical conference will be convened in the above-docketed proceedings on Thursday, August 1, 1996, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

The purpose of the technical conference is to allow the project proponent, intervenors, and other interested parties to ascertain whether the above-docketed project will serve the public interest. The proponent of this project and all parties interested in the project should attend and be prepared to answer questions relating to the engineering, safety, and environmental impact of the project.

Specifically, all of the parties should be prepared to discuss the following:

- Will drilling through the Tioga Gas Storage Pool located in the Oriskany Sandstone damage CNG's and Penn Fuel's Tioga Storage Complex?
- Will leaching natural gas storage salt caverns in the Salina salt layer under the existing Tioga Gas Storage Complex damage CNG's and Penn Fuel's storage complex?
- Will fracturing and failure in the sediments underlying the Tioga reservoir, around the cavern wells, cause gas migration between the storage caverns and the Oriskany, loss of producing wells in the Oriskany, and catastrophic loss of existing storage reservoirs?
- Will disposal of brine produced by solution mining the salt caverns into the Oriskany Sandstone and other formations adjacent to the Tioga Gas Storage Complex at pressures greater than the fracture gradient result in significant impact to the Tioga Storage Complex and fresh water supplies due to brine encroachment?

Any party, as defined in 18 CFR 385.214, and any participant, as defined in 18 CFR 385.102(b), in the above-docketed proceedings are invited to participate in the technical conference. Topics other than those listed above will only be considered if directly relevant to the subject issues. For additional information, please contact Whit Holden, (202) 208–1118 or James New, (202) 208–2162, at the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17512 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT96–16–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

July 3, 1996.

Take notice that on June 28, 1996, Northwest Pipeline Corporation (''Northwest'') tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to become effective July 29, 1996:

Third Revised Volume No. 1

Fifth Revised Sheet No. 239
Fourth Revised Sheet No. 297

Northwest states that the purpose of this filing is to update its tariff in compliance with the directives of the Commission in 18 CFR 250.16(b)(1), which requires an interstate natural gas pipeline to report any changes which occur to the list of operating personnel and facilities shared by the interstate natural gas pipeline and its marketing or brokering affiliates.

Any person desiring to be heard or protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17509 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–611–000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

July 3, 1996.

Take notice that on June 28, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP96–611–000 a request pursuant to Sections 157.205, 157.216 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216 and 157.211) for approval to upgrade its Burley No. 2 Meter Station in Cassia County, Idaho by abandoning certain facilities and constructing and operating upgraded replacement facilities to accommodate a request by Intermountain Gas Company, a local distribution company, for additional delivery capacity and delivery pressure at the Burley No. 2 delivery point under Northwest's blanket certificate issued in Docket No. CP82–433–000 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.

Northwest proposes to upgrade the Burley No. 2 Meter Station by replacing the two existing 2-inch regulators and appurtenances with two new 4-inch regulators and appurtenances. Northwest states that with this proposed upgrade the maximum design capacity of the meter station would increase from approximately 10,933 Dth per day at 300 psig to approximately 24,405 Dth per day at 475 psig. Northwest estimates that the total cost of the proposed facility replacement at the Burley No. 2 Meter Station to be approximately $41,500.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section

157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17510 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–339–000]

Total Peaking Services, L.L.C.; Notice of Application

July 3, 1996.

Take notice that on April 22, 1996, as supplemented on June 24, 1996, and July 1, 1996, Total Peaking Services, L.L.C. (TPS), 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP96–339–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing TPS to employ and operate in interstate commerce an existing LNG peak-shaving facility located in Milford, Connecticut presently used by Southern Connecticut Gas Company (Southern Connecticut) for its Connecticut operations, for the purpose of making sales, with pregranted abandonment, of gas revaporized at the plant pursuant to the blanket certificate issued under Part 284, Subpart L of the Commission's regulations, at negotiated rates for resale and for sale to end-use customers, including sales to Southern Connecticut to replace the volumes which Southern Connecticut has in the past made available to itself from the Milford LNG plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

TPS indicates that it is a limited liability company whose members are CNE Energy Services Group, Inc. (CNE), a wholly-owned subsidiary of Connecticut Energy Corporation and an affiliate of Southern Connecticut and PanEnergy Plus Milford Ventures Company (PEPMV), a wholly-owned subsidiary of EnergyPlus Ventures Company, which in turn is a wholly-owned subsidiary of PanEnergy Corp. TPS indicates that initially CNE would hold a 95 percent membership interest and PEPMV would hold a 5 percent membership interest. It is stated that, upon receipt of all regulatory authorizations, PEPMV will acquire an additional 44 percent interest from CNE in accordance with the terms of the TPS Limited Liability Company Agreement.

TPS states that its proposal is designed to satisfy the growing demand for peaking gas in the Northeast, where, it is indicated, gas consumers need reliable gas supplies to meet their needs on the coldest winter days. It is stated that, by virtue of the Milford LNG Plant's location within the Northeast consumption area, and through access to the Northeast's elaborate pipeline grid, TPS states that its customers will be able to purchase gas from TPS on peak days and receive it virtually instantaneously.

Specifically, TPS states that, upon receipt of the requested authorizations and other necessary state regulatory approvals, TPS will acquire a leasehold interest in the Milford LNG Plant from CNE and will employ and operate the Milford LNG Plant for the purpose of receiving, liquefying, storing for TPS' benefit, regasifying, and selling pursuant to a Part 284, Subpart L blanket certificate quantities of natural gas, to be purchased and owned by TPS, on a winter peak day basis to customers in the northeastern region of the United States, at negotiated rates. According to TPS, the Milford LNG Plant will be operated by Southern Connecticut on behalf of TPS. It is further stated that base gas purchases as well as sales of revaporized gas will be arranged on behalf of TPS by PanEnergy Trading and Market Services, Inc., an affiliate of PEPMV, as agent for TPS. Further, it is stated that Southern Connecticut has capacity on certain third party pipelines, and that Southern Connecticut will make sales of gas to TPS at points of delivery on such third party pipelines in order to enable TPS to make peak day sales and to optimize the use of the Milford LNG Plant. It is stated that TPS will sell to Southern Connecticut equivalent volumes from the Milford LNG Plant or at Southern Connecticut's gas stations.

TPS states that there are four open-access interstate pipelines immediately approximate to the Milford LNG plant with the capacity of transporting peak gas from the Plant to customers throughout the region, and that the extensive pipeline grid that exists in the Northeast will enable consumers virtually anywhere in the region to purchase gas from TPS on peak days and receive it on a timely basis. TPS goes on to state that the pervasiveness of other LNG and gas storage facilities throughout the Northeast, the wide availability of alternate fuels, the intense competition between and among those many suppliers, and the fact that the sales or storage rates of most of those suppliers are subject to state utility regulatory jurisdiction, will ensure that the price of gas available from TPS will at all times be low enough to compete aggressively with those alternatives.

By seeking the rights to charge competitive, negotiated rates for its sales of peaking gas, TPS states that it is willing to forego traditional cost of service rates designed to insure recovery of its costs. As a result, TPS states that it, and not its customers, will be at risk for any underrecovery of costs generated by these rates. Also, TPS states that as a new entrant in this market, it obviously will be required to price its services aggressively in order to attract customers from the many other alternatives available.

TPS further states that it has designed the type of service—sales at negotiated rates—to meet the desire of the market for sales services, backed up by assets, and to more efficiently utilize the Milford LNG Plant given the integrally related replacement service for Southern Connecticut.

TPS states that because, among other reasons, it proposes to use the Milford LNG Plant for its own benefit and does not propose to perform any transportation or storage services for third parties, the sales service it proposes is the equivalent in all respects of sales being made currently by other similarly situated marketers at negotiated, market-based rates under automatic blanket certificates issued pursuant to Order No. 547 (III FERC Stats and Refs, Preamble ¶ 30,957).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission

by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, 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 TPS to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17511 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER94–1384–009, et al.]

Morgan Stanley Capital Group Inc., et al.; Electric Rate and Corporate Regulation Filings

July 2, 1996.

Take notice that the following filings have been made with the Commission:

1. Morgan Stanley Capital Group Inc. Industrial Gas & Electric Services Company

[Docket No. ER94–1384–009 and Docket No. ER95–257–006 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On June 13, 1996, Morgan Stanley Capital Group Inc. filed certain information as required by the Commission's November 8, 1994, order in Docket No. ER94–1384–000.

On June 24, 1996, Industrial Gas & Electric Services Company filed certain information as required by the Commission's February 1, 1995, order in Docket No. ER95–257–000.

2. Gelber Group, Inc.

[Docket No. ER96–1933–000]

Take notice that on June 21, 1996, Gelber Group, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Commonwealth Edison Company

[Docket No. ER96–2236–000]

Take notice that on June 25, 1996, Commonwealth Edison Company (ComEd), submitted for filing six Service Agreements, establishing DuPont Power (DuPont), Illinova Power Marketing, Inc. (Illinova), Pennsylvania Power & Light Co. (PP&L), Minnesota Power & Light (MP&L), Southern Energy Marketing, Inc. (Southern), and Morgan Stanley Capital Group Inc. (MSCGI), as customers under the terms of ComEd's Power Sales Tariff PS–1 (PS–1 Tariff). ComEd also submitted for filing three Service Agreements, establishing WPS Energy Services, Inc. (ESI), DuPont Power Marketing, Inc. (DuPont), and Morgan Stanley Capital Group Inc. (MSCGI), as customers under the terms of ComEd's Flexible Transmission Service Tariff (FTS–1 Tariff). The Commission has previously designated the PS–1 Tariff as FERC Electric Tariff, Original Volume No. 2, and the FTS–1 Tariff as FERC Electric Tariff, Second Revised Volume No. 3.

ComEd requests an effective date of May 26, 1996 for the six PS–1 Service Agreements, an effective date of May 26, 1996 for the FTS–1 Service Agreement between ComEd and ESI, June 4, 1996 for the FTS–1 Service Agreement between ComEd and DuPont, and June 11, 1996 for the FTS–1 Service Agreement between ComEd and MSCGI, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon DuPont, Illinova, PP&L, MP&L, Southern, MSCGI, ESI and the Illinois Commerce Commission.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Arizona Public Service Company

[Docket No. ER96–2237–000]

Take notice that on June 25, 1996, as Operating Agent for the Navajo Project Southern Transmission System, Arizona Public Service Company (APS), tendered for filing on behalf of the Navajo Project Participants the following Agreements:

1. Amendment No. 2 to the Navajo Project Co-Tenancy Agreement
2. Amendment No. 3 to the Navajo Project Southern Transmission System Operating Agreement

As a result of the United States Bureau of Reclamation's (USBR) construction of the Waddell 230 kV line requiring interconnection with the Westwing 230 kV Switchyard which is part of the Navajo Southern Transmission System, revisions to both the Navajo Project Co-Tenancy Agreement and the Navajo Project Southern Transmission System Operating Agreement were necessary to reflect the USBR's increased use of facilities at the Westwing Switchyard.

APS requests waiver of the Commission's Notice Requirements in 18 CFR 35.11 to allow for an effective date of November 22, 1991 as provided for in both Amendments.

A copy of this filing has been served on the Arizona Corporation Commission, the Nevada Public Service Commission, Salt River Project Agricultural Improvement & Power District, Tucson Electric Power Company, the United States Bureau of Reclamation, and Nevada Power Company.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Central Vermont Public Service Corporation

[Docket No. ER96–2238–000]

Take notice that on June 26, 1996, Central Vermont Public Service Corporation (Central Vermont), tendered for filing a Service Agreement with CNG Power Services Corporation under its FERC Electric Tariff No. 5. The tariff provides for the sale by Central Vermont of power and energy at or below Central Vermont's fully allocated costs.

Central Vermont requests waiver of the Commission's regulations to permit the service agreement to become effective according to its terms.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Electric Power Company

[Docket No. ER96–2239–000]

Take notice that on June 26, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a Transmission Service Agreement between itself and Duke/Louis Dreyfus L.L.C. (D/LD). The Transmission Service Agreement allows D/LD to receive transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 5, under Docket No. ER95–1474, Rate Schedule STNF.

Wisconsin Electric requests an effective date of June 30, 1996 and waiver of the Commission's notice requirements to allow for economic transactions. Copies of the filing have been served on D/LD, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Louisville Gas and Electric Company

[Docket No. ER96–2240–000]

Take notice that on June 26, 1996, Louisville Gas and Electric Company (LG&E), tendered for filing a copy of a Non-Firm Transmission Agreement between Louisville Gas and Electric Company and Enron Power Marketing Inc. under Rate TS.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Florida Power & Light Company

[Docket No. ER96–2242–000]

Take notice that on June 26, 1996, Florida Power & Light Company (FPL), filed the Contract for Purchases and Sales of Power and Energy between FPL and Coastal Electric Services Company. FPL requests an effective date of July 1, 1996.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power & Light Company

[Docket No. ER96–2243–000]

Take notice that on June 26, 1996, Florida Power & Light Company (FPL), filed the Contract for Purchases and Sales of Power and Energy between FPL and Duke/Louis Dreyfus L.L.C. FPL requests an effective date of July 1, 1996.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Northern States Power Company (Minnesota Company)

[Docket No. ER96–2244–000]

Take notice that on June 26, 1996, Northern States Power Company (Minnesota) (NSP), tendered for filing an Agreement dated June 11, 1996, between NSP and the City of Shakopee (City). In a previous agreement dated December 20, 1995, between the two parties, City agreed to continue paying NSP the current wholesale distribution substation rate of $0.47/kW-month until June 30, 1996. Since the December 20, 1995, agreement has terminated, this new Agreement has been executed to continue the current wholesale distribution substation rate of $0.47/kW-month until December 31, 1996.

NSP requests the Agreement be accepted for filing effective June 27, 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: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company

[Docket No. ER96–2245–000]

Take notice that on June 26, 1996, Louisville Gas and Electric Company, tendered for filing copies of a Purchase and Sales Agreement between Louisville Gas and Electric Company and NorAm Energy Services, Inc. under Rate GSS.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Public Service Electric and Gas Company

[Docket No. ER96–2246–000]

Take notice that on June 26, 1996, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey, tendered for filing an agreement for the sale of capacity and energy to Sonat Power Marketing Inc. (Sonat), pursuant the PSE&G Bulk Power Service Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's regulations and that the agreement can be made effective as of July 1, 1996.

Copies of the filing have been served upon Sonat and the New Jersey Board of Public Utilities.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Kentucky Utilities Company

[Docket No. ER96–2247–000]

Take notice that on June 26, 1996, Kentucky Utilities Company (KU), tendered for filing service agreement between KU and Cinergy Services, Inc. under its Power Services (PS) and Transmission Services (TS) Tariffs. KU requests an effective date of June 13, 1996.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. PECO Energy Company

[Docket No. ER96–2248–000]

Take notice that on June 27, 1996, PECO Energy Company (PECO), filed a Service Agreement dated June 21, 1996 with Braintree Electric Light Department (BRAINTREE) under PECO's FERC Electric Tariff, First Revised Volume No. 4 (Tariff). The Service Agreement adds BRAINTREE as a customer under the Tariff.

PECO requests an effective date of June 21, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to BRAINTREE and to the Pennsylvania Public Utility Commission.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. PECO Energy Company

[Docket No. ER96–2249–000]

Take notice that on June 27, 1996, PECO Energy Company (PECO), filed a Service Agreement dated June 21, 1996 with AIG Trading Corporation (AIG) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds AIG as a customer under the Tariff.

PECO requests an effective date of June 21, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to AIG and to the Pennsylvania Public Utility Commission.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. PECO Energy Company

[Docket No. ER96–2250–000]

Take notice that on June 27, 1996, PECO Energy Company (PECO), filed a Service Agreement dated June 21, 1996 with Duke/Louis Dreyfus L.L.C. (D/LD) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds D/LD as a customer under the Tariff.

PECO requests an effective date of June 21, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to D/LD and to the Pennsylvania Public Utility Commission.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Atmos Energy Services, Inc.

[Docket No. ER96–2251–000]

Take notice that on June 27, 1996, Atmos Energy Services, Inc. (AESI), tendered for filing pursuant to 18 CFR 35.12, an application for waivers and blanket approvals under various regulations of the Commission, and an order accepting its Rate Schedule FERC No. 1, to be effective on and after August 12, 1996, or such earlier date set by the Commission.

AESI intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where AESI purchases power, including capacity and related services from electric utilities, qualifying facilities and independent power producers, and resells such power to other purchasers, AESI will be functioning as a marketer. In AESI's marketing transactions, AESI

proposes to charge rates mutually agreed upon by the parties. All sales will be at arms-length, and no sales will be made to affiliated entities. In transactions where AESI does not take title to the electric power and/or energy, AESI will be limited to the role of a broker and charge a fee for its services. AESI is not in the business of producing or transmitting electric power. AESI does not currently have or contemplate acquiring title to any electric power transmission or generation facilities.

Rate Schedule FERC No. 1 provides for the sale of energy and capacity at agreed upon prices. Rate Schedule FERC No. 1 also provides that no sales may be made to affiliates.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. New York State Electric & Gas Corporation

[Docket No. ER96–2252–000]

Take notice that on June 27, 1996, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12 (1995), as an initial rate schedule, an agreement with AIG Trading Corporation (AIG). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to AIG and AIG will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on June 28, 1996, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and AIG.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–2253–000]

Take notice that on June 27, 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 Companies), filed an amendment to the GPU Power Pooling Agreement. This amendment sets forth the monthly charges for the transmission of capacity and associated energy from the service area of one GPU Company to another. GPU requests waiver of the Commission's notice requirements for good cause shown and an effective date of June 1, 1996, for the proposed amendment. GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Portland General Electric Company

[Docket No. ER96–2254–000]

Take notice that on June 27, 1996, Portland General Electric Company (PGE), tendered for filing its Average System Cost (ASC) as calculated by PGE and determined by the Bonneville Power Administration under the revised ASC Methodology which became effective on October 1, 1984. This filing includes PGE's revised Appendix 1 of the Residential Purchase and Sale Agreement.

PGE states that the revised Appendix 1 shows the ASC to be 35.29 mills/kWh effective November 8, 1995. The Bonneville Power Administration determined the ASC rate for PGE to be 25.29 mills/kWh.

Copies of the filing have been served on the persons named in the transmittal letter as included in the filing.

Comment date: July 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. New York State Electric & Gas Corporation

[Docket No. ER96–2255–000]

Take notice that on June 27, 1996, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12 (1995), as an initial rate schedule, an agreement with PanEnergy Power Services, Inc. (PanEnergy). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to PanEnergy and PanEnergy will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on June 28, 1996, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and PanEnergy.

Comment date: July 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. Central Vermont Public Service Corporation

[Docket No. ER96–2256–000]

Take notice that on June 27, 1996, Central Vermont Public Service Corporation (Central Vermont), tendered for filing a Service Agreement in the above-mentioned docket.

Central Vermont requests the Commission to waive its notice of filing requirement to permit the amendment to become effective according to its terms. In support of its requests Central Vermont states that allowing the Service Agreement to become effective as provided will enable the Company and its customers to achieve mutual benefits.

Comment date: July 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. Central Illinois Public Service Company

[Docket No. ER96–2257–000]

Take notice that on June 27, 1996, Central Illinois Public Service Company (CIPS), submitted Service Agreements establishing Duke/Louis Dreyfus L.L.C., JPower Inc., Old Dominion Electric Cooperative and TransCanada Power Corp., as new customers under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests effective dates coincident with the dates of execution for the four service agreements and an effective date of June 17, 1996, for the revised Index of Customers. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon the four customers and the Illinois Commerce Commission.

Comment date: July 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. MidAmerican Energy Company

[Docket No. ER96–2258–000]

Take notice that on June 28, 1996, MidAmerican Energy Company (MidAmerican), 106 East Second Street, Davenport, Iowa 52801, tendered for filing Assignments for Capacity Schedule dated March 14, 1994 (Assignments) and entered into by Iowa-Illinois Gas and Electric Company

(Iowa-Illinois), Midwest Power Systems Inc. (Midwest Power), and IES Utilities Inc. (IES), as Assignors, pursuant to the Operating Agreement/Neal 3 Transmission (MidAmerican Rate Schedule FERC No. 11) dated January 2, 1978, with each of City of Algoma, Iowa, City of Bancroft, Iowa, City of Coon Rapids, Iowa, Corn Belt Power Cooperative, City of Graettinger, Iowa, City of Laurens, Iowa, City of Milford, Iowa, City of Spencer, Iowa, and City of Webster City, Iowa, as Assignees. MidAmerican is successor by merger to Iowa-Illinois and Midwest Power. A certificate of concurrence by IES has been filed.

The Assignments reflect an assignment of certain transmission capacity schedule rights in the existing Neal 3 Transmission Line (running from the Raun Substation to the Lehigh Substation) from the Assignors to each of the nine part-owners who are the Assignees. The Neal 3 Transmission Line is used by the owners of the Neal 4 Generating Station for transmission of the power and energy generated by the unit. The Neal 4 generating unit's accredited capacity was increased on June 20, 1991, and again on August 28, 1993. The Assignees are part-owners of Neal 4. Accordingly, each Assignee required additional transmission capacity scheduling.

MidAmerican proposes to make the Assignments effective on July 1, 1996.

Copies of the filing were served upon Cooperative, the Iowa Utilities Board, the Illinois Commerce Commission, the South Dakota Public Utilities Commission and each of the Assignees.

Comment date: July 17, 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. 96–17503 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–P

Notice of New Docket Prefix ''OA''

July 3, 1996.

Take notice that a new docket prefix has been established for filings made pursuant to Order Nos. 888 [1] and 889.[2] In its Order Clarifying Order Nos. 888 and 889, issued July 2, 1996, the Commission directed the use of the docket prefix ''OA'' on filings by all entities submitting:

(1) compliance filings required by Order No. 888 due on or before July 9, 1996 and on or before December 31, 1996;
(2) compliance filings required by Order No. 889 due on or before November 1, 1996; and
(3) requests for waivers of all or part of the requirements of Order Nos. 888 and 889.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17504 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 184–050 California]

Pacific Gas and Electric Company; Notice of Availability of Environmental Assessment

July 3, 1996.

An environmental assessment (EA) is available for public review. The EA is for an application to divert water (up to 500 acre-feet per year) from Caples Lake for snow making purposes at the Kirkwood Ski Resort. Caples Lake is a project reservoir of the El Dorado Project. The proposal is part of the Kirkwood Water Rights and Snowmaking Project previously reviewed by the U.S. Forest Service, Alpine County, and other federal, state, and local agencies. The EA finds that approval of the application would not constitute a major federal action significantly affecting the human environment. The El Dorado Project is located on the South Fork American River in El Dorado and Alpine Counties, California.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA are available for review at the Commission's Reference and Information Center, Room 2–A, 888 First Street, NE, Washington, D.C. 20426. Copies can also be obtained by calling the project manager, Jon Cofrancesco at (202) 219–0079.

Lois D. Cashell,

Secretary.

[FR Doc. 96–17508 Filed 7–9–96; 8:45 am]

BILLING CODE 6717–01–M

[1] Docket Nos. RM95–8–000 and RM94–7–001; Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities, and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, 61 FR 21540 (May 10, 1996); FERC Stats. & Regs. ¶ 31,036 (1996).

[2] Docket No. RM95–9–000; Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of Conduct, 61 FR 21737 (May 10, 1996); FERC Stats. & Regs. ¶ 31,037 (1996).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–55–35–7]

National Advisory Council for Environmental Policy and Technology Information Impacts Committee; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, PL 92463, EPA gives notice of a two-day meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT) Information Impacts Committee (IIC). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The IIC has been asked to review information requirements, and provide recommendations on how to effectively position information resources to support new, comprehensive and long-term Agency initiatives. This meeting is being held to provide the IIC with Industry and Federal InterAgency perspectives through panel discussions with members of both of those sectors. Additionally, the Committee intends to put into perspective the input received at this session and the input received at the July 11–12, 1996 session where State, Local Government, Community, Tribal, and EPA Regional views were presented.

DATES: The two-day public meeting will be held on Tuesday, September 10, 1996 from 9 am to 5 pm and on Wednesday, September 11, 1996 from 9 am to 3 pm. The meeting will be held at the Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

ADDRESSES: Although time will be limited, there will be opportunity for

public comment. Interested parties may submit written materials or comments, or may choose to address the committee directly. In either case, requests for participation must be submitted no later than August 30, 1996, to Joe Sierra, Designated Federal Official, NACEPT/IIC, U.S. EPA, Office of Cooperative Environmental Management (1601–F), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Joseph Sierra, Designated Federal Official for the Information Impacts Committee at 202–260–6839.

Dated: July 2, 1996.

Joseph A. Sierra,

Designated Federal Official.

[FR Doc. 96–17548 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–M

[OPP–00442; FRL–5383–6]

State FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) will hold a 2-day meeting, beginning on Monday, July 15, 1996 and ending on Tuesday, July 16, 1996. This notice announces the location and times for the meeting and sets forth tentative agenda topics. The meetings are open to the public.

DATES: The SFIREG will meet on Monday, July 15, 1996, from 8:30 a.m. to 4:30 p.m. and Tuesday, July 16, 1996 from 8:30 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held at the DoubleTree Hotel, 300 Army-Navy Drive, Crystal City-Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Shirley M. Howard, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location and telephone number: Rm. 1100, Crystal Mall #2, 1921 Jefferson-Davis Highway, Arlington, VA, (703) 305–5306 (phone), (703) 308–3259 (fax) and e:mail address: howard.shirleym@epamail.gov.

SUPPLEMENTARY INFORMATION: The tentative agenda of the SFIREG includes the following:

1. Discussion regarding ''co-pack'' products.
2. FIFRA section 25(b) exemptions discussion.
3. Discussion of State Management Plans for ground water protection and the Office of Pesticide Programs' National Workshop.
4. Discussion of laboratory support for pesticide regulatory programs.
5. Demonstration of potential, and discussion of endangered species Internet Home Page.
6. Discussion of potential changes to SFIREG structure and function.
7. Presentation of SFIREG issues status report.
8. Regional SFIREG representatives' reports.
9. Pesticide resistence.
11. Discussion of Silver Platter subscriptions.
10. Other topics as appropriate.

List of Subjects

Environmental protection.

Dated: June 28, 1996.

William L. Jordan,

Acting Director, Field Operations Division, Office of Pesticide Programs.

[FR Doc. 96–17329 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–42076A; FRL–5369–9]

State of Nebraska Plan for Certification of Pesticide Applicators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Approval of Certification Plan.

SUMMARY: On March 20, 1996, EPA announced its intention to approve the Nebraska Certification Plan for restricted use pesticide applicators. Nebraska had been certifying restricted use pesticide applicators under a Certification Plan approved on a contingency basis. The March 20, 1996 Notice solicited comments on a revised Nebraska Certification Plan. The revised Plan incorporates the changes needed to remove the contingency approval and to fully comply with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the regulations at 40 CFR part 171. No comments were received and EPA therefore approves the Nebraska Certification Plan.

FOR FURTHER INFORMATION CONTACT: Richard O. Jacobson, U.S. Environmental Protection Agency, Lincoln Field Office, 100 Centennial Mall North, Rm. 289, Lincoln, NE 68508, Telephone: (402) 437-5080, e-mail: jacobson.jake@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 21, 1994 (59 FR 19010), notice was published of the intent of the Regional Administrator, EPA Region 7 to approve, on a contingency basis, the State of Nebraska Plan for the Certification of Pesticide Applicators. After an appropriate comment period, a notice of approval, on a contingent basis, was published in the Federal Register of July 20, 1994 (59 FR 37038). The Federal Register notice of July 20, 1994, also addressed comments which had been submitted.

The July 20, 1994 Notice of Contingent Approval stated that final approval of the Nebraska Certification Plan would be granted upon development of appropriate regulations, completion of cooperative agreements with other State agencies, and revision of competency standards for one commercial applicator category. These conditions have been met. Appropriate regulations are contained in Title 25 Nebraska Administrative Code Chapter 2 and are incorporated in the revised Nebraska Certification Plan. The Nebraska Department of Agriculture is responsible for the overall administration of the plan. The cooperative agreements between the Nebraska Department of Agriculture, the University of Nebraska, and the Nebraska Department of Aeronautics assure the coordination and cooperation of the various State agencies. These cooperative agreements are contained in the revised Nebraska Certification Plan. The revised Nebraska competency standards for Nebraska category 8, Structural/Health Related Pest Control, meet the requirements contained in the corresponding EPA standards at 40 CFR 171.4(c) (7). EPA announced its intention to approve this revised plan in the Federal Register of March 20, 1996 (61 FR 11405) (FRL-4989-3), and solicited comments. No comments were received and EPA therefore approves the revised plan.

Copies of the approved plan are available for review at the following locations during normal business hours:

1. U.S. Environmental Protection Agency, Lincoln Field Office, 100 Centennial Mall North, Rm. 289, Lincoln, NE 68508. Contact: Richard O. Jacobson, (402) 437-5080, e-mail: jacobson.jake@epamail.epa.gov.
2. Nebraska Department of Agriculture, Bureau of Plant Industry, 301 Centennial Mall South, Lincoln, NE 68509. Contact: Geir Friisoe (402) 471-2394.
3. U.S. Environmental Protection Agency, Office of Pesticide Programs (7506C), 1921 Jefferson Davis Highway, Crystal Mall #2, Rm. 1121, Arlington, VA 22202. Contact: John MacDonald (703) 305-7370.

List of Subjects

Environmental protection.

Dated: June 24, 1996.

Dennis Grams,

Regional Administrator, Region 7.

[FR Doc. 96–17333 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–30416; FRL–5383–5]

Ecoval Technologies Inc.; Application to Register a Pesticide Product

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing an active ingredient not included in any currently registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by August 9, 1996.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP–30416] and the file symbol (069836–R) to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will be accepted on disks in Wordperfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–30416]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joan Karrie, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. CS51B6, Westfield Building North Tower, 2800 Crystal Drive, Arlington, VA 22202, (703) 308–8699; e-mail: karrie.joan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA received an application from Ecoval Technologies Inc., 3600, boul. du Tricentenaire Pointe-aux-Tembles, Quebec H1B 5M8, to register the pesticide product ECO-N SELECT 1.6 (EPA File Symbol 069836–R), containing the active ingredient acetic acid: ethanoic acid [$C_2H_4O_2$] at 25 percent, an active ingredient not included in any currently registered product pursuant to the provisions of section 3(c)(4) of FIFRA. The product is classified for general use for non-selective control of herbaceous broadleaf and grass weeds in noncrop, right-of-way, and industrial land sites. Notice of receipt of the application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

A record has been established for this notice under docket number [OPP–30416] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

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

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

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division at the address provided from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. It is suggested that persons interested in reviewing the application file, telephone this office at (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: July 1, 1996.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 96–17574 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–66227; FRL 5375–3]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by October 8, 1996, orders will be issued cancelling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be cancelled. The Act further provides that EPA must publish a notice of receipt of any such request in the Federal Register before acting on the request.

II. Intent to Cancel

This notice announces receipt by the Agency of requests to cancel some 50 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000087–00010	Ethylene Oxide 100%	Ethylene oxide
000241 MT–90–0004	Pursuit Herbicide	Ammonium salt of (+/-)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-
000241 PR–94–0002	Pursuit Herbicide	Ammonium salt of (+/-)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-
000241 UT–91–0003	Pursuit Herbicide	Ammonium salt of (+/-)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-
000241 WA–90–0007	Pursuit Herbicide	Ammonium salt of (+/-)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-
000241 WY–90–0002	Pursuit Herbicide	Ammonium salt of (+/-)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-
000264 FL–87–0009	Temik Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000264 MD–78–0009	Temik 10G Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000264 MO–84–0001	Temik Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000264 OK–84–0006	Union Carbide Temik Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000264 PA–78–0005	Temik 10G Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000264 WV–78–0013	Union Carbide Temik Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000352 CA–80–0167	Vydate L Insecticide Nematicide	Oxamimidic acid, *N',N'*-dimethyl-*N*-((methylcarbamoyl)oxy)-1-thio-methyl ester
000352 CA–90–0051	Du Pont ''Vydate'' L Insecticide/nematicide	Oxamimidic acid, *N',N'*-dimethyl-*N*-((methylcarbamoyl)oxy)-1-thio-methyl ester
000352 ID–83–0019 ...	Vydate L Insecticide Nematicide	Oxamimidic acid, *N',N'*-dimethyl-*N*-((methylcarbamoyl)oxy)-1-thio-methyl ester
000400 CA–88–0012	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 IL–94–0002 ...	Omite 6E	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 IN–88–0003 ...	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 MA–82–0005	Omite 6E	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 ME–78–0006	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 MO–88–0002	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 NY–95–0003	Omite 6E	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 OH–87–0001	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 OR–88–0008	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 PA–88–0003	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 VA–88–0003	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 VT–78–0001	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 WA–88–0007	Omite 6E	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000400 WV–87–0001	Omite 6E Agricultural Miticide	2-(*p*-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite
000524–00444	Greensweep Lawn Insecticide with Sevin Spray-On Liquid	1-Naphthyl-*N*-methylcarbamate
000655–00600	Prentox Insecticide Dust Rotenone 1%	Rotenone Cube Resins other than rotenone
000655–00704	Prentox Insect Dust	Rotenone Cube Resins other than rotenone
000655–00767	Rotenox 5 EC	Rotenone Cube Resins other than rotenone
000769–00832	Miller V-75 A Dust containing Rotenone 0.75%	Rotenone Cube Resins other than rotenone

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
000769–00889	Agrisect Rotenone Dust 1%	Rotenone Cube Resins other than rotenone
000875–00150	Oxford Roach n Ant Killer	*N*-Octyl bicycloheptene dicarboximide *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
003282–20204	D-Con Roach Powder	Boric acid
004758–00130	Pest Control Products Two Metered Insecticide	*N*-Octyl bicycloheptene dicarboximide Aliphatic petroleum hydrocarbons (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
004758–00132	Pest Control Products Flying Insect Killer	Aliphatic petroleum hydrocarbons (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
004758–00133	Pest Control Products Dairy Aerosol Insecticide	*N*-Octyl bicycloheptene dicarboximide Aliphatic petroleum hydrocarbons (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
004822–00094	Virex 69/70 Disinfectant Spray	Ethanol Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12}) Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C_{12}, 30%C_{14}, 17%C_{16}, 3%C_{18}) Triethylene glycol
004822–00120	Johnson End Bac II Pressurized Disinfectant Spray	Ethanol Isopropanol Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12}) Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C_{12}, 30%C_{14}, 17%C_{16}, 3%C_{18})
004822–00158	Johnson Wax End Bac II Liquid Disinfectant Spray	Ethanol Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12}) Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C_{12}, 30%C_{14}, 17%C_{16}, 3%C_{18})
005602–00150	Secret Treatment	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate Xylene range aromatic solvent
008590–00443	Agway Lawn and Garden Insect Control with Diazinon	*O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate
008590–00502	Agway Greenlawn Plus 21–5–7 Fertilizer with Diazinon In	*O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate
011556–00032	Neguvon Brand of Trichlorfon Cattle Insecticide Pour on	Dimethyl (2,2,2-trichloro-1-hydroxyethyl)phosphonate
046515–00014	Weco Weed Killer 111	6,7-Dihydrodipyrido(1,2-*a*: 2',1'-c)pyrazinediium dibromide
046515–00015	Weco Weed Killer 112	6,7-Dihydrodipyrido(1,2-*a*: 2',1'-c)pyrazinediium dibromide
052200–00006	Greensward Premium Fertilizer Plus Diazinon	*O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate

Unless a request is withdrawn by the registrant within 90 days of publication of this notice, orders will be issued cancelling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this 90-day period. The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000087	Pennsylvania Engineering Co., 1119-21 N. Howard St., Philadelphia, PA 19123.
000241	American Cyanamid Co., Agri Research Div-U.S. Regulatory Affair, Box 400, Princeton, NJ 08543.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company No.	Company Name and Address
000264	Rhone-Poulenc Ag Co., Box 12014, Research Triangle Park, NC 27709.
000352	E. I. Du Pont De Nemours & Co., Inc., Barley Mill Plaza, Walker's Mill, Wilmington, DE 19880.
000400	Uniroyal Chemical Co., Inc., 74 Amity Rd, Bethany, CT 06524.
000524	Monsanto Co., 700 14th St., N.W. Suite 1100, Washington, DC 20005.
000655	Prentiss Inc., 21 Vernon Street, C.B. 2000, Floral Park, NY 11001.
000769	Sureco Inc., 10012 N. Dale Mabry, Suite 221, Tampa, FL 33618.
000875	Diversey Corp., 12025 Tech Center Dr., Livonia, MI 48150.
003282	Reckitt & Colman Inc., Household Products Division, Attn: EPA Regulatory Dept, 225 Summitt Ave, Montvale, NJ 07645.
004758	Pet Chemicals, 4242 BF Goodrich Blvd., Box 18993, Memphis, TN 38181.
004822	S.C. Johnson & Son Inc., 1525 Howe Street, Racine, WI 53403.
005602	Hub States Corp., 8455 Keystone Crossing, Suite 150, Indianapolis, IN 46240.
008590	Universal Cooperatives Inc., Agent For: Agway Inc., Box 460, Minneapolis, MN 55440.
011556	Bayer Corp., Agriculture Division, Animal Health, Box 390, Shawnee Mission, KS 66201.
046515	Celex, Division of United Industries Corp., Box 15842, St Louis, MO 63114.
052200	Tyler Enterprises Inc., Rt 53, South Box 365, Melwood, IL 60421.

III. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before October 8, 1996. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

IV. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in Federal Register No. 123, Vol. 56, dated June 26, 1991. Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: June 12, 1996.

Frank Sanders,

Director, Program Management and Support Division, Office of Pesticide Programs.

[FR Doc. 96–17332 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–30414; FRL–5377–9]

Merck Research Company; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by August 9, 1996.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP–30414] and the file symbol to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will be accepted on disks in Wordperfect in 5.1 file format or ASCII file format. All comments and

data in electronic form must be identified by the docket number [OPP–30414]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George LaRocca, Product Manager (PM 13), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703) 305–6100; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA received applications to register pesticide products containing an active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 618–RNI. Applicant: Merck Research Laboratories, P.O. Box 450 Hillsborough Rd., Three Bridges, NJ 0887–0450. Product name: Emamectin Benzoate Technical. Insecticide/Miticide. Active ingredient: Emamectin Benzoate: 4″-epi-methylamino-4″-deoxyavermectin B1 benzoate [A mixture of a minimum of 90% 4″-epi-methylamino-4″-deoxyavermectin B_1a and a maximum of 10% 4″-epi-methylamino-4″-deoxyavermectin B_1b benzoate] at 95 percent with 4 percent related compounds. Proposed classification/Use: None. For formulation use only.

2. File Symbol: 618–RNT. Applicant: Merck Research. Product name: Proclaim 0.16 EC Insecticide. Insecticide/Miticide. Active ingredient: Emamectin Benzoate: 4″-epi-methylamino-4″-deoxyavermectin B1 benzoate [A mixture of a minimum of 90% 4″-epi-methylamino-4″-deoxyavermectin B_1a and a maximum of 10% 4″-epi-methylamino-4″-deoxyavermectin B_1b benzoate] at 2.15 percent. Proposed classification/Use: Restricted. For use on cole crops, celery, and head lettuce.

3. File Symbol: 618–RNA. Applicant: Merck Research. Product name: Proclaim 5 SG Insecticide. Insecticide/Miticide. Active ingredient: Emamectin Benzoate: 4″-epi-methylamino-4″-deoxyavermectin B1 benzoate [A mixture of a minimum of 90% 4″-epi-methylamino-4″-deoxyavermectin B_1a and a maximum of 10% 4″-epi-methylamino-4″-deoxyavermectin B_1b benzoate] at 5 percent. Proposed classification/Use: Restricted. For use on cole crops, celery, and head lettuce.

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

A record has been established for this notice under docket number [OPP–30414] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

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

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

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division at the address provided from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. It is suggested that persons interested in reviewing the application file, telephone this office at (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: June 25, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–17334 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[PF–661; FRL–5380–7]

Pesticide Tolerance Petitions; Notice of Filings and Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filings and amendment of pesticide petitions (PP) and a food additive petition (FAP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket number [PF–661], must be received on or before August 9, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an

ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF–661]. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager listed in the table below:

Product Manager	Office location/telephone number	Address
Rick Keigwin (PM 10)	Rm. 210, CM #2, 703–305–6788, e-mail:keigwin.richard@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA.
George LaRocca (PM 13).	Rm. 204, CM #2, 703–305–6100, e-mail: larocca.george@epamail.epa.gov.	Do.
Dennis Edwards (PM 19).	Rm. 207, CM #2, 703–305–6386, e-mail: edwards.dennis@epamail.epa.gov.	Do.
Robert J. Taylor (PM 25).	Rm. 245, CM #2, 703–305–6027, e-mail: taylor.robert@epamail.epa.gov.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities.

Initial Filings

1. *PP 6F4616*. Ciba-Geigy Corporation, P.O. Box 18300, Greensboro, NC 27419–8300 proposes to amend 40 CFR part 180 by establishing a tolerance for residues of the insecticide fenoxycarb; (ethyl[2-(4-phenoxyphenoxy)ethyl] carbamate in or on the raw agricultural commodities fat of cattle, goats, hogs, horses, and sheep at 0.05 ppm, grass forage at 0.6 ppm, grass hay 0.5 ppm, milk, meat and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm. The proposed analytical method for determining residues is column switching high performance liquid chromatography. (PM 10)

2. *FAP 6H5748*. McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, MN 55427–4372 proposes to amend 40 CFR part 180 by establishing a tolerance for residues of the insecticide pyripoxyfen [2-[1-methyl-2-(4-phenoxyphenoxy) ethoxy] pyridine] in or on the following types of stored food commodities; fruits, meats, sugar, vegetables, flours, candy, dairy and baked goods at 0.5 ppm. (PM 10)

3. *PP 6F4735*. DowElanco, 9330 Zionville Road, Indianapolis, IN 46268–1054, proposes to amended 40 CFR part 180 by establishing a tolerance for residues of the insecticide spinosad 2-[(6-deoxy-2,3,4-tri-*O*-methyl-alpha-*L*-mannopyranosyl)oxy]-13-[[5-(dimethylamino)tetrahydro-6-methyl-2*H*-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,,16a,16b-tetradecahydro-14-methyl-1*H*-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione, [2R-[2R*,3aS*,5aR*, 5bR*,9S*,13S* (2R*,5S*,6R*),14R*,16aS*, 16bR*]](9CI) and 2-[(6-deoxy-2,3,4-tri-*O*-methyl-alpha-*L*-mannopyranosyl)oxy]-13-[[5-(dimethylamino)tetrahydro-6-methyl-2*H*-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,,16a,16b-tetradecahydro-4-14-dimethyl-1*H*-as-Indaceno[3,2-d]oxacyxlododecin-7,15-dione, [2S-[2R*,3aS*,5aR*, 9R*,13R*(2S*,5R*,6S*), 14S*,16aR*,16bR*]](9CI) in or on the raw agricultural commodity cottenseed at 0.02 ppm. (PM 13).

4. *PP 6F3429*. DowElanco, 9330 Zionville Road, Indianapolis, IN 46268–1054, proposes to amend 40 CFR 180.419 by establishing tolerances for residues of the insecticide chlorpyrifos-methyl [*O,O*-dimethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate], *per se*, in or on the raw agricultural commodities barley, corn, oats, rice, sorghum, and wheat at 6.0 ppm and aspirated corn grain fractions at 500 ppm; in meat and meat by-products of cattle, goats, hogs, horses, and sheep at 0.05 ppm; in fat of cattle, goats, hogs, horses, and sheep at 1.0 ppm; in milk, fat at 1.25 ppm (reflecting 0.05 ppm in whole milk); in meat, meat byproducts, and eggs of poultry at 0.05 ppm; and in fat of poultry at 0.10 ppm. (PM 19)

5. *PP 6F4706*. E.I. duPont de Nemours & Company, Agricultural Products, P.O. Box 80038, Wilmington, DE 19880–0038, proposes to amend 40 CFR 180.478 by establishing tolerances for residues of the herbicide rimsulfuron, *N*-((4,6-dimethoxypyridin-2-yl)aminocarbonly)-3-(ethylsulfonyl)-2-pyridinesulfonamide, in or on the raw agricultural commodity tomato, fruit at 0.1 ppm. The proposed analytical method for determining residues is high performance liquid chromatography with an Ultraviolet detefctor. (PM 25)

Amended Filings

PP 8F2128. In the Federal Register of November 7, 1978 (43 FR 53816) EPA issued a notice that the Monsanto Company, 700 14th Street, Suite 1100, Washington, DC 200025, had proposed to amend 40 CFR 180.314 by establishing a tolerance for the combined residues of the herbicide triallate (*S*-(2,3,3-trichloroallyl) diisopropylthiocarbamate) in or on raw agricultural commodities sugarbeets, sugarbeet tops, soybeans, soybean forage, and hay all at 0.05 ppm. In the Federal Register of September 13, 1995 (60 FR 47579) (FRL–4975–3), EPA issued an amended notice of filing amending the petition to propose that tolerances with regional registration be established for triallate and its metabolites 2,3,3-trichloro-2-propene sulfonic acid and expressed as parent equivalent in or on the raw agricultural commodities sugarbeet roots at 0.05 ppm and sugarbeet foliage at 0.5 ppm. Monsanto is amending this petition to propose that tolerances with regional restriction be established for residues of *S*-2,3,3-trichloroallyl diisopropylthiocarbamate and its metabolite, 2,3,3,-trichloro-2-propene sulfonic acid, expressed as parent equivalent, in or on the following raw agricultural commodities sugarbeet roots at 0.1 ppm and sugarbeet foliage at 0.5 ppm. Also proposed is the

establishment of a maximum residue limit (MRL) of 0.2 ppm for dried sugarbeet pulp under section 701 of the Federal Food, Drug and Cosmetic Act for residues of *S*-2,3,3-trichloroallyl diisopropylthiocarbamate and its metabolite, 2,3,3-trichloro-2-propene sulfonic acid. (PM 25)

A record has been established for this notice under docket number [PF–661] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

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

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

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

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 25, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–17331 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[PF–662; FRL–5381–6]

Entek Corporation; Notice of Filing of a Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a pesticide petition establishing tolerances for the nematicide, insecticide, and fungicide carbon disulfide from the application of sodium tetrathiocarbonate in or on certain agricultural commodities.

DATES: Written comments, identified by the docket control number [PF–662], must be submitted to EPA by August 9, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by docket number [PF–662]. No CBI should be submitted through e-mail. Electronic comments on this notice of filing may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the SUPPLEMENTARY INFORMATION section of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Cynthia Giles-Parker, Product Manager (PM) 22, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Office location and telephone number: Rm. 229, CM #2, Jefferson Davis Hwy, Arlington, VA, 703–305–5540; e-mail address: giles-parker.cynthia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This notice announces that EPA has received from Entek Corporation, P.O. Box 458, Brea, CA 92622–0458 a notice of filing under section 408 of the Federal Food, Drug, and Cosmetic Act 21 (U.S.C. 346a) for pesticide petition (PP) *PP 5F4482* by amending 40 CFR part 180.467 by establishing tolerances for the residues of the nematicide, insecticide, and fungicide carbon disulfide from the application of sodium tetrathiocarbonate in or on the following agricultural commodities: almond nut meats, almond hulls, peaches, and plums (fresh prunes) all at 0.1 part per million (ppm). The proposed analytical method for determining residues is gas chromatography.

A record has been established for this notice of filing under docket number [PF–662] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

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

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

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

List of Subjects

Environmental Protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 24, 1996.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–17330 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–181015; FRL 5379–1]

Carbofuran, Receipt of Application for Emergency Exemption; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Tennessee Department of Agriculture (hereafter referred to as the ''Applicant'') to use the pesticide flowable Carbofuran (Furadan 4F Insecticide/Nematicide) (EPA Reg. No. 279–2876) to treat up to 50,000 acres of cotton to control cotton aphids.

The Applicant proposes the use of a chemical which has been the subject of a Special Review within EPA's Office of Pesticide Programs, and the proposed use could pose a risk similar to the risk assessed by EPA under the Special Review of granular carbofuran. Therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before July 25, 1996.

ADDRESSES: Three copies of written comments, bearing the identification notation ''OPP–181015,'' should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–181015]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: David Deegan, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8327; e-mail: deegan.dave@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of carbofuran on cotton to control aphids.

Information in accordance with 40 CFR part 166 was submitted as part of this request. As part of this request, the Applicant asserts that the state of Tennessee is likely to experience a non-routine infestation of aphids during the 1996 cotton growing season. The applicant further claims that, without a specific exemption of FIFRA for the use of flowable carbofuran on cotton to control cotton aphids, cotton growers in much of the state will suffer significant economic losses. The applicant also details a use program designed to minimize risks to pesticide handlers and applicators, non-target organisms (both Federally-listed endangered species, and non-listed species), and to reduce the possibility of drift and runoff.

The applicant proposes to make no more than two applications on older cotton (bloom to finish) at the rate of 0.25 lb. active ingredient [(a.i.)], (8 fluid oz.) in a minimum of 2 gallons of finished spray per acre by air, or 10 gallons of finished spray per acre by ground application. The total maximum proposed use during the 1996 growing season (June 1, 1996 until September 30, 1996) in Tennessee would be 0.5 lb. a.i. (16 fluid oz.) per acre. The applicant proposes that the maximum acreage which could be treated under the requested exemption would be 50,000 acres. If all acres were treated at the maximum proposed rates, then 25,000 lbs. a.i. (6,250 gallons Furadan 4F Insecticide/Nematicide) would be used.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a chemical (i.e., an active ingredient) which has been the subject of a Special Review within EPA's Office of Pesticide Programs, and the proposed use could pose a risk similar to the risk assessed by EPA under the previous Special Review. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number OPP–181015 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

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

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received

and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Tennessee Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pest, Crisis exemptions.

Dated: June 12, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–17326 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–50820; FRL–5369–3]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part l72, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location, telephone number, or e-mail address cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

100–EUP–101. Issuance. Ciba Plant Protection, P.O. Box 18300, Greensboro, NC 27419-8300. This experimental use permit allows the use of 328.04 pounds of the herbicide 2-[[[[(4,6-dimethyl-2-pyrimidinyl)-amino]carbonyl]amino]sulfonyl]benzoic acid, 3-oxetanyl ester on 4,000 acres of soybeans to evaluate the control of various weeds. The program is authorized only in the States of Alabama, Arkansas, Delaware, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from April 30, 1996 to December 21, 1997. (Robert Taylor, PM 25, Rm. 245, CM #2, 703–305–6800, e-mail: taylor.robert@epamail.epa.gov)

69006–EUP–1. Issuance. Earthgro, Inc., Route 207, P.O. Box 143, Lebanon, CT 06249. This experimental use permit allows the use of 5,697 pounds of the microbial pesticides *Flavobacterium balustinum* strain 299 and *Trichoderma hamatum* isolate 382 on 226 acres of selected ornamentals and vegetable bedding plants to evaluate the control of *Rhizoctonia, Fusarium, Pythium,* and *Phytophthora.* The program is authorized only in the States of California, Connecticut, Florida, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Texas. The experimental use permit is effective from January 1, 1996 to January 1, 1998. (Diana Horne, CS #1 5th floor, 703–308–8367, e-mail: horne.diana@epamail.epa.gov)

4581-EUP-43. Renewal. Elf Atochem North America, Inc., 2000 Market St., 21st Floor, Philadelphia, PA 19103. This experimental use permit allows the use of 128 pounds of the herbicide mono(N,N-dimethylalkylamine) salt of endothall on 50 acres of cotton to evaluate the enhancement of cotton boll opening. The program is authorized only in the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from May 16, 1996 to May 16, 1997. This permit is issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Joanne Miller, PM 23, Rm. 237, CM #2, 703-305-6224, e-mail: miller.joanne@epamail.epa.gov)

68173–EUP–1. Extension. Kaken Pharmaceutical Co., Ltd. of Japan, c/o Stewart Pesticide Registration Associates, Inc., Suite 603, 1901 North Moore St., Arlington, VA 22209. This experimental use permit allows the use of 30.2 pounds of the fungicide polyoxorim-zinc (1:1)[1], zinc 5-[[2-amino-5-O-(aminocarbonyl)-2-deoxy-L-xylonoyl]amino]-1-(5-carboxy-3,4-dihydro-2,4-dioxo-1(2*H*)-pyrimidinyl)-1,5-dideoxy-beta-D-allofuranuronate on 28 acres of ornamental turf grass to evaluate the control of brown patch and large patch. The program is authorized only in the States of Delaware, Georgia, Kansas, Maryland, Missouri, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from April 16, 1996 to November 1, 1996. (Denise Greenway, CS #1 5th floor, 703–308–8263, e-mail: greenway.denise@epamail.epa.gov)

10182–EUP–59. Issuance. Zeneca Ag Products, Inc., 1800 Concord Pike Wilmington, DE 19897. This experimental use permit allows the use of 2,250 pounds of the herbicide 2-cyclohexen-1-one, 2-[1-ethoxyimino)propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-(9Cl) on 5,000 acres of wheat and barley to evaluate the control of green foxtail, persian darnel, yellow foxtail, and wild oats. The program is authorized only in the States of Idaho, Minnesota, Montana, North Dakota, South Dakota, and Washington. The experimental use permit is effective from April 23, 1996 to April 19, 1998. A temporary tolerance for residues of the active ingredient in or on barley and wheat has been established. (Robert Taylor, PM 25, Rm. 245, CM #2, 703–305–6800, e-mail: taylor.robert@epamail.epa.gov)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquires concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Experimental use permits.

Dated: June 18, 1996.

Stephen L. Johnson.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–17328 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5535–8]

Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, As Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: Notice is hereby given that a proposed prospective purchaser agreement associated with the National Mine Tailings Superfund Site, located in St. Francois County, Missouri, was executed by the Agency on May 15, 1996 and concurred upon by the United States Department of Justice on May 30, 1996. This agreement is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve certain potential EPA claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), against Airtech, Inc., the prospective purchaser (''the purchaser'').

The settlement would require the purchaser to perform cleanup actions at the property which include establishing and maintaining a protective cover over potentially contaminated soil on-site. The purchaser must record a deed restriction limiting use of the property to industrial and commercial uses and must provide EPA access to the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

DATES: Comments must be submitted on or before August 9, 1996.

AVAILABILITY: The proposed settlement is available for public inspection at the U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the proposed agreement may be obtained from Jack Generaux, Remedial Project Manager, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Comments should reference the ''National Mine Tailings Superfund Site Prospective Purchaser Agreement'' and should be forwarded to Jack Generaux, Remedial Project Manager, at the above address.

FOR FURTHER INFORMATION CONTACT: David Cozad, Senior Associate Regional Counsel, United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551–7587.

Dated: June 28, 1996.

William Rice,

Acting Regional Administrator.

[FR Doc. 96–17547 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–44628; FRL–5383–1]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of test data on the diglycidyl ether of bisphenol A (DGEBPA) (CAS No. 1675–54–3) and tetrahydrofuran (THF) (CAS No. 109–99–9). These data were submitted pursuant to enforceable testing consent agreements/orders issued by EPA under section 4 of the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551; e-mail:TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under 40 CFR Part 790.60, all TSCA section 4 enforceable testing consent agreements/orders must contain a statement that results of testing conducted pursuant to enforceable testing consent agreements/orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for DGEBPA were submitted by The Society of the Plastics Industry Epoxy Resin Systems DGEBPA Task Force pursuant to a TSCA section 4 enforceable testing consent agreement/order at 40 CFR Part 799.5000 and were received by EPA on June 3, 1996. The submission includes two final reports entitled (1) ''DGEBPA: 13-Week Dermal Toxicity Study in the Fischer 344 Rat,'' and (2) ''DGEBPA: 13-Week Dermal Neurotoxicity Study in Fischer 344 Rats.'' This chemical is used primarily as the principal component in expoxy resins.

Test data for Tetrahydrofuran were submitted by the Tetrahydrofuran Task Force pursuant to a TSCA section 4 enforceable testing consent agreement/order at 40 CFR Part 799.5000 and were received by EPA on June 7, 1996. The submission includes a final report entitled ''Acute Inhalation Neurotoxicity Study of Tetrahydrofuran in Rats.'' This chemical is widely used as a solvent.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of these submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44628). This record includes copies of all studies reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Nonconfidential Information Center (also kown as the TSCA Public Docket Office), Rm. B–607 Northeast Mall, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

List of Subjects

Environmental protection, Test data.

Dated: July 1, 1996.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 96–17572 Filed 7–9–96; 8:45 am]

BILLING CODE 6560–50–F

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 11, 1996, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm

Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. Reports

Dated: July 8, 1996.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 96–17669 Filed 7–8–96; 3:48 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget (OMB) For Review

July 3, 1996.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10236, NEOB, Washington, D.C. 20503, (202) 396–0651. For further information, contact Dorothy Conway, Federal Communications Commission, (202) 418–0217.

Please note: The Commission has requested emergency review of this collection by July 16, 1996, under the provisions of 5 C.F.R. Section 1320.13.

Title: Bell Operating Company Provision of Out-of-Region, Interstate, Interexchange Services, Report and Order, CC Docket No. 96–21, (Affiliated Company Recordkeeping Requirement).

Form No.: N/A

OMB Control No.: None.

Action: New Collection.

Respondents: Business or other for-profit entities.

Estimated Annual Burden: 7 respondents; 6056 hours per response; 42,394 hours total annual burden.

Needs and Uses: In the Report and Order issued in CC Docket No. 96–21, the Commission removed dominant regulation for BOCs that provide out-of-region, interstate, interexchange services through an affiliate that complies with certain safeguards, in order to facilitate the efficient and rapid provisions of out-of-region, domestic, interstate, interexchange services by the BOCs, as contemplated by the 1996 Act, while still protecting ratepayers and competition in the interexchange market. These safeguards require that the affiliate: (1) maintain separate books of account from the LEC; (2) not jointly own transmission or switching facilities with the LEC; and (3) take any tariffed services from the affiliated LEC pursuant to the terms and conditions of the LEC's generally applicable tariff. This recordkeeping requirement will not impose any significant burden on BOC interexchange affiliates because we do not require that the interexchange affiliate maintain separate books of account that comply with our Part 32 rules. Instead, these affiliates must maintain separate books as would any separate corporation, as a matter of course.

The foregoing estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the burden estimates or any other aspect of the collection of information including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, Paperwork Reduction Project, Washington, D.C. 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–17563 Filed 7–9–96; 8:45 am]

BILLING CODE 6712–01–P

[Report No. 2141]

Petition for Reconsideration of Action in a Rulemaking Proceeding

July 8, 1996.

A Petition for reconsideration has been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800. Opposition to this petition must be filed July 25, 1996. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b), FM Broadcast Stations, Table of Allotments. (Denison-Sherman, Paris, Jacksboro, Texas and Madill, Oklahoma) (MM Docket No. 95–126, RM–8671)

Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–17477 Filed 7–9–96; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

Notice of Intent To Prepare an Environmental Impact Statement; Disposal of Voice of America Bethany Relay Station, Union Township, OH

ACTION: Proposed disposal of the property known as the Voice of America Relay Station located in Union Township, Butler County, Ohio.

The U.S. General Services Administration has identified a property known as the Voice of America Bethany Relay Station site for disposal and possible future development. The station property consists of approximately 625 acres located within Union Township (Butler County), Ohio. The property is bounded on the north by Hamilton Mason Road, on the south by Tylersville Road, on the west by Cox Road, and on the east by Butler-Warren County Line Road. Union Township is located approximately 20 miles north of Cincinnati, Ohio.

The Environmental Impact Statement will evaluate alternative uses for the property as well as the No-Action Alternative. Topics to be studied as part of the Environmental Impact Statement include, but are not limited to: topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, community services, hazardous materials, air and noise quality, among others.

A Public Scoping Meeting will be held on July 25, 1996 at 7:30 p.m. at the Union Township Administrative Offices, Union Township, Ohio.

For further information contact William A. Costa, U.S. General Services Administration, Property Disposal Division, 10 Causeway Street, Room 1079, Boston, Massachusetts 02222 or on (617) 565–5700.

Dated: June 27, 1996.

Paul M. Lynch,

Director.

[FR Doc. 96–17492 Filed 7–9–96; 8:45 am]

BILLING CODE 6820–23–M

GOVERNMENT PRINTING OFFICE

The Federal Register Online Via GPO Access; Meeting and Demonstration

The United States Government Printing Office (GPO) will hold a meeting for Federal agencies, businesses, non-profit organizations and the public interested in an overview and demonstration of the Government Printing Office's award-winning online service, *GPO Access*, provided under the Government Printing Office Electronic Information Access Enhancement Act of 1993 (Public Law 103–40).

The demonstration will be held in the auditorium of the Public Library of Charlotte and Mecklenberg County, 310 North Tryon Street, Charlotte, North Carolina, 28202 on Wednesday, July 31, from 2 p.m. to 4 p.m. There is no charge to attend.

The online Federal Register service offers access to the daily issues of the Federal Register by 6 a.m. on the day of publication at no charge to the user. All notices, rules and proposed rules, Presidential documents, executive orders, separate parts, and reader aids are included in the database. Documents are available as ASCII text files and in typeset form as Adobe Acrobat Portable Document Format (PDF) files. Graphics are included in the PDF files and are also available as separate files in the TIFF format for the 1994 (Volume 59) Federal Register. The online Federal Register is available via the Internet (URL: http://www.access.gpo.gov/su__docs/aces/aces140.html) or as a dial-in service. Historical data is available from January 1994 forward.

Other databases currently available online through *GPO Access* include the *Government Manual; GILS Records; The Budget of the United States Government, Fiscal Year 1997; Congressional Record; Congressional Record Index*, including the *History of Bills; Congressional Bills; Public Laws; U.S. Code;* and *GAO Reports;* and a growing list of important Government documents available on the same day of publication.

Individuals interested in attending may reserve a space by contacting John R. Berger, Marketing Specialist, at the GPO's Office of Electronic Information Dissemination Services, by Internet e-mail at jberger@gpo.gov; by telephone: 202–512–1525; or by fax: 202–512–1262. Seating reservations will be accepted through Friday, July 26, 1996.

Michael F. DiMario,

Public Printer.

[FR Doc. 96–17513 Filed 7–9–96; 8:45 am]

BILLING CODE 1505–02–P

The Federal Register Online Via GPO Access; Meeting and Demonstration

The United States Government Printing Office (GPO) will hold a meeting for Federal agencies, businesses, non-profit organizations and the public interested in an overview and demonstration of the Government Printing Office's award-winning online service, *GPO Access*, provided under the Government Printing Office Electronic Information Access Enhancement Act of 1993 (Public Law 103–40).

The demonstration will be held in the auditorium (Room 120), Computing Commons, Arizona State University, Tempe, Arizona, on Thursday, August 15, from 1:30 p.m. to 3:30 p.m. There is no charge to attend.

The online Federal Register service offers access to the daily issues of the Federal Register by 6 a.m. on the day of publication at no charge to the user. All notices, rules and proposed rules, Presidential documents, executive orders, separate parts, and reader aids are included in the database. Documents are available as ASCII text files and in typeset form as Adobe Acrobat Portable Document Format (PDF) files. Graphics are included in the PDF files and are also available as separate files in the TIFF format for the 1994 (Volume 59) Federal Register. The online Federal Register is available via the Internet (URL: http://www.access.gpo.gov/su__docs/aces/aces140.html) or as a dial-in service. Historical data is available from January 1994 forward.

Other databases currently available online through *GPO Access* include the *Government Manual; GILS Records; The Budget of the United States Government, Fiscal Year 1997; Congressional Record; Congressional Record Index*, including the *History of Bills; Congressional Bills; Public Laws; U.S. Code;* and *GAO Reports;* and a growing list of important Government documents available on the same day of publication.

Individuals interested in attending may reserve a space by contacting John R. Berger, Marketing Specialist, at the GPO's Office of Electronic Information Dissemination Services, by Internet e-mail at jberger@gpo.gov; by telephone: 202–512–1525; or by fax: 202–512–1262. Seating reservations will be accepted through Friday, August 9, 1996.

Michael F. DiMario,

Public Printer.

[FR Doc. 96–17514 Filed 7–9–96; 8:45 am]

BILLING CODE 1505–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 656]

Community Education and Training To Address Environmental Health Research; Near Department of Energy Nuclear Weapons Facilities

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds in fiscal year (FY) 1996 for a cooperative agreement program to develop community education and training for environmental health research near Department of Energy (DOE) nuclear weapons facilities. The CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of ''Healthy People 2000,'' see the Section ''WHERE TO OBTAIN ADDITIONAL INFORMATION.'')

Authority

This program is authorized under sections 301(a) and 317 [42 U.S.C. 241(a) and 247b] of the Public Health Service Act, as amended.

Eligible Applicants

Eligible applicants are State and local health departments, or their bona fide agents or instrumentalities. This includes federally recognized Indian tribal governments.

Note: Eligible applicants may enter into contractual agreements, as necessary, to meet the requirements of the program and to strengthen the overall application. The intent to use such mechanisms must be stated in the application and the nature and scope of work

of these mechanisms require the approval of CDC. Recipient(s) must maintain the primary responsibility for conduct of the cooperative agreement.

Availability of Funds

Approximately $300,000 will be available in FY 1996 (for both direct and indirect costs) to fund approximately one or more awards. The amount of each award will be dependent upon the number of awards made. It is expected that the awards will begin on or about September 30, 1996, for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds.

Purpose

The purpose of this program is to support a health education effort for communities in proximity to DOE nuclear weapons facilities sites to increase understanding of environmental health research. A key focus is to increase community understanding of issues associated with potential health effects of radionuclide and chemical exposures from releases from DOE nuclear weapons facilities near the community. Another key focus will be to address community understanding of environmental health research related to past operations of nuclear weapons facilities. CDC is presently conducting dose reconstruction and health studies in communities. Increasingly, communities desire educational and health communication activities that address their need to understand the conduct of studies and interpretation of results.

Applications must focus on the following sites, listed by facility/city and State (only one award will be made per site): (1) Fernald, Ohio; (2) Hanford Nuclear Reservation, Washington; (3) Idaho National Engineering Laboratory, Idaho; (4) Los Alamos, New Mexico; and (5) Savannah River Site, Georgia/South Carolina.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities:

1. Develop and implement a pilot health education program on potential health effects of radionuclide and chemical exposures in communities near DOE nuclear weapons facilities. The education program should include information that promotes a basic understanding of the scientific methods used to estimate these exposures and conduct health studies, and, at a minimum, the following:

a. Assessment of community needs and development of an educational plan to address the identified needs.

b. Production and distribution of educational materials such as brochures, fact sheets, and posters.

c. Involvement of and outreach to community members, including the youth of the community.

d. Development of workshops designed to communicate the concepts depicted in the educational materials.

2. Develop and implement a parallel evaluation program focusing on the effectiveness of every aspect of the education program in the community in the vicinity of the DOE site.

3. Develop a guidebook, based on lessons learned during the community education process, for use at the local health department level regarding education efforts for the DOE site.

4. As a follow-up to the education process, develop a report on the types of education materials/information, either generic or specific to the DOE site, that were unavailable and still need to be developed.

5. Meet with representatives of other education/community outreach project representatives at least once a year. These meetings will be coordinated by CDC.

6. Develop protocol for a community education and training program cooperatively with CDC.

7. Explore the use of distance-based learning methods for community health education.

B. CDC Activities:

1. Provide scientific assistance needed to produce the educational materials to educate the community members.

2. Provide technical assistance in regard to assessment and evaluation activities, the use of distance based learning methods, and other activities associated with the project.

3. Coordinate annual meetings.

4. Provide information regarding CDC environmental health research projects.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. The extent to which the applicant's proposal addresses: (a) a plan for developing a health education program for diverse communities, including the youth of these communities; (b) a plan for providing information support and liaison services to other State, local, and tribal health organizations on radiation-related health studies and; (c) plans and methods by which collaboration with other agencies will take place. The applicant must demonstrate a cultural competency for the proposed site of the education and training. (35%)

2. The extent to which the proposal has described: (a) the qualifications and commitment of the applicant; (b) detailed allocations of time and effort of staff devoted to the project, and; (c) the qualifications of the support staff. (35%)

3. The applicant's ability to collaborate with other agencies for conduct of the project, including the degree of commitment and cooperation of collaborating parties. (30%)

4. The proposed budget on the basis of its reasonableness, concise and clear justification, and consistency with the intended use of cooperative agreement funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting project activities. (Not Scored)

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and are funded by the cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

An original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Ron Van Duyne, Grants Management Officer, Attention: David Elswick, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, on or before August 5, 1996.

1. Deadline

The application shall be considered as meeting the deadline if it is either:

A. Received on or before the deadline date, or

B. Sent on or before the deadline date and received in time for submission to the objective review group. Applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

2. Late Applications

Applications which do not meet the criteria in 1.A. or 1.B. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6521, Internet address: DCE1@opspgo1.em.cdc.gov.

Programmatic technical assistance may be obtained from Art Robinson, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop F–35, Atlanta, GA 30341, telephone (770) 488–7630.

Please refer to Announcement 656 when requesting information and submitting an application.

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) referenced in the ''INTRODUCTION'' may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Atlanta, Georgia, will be the host of the 1996 Summer Olympics Games (July 19 through August 4, 1996). As a result of this event, it is likely that the Procurement and Grants Office (PGO) may experience delays in the receipt of both regular and overnight mail deliveries. Contacting PGO employees during this time frame may also be hindered due to the possible telephone disruptions.

To the extent authorized, please consider the use of voice mail, e-mail, and facsimile transmissions to the maximum extent practicable. Please do not fax lengthy documents, contract proposals or grant applications.

Dated: July 3, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–17526 Filed 7–9–96; 8:45 am]

BILLING CODE 4163–18–P

Development and Feasibility Testing of Interventions to Increase Health-Seeking Behaviors in, and Health Care for, Populations at High Risk for Gonorrhea; Correction

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Correction.

SUMMARY: In the notice document Announcement 638 beginning on page 29386, Vol. 61, No. 112, Monday, June 10, 1996, make the following correction:

On page 29389 in the first column, the application due date was previously listed as August 5, 1996. This should be changed to read August 8, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Boyd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305, telephone (404) 842–6592, Facsimile (404) 842–6513, or Internet at <KPT0@OPSPGO1.em.cdc.gov>.

Dated: July 3, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–17527 Filed 7–9–96; 8:45 am]

BILLING CODE 4163–18–P

[Announcement 661]

Maternal and Child Health Epidemiology Programs

Introduction

The Centers for Disease Control and Prevention (CDC), announces the availability of fiscal year (FY) 1996 funds for a cooperative agreement program to provide assistance to official public health agencies to expand and strengthen existing maternal and child health (MCH) programs in epidemiology and surveillance capacity building. All States have epidemiologic skills or activities; however, many lack MCH specific analytical capability.

CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Maternal and Infant Health. (For ordering a copy of ''Healthy People 2000,'' see the section ''Where to Obtain Additional Information.'')

Authority

This program is authorized under section 317(a) [42 U.S.C. 247b(a)] of the Public Health Service Act, as amended.

Eligible Applicants

Eligible applicants are the official public health agencies of States and their bona fide agents. This includes the District of Columbia, New York City, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized American Indian tribal governments.

Availability of Funds

Approximately $900,000 is available in FY 1996 to fund approximately 10 awards. It is expected that the average award will be $75,000, ranging from $25,000 to $150,000. It is expected that the awards will begin on or about September 27, 1996, for a 12-month budget period within a project period of up to 5 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

If requested, Federal personnel may be assigned to a project in lieu of a portion of the financial assistance.

Purpose

The purpose of this program is to provide an opportunity for State and local health departments to: (1) use epidemiologic and surveillance data to address health problems affecting women, infants, and children; and (2) build their maternal and child health epidemiology skills to conduct surveillance, research, analysis, interpretation, and translation using their own resources.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities listed under B. (CDC Activities).

A. Recipient Activities:

1. Using the ''Healthy People 2000'' objectives as a guide, develop measurable pregnancy and infant health objectives appropriate for the State.

2. Identify existing MCH activities in the State carried out by Federal, State, academic, and private organizations; develop procedures for collaborating with these organizations.

3. Identify populations at risks for poor pregnancy outcomes.

4. Conduct analysis of MCH data and use information to direct program activities and evaluate the effectiveness of new and existing interventions in achieving established objectives. If needed data is not available, conduct research/surveillance to collect needed data.

5. Attend CDC-sponsored annual MCH Epidemiology Workshop.

B. CDC Activities:

1. Collaborate with the recipient agency in the operational development of various programs.

2. Assist recipients in defining training needs and methods, and identifying the resources necessary for training personnel.

3. Assist recipient agency in training their staff in epidemiologic analytic techniques.

4. Participate with recipient agencies in workshops to exchange findings among States.

5. Participate with States in identifying and designing data collection methods for information that is vital to programmatic decision making and evaluation.

6. Provide information and advice regarding strategies, interventions, and approaches and coordinate collaboration between recipients and CDC staff.

7. Participate in the design and implementation of surveillance systems and other epidemiologic research. This includes collaboration in the development of protocols for special studies.

8. Participate in analysis and interpretation of existing data.

9. Provide technical support in vital record linkage.

10. Participate with each recipient in evaluating the achievement of stated MCH outcome objectives.

11. Assist recipients in the evaluation of their maternal and child health epidemiology program (MCHEP) activities.

Evaluation Criteria (Total 100 Points)

Applications will be reviewed and evaluated according to the following criteria:

A. Background and Need (30 Points).

1. Background: Extent to which the scope and severity of the problem in relation to the ''Healthy People 2000'' objectives are described; and evidence that potential benefits of improving MCH epidemiologic expertise are understood.

2. Need: The extent to which the applicant needs support in reducing maternal and infant morbidity and mortality.

B. Surveillance and Risk Factor Identification (20 Points).

1. The quality of proposed surveillance and data collection activities, and the process for the application data collection findings for program planning and evaluation.

2. Evidence of commitment of State resources to support proposed MCHEP activity as demonstrated by the appropriateness of committed resources and the extent to which existing resources are directed toward data collection, analysis, program planning, and evaluation activities.

C. Plan of Operation (40 Points).

1. The quality and feasibility of plans to develop and implement the proposed recipient activities.

2. The feasibility of plans to meet staffing needs by hiring, training, or reassigning existing staff, the appropriateness of proposed organizational structure, and the appropriateness of the background and experience of the individuals responsible for carrying out proposed program activities.

3. The extent, nature, and appropriateness of collaborative relationships.

4. Appropriateness, quality, and feasibility of the plan and timetable for MCH capacity building.

D. Timetable (10 Points).

Extent to which timetable incorporates major MCHEP activities and milestones and is specific, measurable, and realistic.

E. Budget (Not Scored).

Extent to which budget appears reasonable to accomplish objectives as proposed.

F. Human Subjects (Not Scored).

Whether or not exempt from the DHHS regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include: (1) Protections appear adequate and there are no comments to make or concerns to raise; (2) protections appear adequate, but there are comments regarding the protocol; (3) protections appear inadequate and there are concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Funding Priorities

Priority consideration may be given to applicants with communities that have the highest infant mortality and lowest birthweight rates.

Public comments are not being solicited regarding the funding priority because time does not permit solicitation and review prior to the funding date.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants 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 for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Atlanta, GA 30305, no later than 30 days after the application deadline date (the appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application receipt date which would accommodate the 60-day State recommendation process period). The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Women, Racial, and Ethnic Minorities

It is the policy of the CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. In conducting review for scientific merit, review groups will evaluate proposed plans for inclusion of minorities and both sexes as part of the scientific assessment of scoring.

This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947–47951, Friday, September 15, 1995.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (Revised 7/92, OMB Number 0937–0189) must be submitted to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, GA 30305, on or before August 9, 1996.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications: Applications which do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description and information on application procedures are contained in the application package. Business management technical assistance may be obtained from Glynnis D. Taylor, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, GA 30305, telephone (404) 842–6593, fax (404) 842–6513, or Internet or CDC WONDER electronic mail at <gld1@opspgo1.em.cdc.gov>. Programmatic technical assistance may be obtained from Hani Atrash, Division of Reproductive Health, Pregnancy and Infant Health Branch, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop K–23, Atlanta, GA 30341, telephone (770) 488–5187, fax (770) 488–5628, or Internet or CDC WONDER electronic mail at <hka1@ccddrh1.em.cdc.gov>.

Please refer to Announcement 661 when requesting information and submitting an application.

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) referenced in the ''Introduction'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 Summer Olympics. Therefore, CDC suggests applicants use Internet, follow all instructions in this announcement and leave messages on the contact person's voice mail for more timely responses to any questions.

Dated: July 3, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–17528 Filed 7–9–96; 8:45 am]

BILLING CODE 4163–18–P

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): International Training and Research in Environmental and Occupational Health, Program Announcement TW–96–003: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Disease, Disability, and Injury Prevention and Control SEP: International Training and Research in Environmental and Occupational Health, Program Announcement TW–96–003.

Time and Date: 8 a.m.–5 p.m., July 25–26, 1996.

Place: The Lawton Chiles International House (Building 16) National Institutes of Health Campus, 31 Center Drive, Bethesda, Maryland 20892.

Status: Closed.

Matters to be Discussed: The Special Emphasis Panel will review and evaluate all responsive applications received under Program Announcement TW–96–003. The intent of announcement TW–96–003 is to support the development of international training and research programs related to environmental and occupational health for foreign scientists, clinicians, and other allied health workers from developing countries and emerging democracies. It is anticipated that this training and research program will have significant benefits globally, as well as in the United States (US) and the

collaborating countries. Research collaboration may include other industrialized nations in addition to the US. Substantial emphasis will be placed upon chronic disease prevention and the control of injuries. A successful program will allow the accumulated knowledge and experience of US environmental and occupational health experts to be available to assist and work with their colleagues on a global basis in order to address common global problems.

The meeting will be closed to the public in accordance with provisions set forth in 5 U.S.C. 552b(c) (4) and (6), and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Contact Person for More Information: Pervis C. Major, Ph.D., Health Science Administrator, Office of Extramural Coordination and Special Projects, Office of the Director, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505, telephone 304/285–5979 or 404/639–2535.

Dated: July 3, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–17525 Filed 7–9–96; 8:45 am]

BILLING CODE 4163–18–M

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Savannah River Site Health Effects Subcommittee and Savannah River Site Environmental Dose Reconstruction Project—Phase II Public Workshop: Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC), announce the following meetings.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Savannah River Site Health Effects Subcommittee (SRS).

Times and Dates: 8:30 a.m.–5:15 p.m., July 25, 1996. 8:30 a.m.–12 noon, July 26, 1996.

Place: Holiday Inn Coliseum, 630 Assembly Street, Columbia, South Carolina 29201, telephone 803/799–7800, FAX 803/252–5909.

Status: Open to the pubic, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, an MOU was signed in October 1990 and renewed in November 1992 between ASTDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's ATSDR's public health activities and research at respective DOE sites. Activities shall focus on providing a forum for community, American Indian Tribal, and labor interaction and serve as a vehicle for community concern to be expressed as advice and recommendations to CDC and ATSDR.

Matters to be Discussed: Agenda items include: presentations from the National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health, and the Agency for Toxic Substances and Disease Registry on the progress of current studies; presentation on environmental monitoring; an update from the Radiological Assessments Corporation; and updates on the membership and the workgroup report.

Agenda items are subject to change as priorities dictate.

Name: Savannah River Site Environmental Dose Reconstruction Project—Phase II: Public Workshop.

Time and Date: 7 p.m.–9 p.m., July 25, 1996.

Place: Holiday Inn Coliseum, 630 Assembly Street, Columbia, South Carolina 29201, telephone 803/799–7800, FAX 803/252–5909.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The Savannah River Site (SRS) Dose Reconstruction Project supports research which evaluates past releases of radioactive materials and chemicals from the SRS to the surrounding environment. The Project has already undergone a first phase. Phase I involved searching the site to identify and retrieve important documents to be used for dose reconstruction. Phase II will use this information to calculate chemical and radiological source terms and identify possible intake pathways (eating, drinking, and inhalation) for people who have lived in the SRS area. This workshop will focus on the identification and evaluation of environmental data to support dose reconstruction. Public input and the promise to provide clear and easily obtained sources of information are important parts of this study. Individuals with information of possible value to the study are encouraged to attend.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Paul G. Renard or Nadine Dickerson, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, (F–35), Atlanta, Georgia 30341–3724, telephone 770/488–7040, FAX 770/488–7044.

Due to difficulty in location of meeting facility, this notice is being published less than 15 days prior to the meeting.

Dated: July 3, 1996.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–17524 Filed 7–9–96; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 96P–0083]

Determination that Acetaminophen and Codeine Tablets USP, 325 Milligrams (mg)/45 mg, was not Withdrawn from Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg, was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow abbreviated new drug applications (ANDA's) for acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg to be approved.

FOR FURTHER INFORMATION CONTACT: Christine F. Rogers, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress passed into law the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions,

show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the listed drug, which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments included what is now section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(6)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)). Regulations also provide that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

Mikart Inc. (Mikart) submitted a citizen petition dated February 27, 1996 (Docket No. 96P–0083/CP1), under 21 CFR 10.30(b) and 314.122(a), requesting that the agency determine whether acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg, was withdrawn from sale for reasons of safety or effectiveness and, if the agency determines that the drug was not withdrawn from sale for reasons of safety or effectiveness, to keep the drug in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' Acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg, is the subject of approved ANDA 85–363 held by KV Pharmaceuticals (KV). KV obtained approval of the ANDA on August 23, 1977, but has never marketed the product. FDA has determined, for purposes of §§ 314.161 and 314.162(c), that never marketing an approved drug product is equivalent to withdrawing the drug for sale.

FDA has reviewed its records and, under § § 314.161 and 314.162(c), has determined that acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg, was not withdrawn from sale for reasons of safety or effectiveness and will continue to list acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg, in the ''Discontinued Drug Product List'' contained in the ''Approved Drug Products with Therapeutic Equivalence Evaluations.'' The ''Discontinued Drug Product List'' lists, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDA's that refer to acetaminophen and codeine phosphate tablets USP, 325 mg/45 mg, may be approved by the agency.

Dated: July 2, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–17472 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96M–0201]

BARD Diagnostic Sciences, Inc.; Premarket Approval of BARD® BTA® Test

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by BARD Diagnostic Sciences, Inc., Redmond, WA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the BARD® BTA® Test. After reviewing the recommendation of the Immunology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of November 29, 1995, of the approval of the application.

DATES: Petitions for administrative review by August 9, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter E. Maxim, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1293.

SUPPLEMENTARY INFORMATION: On June 6, 1994, BARD Diagnostic Sciences, Inc., Redmond, WA 98052, submitted to CDRH an application for premarket approval of BARD® BTA® Test. The BARD® BTA® rapid latex agglutination test is an in vitro device intended for the qualitative measurement of Bladder Tumor Associated Analytes in human urine to aid in the management of bladder cancer patients.

On September 21, 1995, the Immunology Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On November 29, 1995, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b)(21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 9, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this

document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 9, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–17474 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96M–0202]

Intermedics, Inc.; Premarket Approval of Res-Q™ ACD (Arrhythmia Control Device) Epicardial Patch and Non-thoracotomy Lead (NTL) Systems

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Intermedics, Inc., Angleton, TX, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of Res-Q™ ACD (Arrhythmia Control Device) Epicardial Patch and NTL Systems. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of November 28, 1995, of the approval of the application.

DATES: Petitions for administrative review by August 9, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Carole C. Carey, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8609.

SUPPLEMENTARY INFORMATION: On March 17, 1994, Intermedics, Inc., Angleton, TX 77515, submitted to CDRH an application for premarket approval of Res-Q™ ACD Epicardial Patch and NTL Systems which consists of the following: Model 101–01 and 101–01R Res-Q™ implantable arrhythmia control device; model 531–30 Rx2OOO GRAPHICS program module to be used with Intermedics commercially available model 522–06 Rx2OOO GRAPHICS programmer; models 497–05, 497–06, and 497–09 right ventricular (RV) defibrillation/pacing leads; model 497–15 subcutaneous patch lead; model 49716 superior vena cava (SVC) leads; models 497–01, 497–02, 497–11, and 497–12 epicardial patch leads; models A67 and L67 commercially available CPI® epicardial patch leads; model 370–01 adapter; model 370–21 Y-adapter; model 370–04 Test Box; models 370–03 and 370–23 Patient Cables; model 370–05 Test Load; model 370–02 Accessory Kit; model 370–10 Lead Caps; and models 370–11, 370–12, 370–13, 370–14, 370–15, 370–16, 370–48, and 370–49 Stylets. The device is an automatic, implantable cardioverter-defibrillator (ICD) system and is indicated for use in patients who are at high risk of sudden death due to ventricular arrhythmias and have experienced one of the following situations: (1) Survival of at least one episode of cardiac arrest (manifested by a loss of consciousness) due to a ventricular tachyrhythmia; or (2) recurrent, poorly tolerated sustained ventricular tachycardia (VT).

Note: The clinical outcome for hemodynamically stable, sustained-VT patients is not fully known. Safety and effectiveness studies have not been conducted.

On August 21, 1995, the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, review and recommended approval of the application. On November 28, 1995, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 9, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 9, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–17473 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

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

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

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

Faculty Loan Repayment Program (FLRP) Application (0915–0150)

Extension and Revision—Under the HRSA FLRP program, disadvantaged graduates from certain health professions schools may enter into a contract under which HRSA with the Department of Health and Human Services will make payments on eligible graduate educational loans in exchange for a minimum of two years of service as a full-time faculty member of a health professions school. Applicants must complete an application and provide information on all eligible education loans. Once HRSA has selected the participants, HRSA will request verification from their lenders of loan balances and terms of their outstanding educational loans.

Estimated annual response burden is as follows:

Type of respondent	Number of respondents	Responses per respondent	Hours per response	Total annual hour burden
Applicants	75	1	1	75
Lenders	100	1	.5	50
Total	175			125

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

Dated: July 1, 1996.

J. Henry Montes,

Associate Administrator for Policy Coordination.

[FR Doc. 96–17470 Filed 7–9–96; 8:45 am]

BILLING CODE 4160–15–P

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Notice of Meeting of the Advisory Commission on Intergovernmental Relations (ACIR)

SUMMARY: The Advisory Commission on Intergovernmental Relations (ACIR) will hold a meeting on Tuesday, July 23, 1996, beginning at 10:00 AM and concluding at 2:00 PM in the Hall of the States, Room #383/385, 444 North Capitol Street, NW, Washington, DC. The ACIR meeting agenda will focus on two items: (1) Discussion and action on release of the ACIR final report, The Role of Federal Mandates in Intergovernmental Relations, to the President and the U.S. Congress; and (2) discussion of ACIR's programs, products, and services after September 30, 1996.

FOR FURTHER INFORMATION CONTACT: Advisory Commission on Intergovernmental Relations, 800 K Street, NW, Suite 450, South Tower, Washington, DC 20575, Phone: (202) 653–5540/FAX: (202) 653–5429, Internet:ir002529@interramp.com.

SUPPLEMENTARY INFORMATION: As directed by Section 302 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Advisory Commission on Intergovernmental Relations (ACIR) was ''to investigate and review the role of federal mandates in intergovernmental relations'' and to make a final report to the President and Congress on the findings, conclusions, and recommendations of the Commission. During this meeting, the Commission will discuss and take action on the release of the final report and recommendations to the President and the Congress. Also, in response to the 1996 Treasury, Postal Service and General Government Appropriations Act calling for the ''prompt and orderly termination'' of ACIR, the Commission will discuss ACIR's programs, products, and services after September 30, 1996.

The ACIR meeting will be held in Tuesday, July 23, 1996, in the Hall of the States, Room 383/385, 444 North Capitol Street, NW, Washington, DC. The meeting will begin at 10:00 AM and conclude at 2:00 PM.

Dated: July 3, 1996.

William E. Davis,

Executive Director.

[FR Doc. 96–17516 Filed 7–9–96; 8:45 am]

BILLING CODE 5500–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Convention on International Trade in Endangered Species (CITES) Notification; Rescinding of Prohibition of Trade in CITES Listed Species With Thailand and Recommendation From CITES Secretariat on Prohibition of Trade in Greek Tortoises From Turkey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Information No. 26.

SUMMARY: This Notice of Information (NOI) is an update from the prohibitions identified in NOI 22 and NOI 25. Specifically, this NOI removes the prohibition on trade in CITES listed species and their products with Thailand identified in NOI 22, published on July 15, 1991 (56 FR 32260) and, removes the prohibition on imports of Greek tortoises from Turkey identified in NOI 25, published on January 23, 1996 (61 FR 1780). This Notice includes a revised Summary Of U.S. Prohibitions Pursuant To Notices Of Information (NOI).

DATES: This notice is effective on July 10, 1996 and will be effective until further notice.

ADDRESSES: U.S. Fish and Wildlife Service, Office of Management Authority, Mail Stop 430 ARLSQ, 1849 C Street NW, Washington, DC 20240 regarding Notifications to the Parties, or U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 3247, Arlington, VA 22203–3247, regarding enforcement actions.

FOR FURTHER INFORMATION CONTACT: Dr. Susan S. Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, telephone (703) 358–2095, regarding Notifications to the Parties, or Thomas L. Striegler, Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law Enforcement, telephone (703) 358–1949, for enforcement actions.

SUPPLEMENTARY INFORMATION: On April 22, 1991, the CITES Secretariat issued Notification to the Parties No. 636, which recommended that all Parties prohibit trade with Thailand in any specimens of species included in the CITES Appendices. On April 2, 1992, the CITES Secretariat issued Notification to the Parties No. 673, which recommended to the Parties that the prohibition of trade with Thailand on specimens of species included in the

CITES Appendices be lifted. The Government of Thailand instituted the Wild Animal Reservation and Protection Act on March 13, 1992, and this legislation was deemed by the CITES Secretariat to be sufficient to effectively implement CITES within Thailand. However, the Service requested additional assurances from the Government of Thailand that CITES would be effectively implemented within that country. Such assurances were provided when the Government of Thailand instituted Ministerial Regulation No. 2 and Ministerial Regulation No. 4 in 1994, which established the list of protected species and the procedures for obtaining permits for those protected species pursuant to the Wild Animal Reservation and Protection Act. These Ministerial Regulations were formally transmitted to the Service through diplomatic channels on November 20, 1995.

NOI 25 (61 FR 1780) contains the background on the concern by the CITES Parties for species designated as being subject to significant levels of international trade and the remedial measures instituted by the CITES Secretariat for those species.

The subjects of this notice are as follows:

A. Subject: Thailand: ban on imports and exports of specimens of species included in the CITES Appendices from Thailand.

Source of Foreign Law Information: Thailand's Wild Animal Reservation and Protection Act of 1992 and, two Ministerial Regulations of 1994, to implement this Act.

Action by the Fish and Wildlife Service: Since the publication of Notice of Information No. 22 (56 FR 32260), the Government of Thailand instituted the Wild Animal Reservation and Protection Act in order to effectively implement the provisions of CITES within Thailand. In 1994, the Government of Thailand instituted Ministerial Regulations No. 2 and No. 4 the clarify the implementation of the Wild Animal Reservation and Protection Act.

The Service is satisfied that Thailand has initiated the action necessary to sufficiently implement the provisions of CITES within Thailand. Therefore, the prohibition on trade in specimens of species included on the CITES Appendices with Thailand is hereby withdrawn.

B. Subject: Turkey: ban on imports of specimens of Greek tortoise (*Testudo graeca*).

Source of Foreign Law Information: CITES Secretariat Notification to the Parties No. 887, issued on November 30, 1995, calls on Parties to lift the suspension of imports of *Testudo graeca* specimens from Turkey.

Action by the Fish and Wildlife Service: Since the publication of Notice of Information No. 25 (61 FR 1780), the Secretariat has received information from the Management Authority of Turkey relating to its implementation of the recommendations of the Animals Committee on significant levels of trade in *Testudo graeca*. The Secretariat is satisfied that Turkey, by indicating that no exports of specimens of *Testudo graeca* would be authorized, has initiated the action necessary to implement these recommendations. Therefore, the Standing Committee's recommendation to the Parties to suspend imports of specimens of *Testudo graeca* is hereby withdrawn. However, since Turkey does not allow the export of specimens of *Testudo graeca,* imports of specimens of *Testudo graeca* from Turkey continue to be prohibited under CITES.

Summary of U.S. Prohibitions Pursuant to Notices of Information (NOI)

NOI22: Effective July 30, 1991.
NOI23: Effective December 22, 1994.
NOI24: Effective June 3, 1995.
NOI25: Effective January 23, 1996.

Country	NOI No.	Species
Argentina	23	*Lama guanicoe.*
Azerbaijan	23	*Felis lynx.*
China	23	*Ptyas mucosus.*
Ghana	25	*Kinixys belliana, K. erosa, K. homeana.*
India	23	*Rana tigerina.*
		Rana hexadactyla.
Indonesia	23	*Cacatua sulphurea.*
		Pytas mucosus.
Latvia	23	*Felis lynx.*
Lithuania	23	*Felis lynx.*
Madagascar	24	*Coracopsis vasa.*
		Chamaeleo spp. (except *Chameleo lateralis, C. oustaleti, C. pardalis, C. verrucosus).*
		Phelsuma spp. (except *Phelsuma laticauda, P. lineata, P. madagascariensis, P. quadriocellata).*
Moldova	23	*Felis lynx.*
Peru	23	*Aratinga erythrogenys.*
Solomon Is	24	*Ornithoptera urvillianus.*
		Ornithoptera victoriae.
Tanzania	23 & 24	*Agapornis fischeri.*
		Eryx colubrinus.
		Geochelone pardalis.
		Malacochersus tornieri.
		Poicephalus crytoxanthus.
		Poicephalus meyeri.
		Poicephalus rufiventris.
		Tauraco fischeri.
Ukraine	23	*Felis lynx.*

Dated: July 1, 1996.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–17421 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of an Environmental Assessment and Receipt of an Application Submitted by Mr. Ben Cone, Jr., for an Incidental Take Permit for Red-cockaded Woodpeckers in Association with Management Activities on his Property in Pender County, North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. Ben Cone, Jr., (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The proposed permit would authorize the incidental take of a federally endangered species, the red-cockaded woodpecker *Picoides borealis* (RCW) known to occur on property owned by the Applicant in Pender County, North Carolina. The Applicant is requesting an incidental take permit in order to ensure complete flexibility in managing his property, which will include timber management activities and prescribed burning. The Applicant's property, known as Cone's Folly, is located in west-central Pender County between the Black River and the Town of Atkinson. Cone's Folly consists of approximately 7,200 acres on the main tract and an additional 800 acres on another separate tract. The proposed permit would authorize incidental take of RCWs on Cone's Folly in exchange for mitigation elsewhere as described further in the **SUPPLEMENTARY INFORMATION** Section below.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10© of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the permit application, EA and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before August 9, 1996.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the following Field Offices: Field Supervisor, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801, (telephone 704/258–3939); Red-cockaded Woodpecker Recovery Coordinator, U.S. Fish and Wildlife Service, College of Forest and Recreational Resources, 261 Lehotsky Hall, Box 341003, Clemson, South Carolina 29634–1003 (telephone 864/656–2432); or Sandhills Red-cockaded Woodpecker Recovery Biologist, U.S. Fish and Wildlife Service, 225 N. Bennett Street, Southern Pines, North Carolina 28388 (telephone 910/695–3323). Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT–*816491* in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7110; or Ms. Janice Nicholls, Biologist, Asheville Field Office, (see **ADDRESSES** above), telephone: 704/258–3939.

SUPPLEMENTARY INFORMATION: The RCW is a territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, and residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on federally owned lands such as military installations and national forests.

In North Carolina, there are an estimated 733 active RCW clusters as of 1994; 56 percent are on Federal lands, 22 percent are on State lands, and 22 percent are on private lands. There has not been a complete inventory of RCWs in North Carolina so it is difficult to precisely assess the species' overall status in the State. However, the known populations on public lands are regularly monitored and generally considered stable. The population trend on private lands in North Carolina is less clear. While several new active RCW clusters have been discovered on private lands over the past few years, many previously documented RCW clusters have been lost. Most of the RCW clusters on private lands are in relatively small populations (i.e., 1–5 groups), and aside from the Sandhills Region, few are protected through any type of conservation agreement.

The population of RCWs on Cone's Folly presently consists of 29 individuals at 12 active clusters. The nearest known RCW group(s) to the population at Cone's Folly is approximately 1–2 miles away at Colly Swamp, which consists of several privately-owned tracts across the Black River in Bladen County. The extensive Colly Swamp area extends from the Black River west to near Singletary Lake State Park (approximately 10 miles west), which also hosts at least two active RCW clusters. The nearest known RCW concentration on the east side of

Cone's Folly is Holly Shelter Game Lands, owned and managed by the North Carolina Wildlife Resources Commission. Holly Shelter Game Lands hosts approximately 30 active RCW clusters and is located approximately 20 to 25 miles away in Pender County.

The Applicant proposes to continue traditional timber management activities and prescribed burning on his property as has been carried out over the past 60 years. Cone's Folly is currently managed as a wildlife preserve for several game species and as well as for forest products such as saw timber, pulpwood, pine straw, and firewood. Some timber harvesting activities may result in death of, or harm to, RCWs through the loss of nesting and foraging habitat.

The EA considers the environmental consequences of four alternatives, including the proposed action. The proposed action alternative is issuance of the incidental take permit and implementation of the HCP as submitted by the Applicant. The HCP provides for an off-site mitigation strategy for the existing 12 groups on Cone's Folly. The goal of this strategy is to create 12 new RCW groups through habitat enhancement activities—artificial cavity provisioning and hardwood midstory removal—at selected sites on private, State and/or Federal lands in North Carolina. The Service will select the candidate sites and will specifically select sites that will be managed and protected in perpetuity and that have the greatest likelihood of success in the shortest time period. The HCP will involve monitoring each of the 12 mitigation clusters for a specified time period to determine success of the habitat enhancement efforts. Finally, the Applicant will allow the Service to capture and translocate juveniles produced on Cone's Folly either to the mitigation sites or other sites selected by the Service. The HCP provides a funding source for the above-mentioned mitigation measures.

Dated: July 2, 1996.

Noreen K. Clough,

Regional Director.

[FR Doc. 96–17521 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Residential Subdivision, Located near the City of St. Cloud, Osceola County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. Nick Gross, Jr., (Applicant) is seeking an incidental take permit (ITP) from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), (Act) as amended. The ITP would authorize the one time take, through harassment, of two adult bald eagles (*Haliaeetus leucocephalus*) and up to four bald eagle eggs or chicks, in Osceola County, Florida for a period 5 years. The proposed taking is incidental to construction of a residential housing project called Ashley Reserve and Woods At Kings Crest (Project), including the necessary infrastructure, on approximately 12 acres. Within the Project area, bald eagles constructed a nest during the 1995–1996 nesting season. Construction and subsequent occupancy of the Project is anticipated to result in nest site abandonment at some time in the future. The Project is located just west of Macy Island Road, approximately one-half mile south of the intersection of Macy Island Road and State Road 525, Section 31, Township 25 South, Range 31 East, Osceola County, Florida. Additional information on the Project and the HCP is described further in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, (NEPA) as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6).

DATES: Written comments on the application, EA and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before August 9, 1996.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the South Florida Ecosystem Office, Post Office Box 2676, Vero Beach, Florida 32961–2676. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT–816732 in such comments, or in requests of the documents discussed herein. Requests for the documents must be in writing to be adequately processed.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, Atlanta, Georgia (see **ADDRESSES** above), telephone: 404/679–7110; or Thomas E. Grahl, Assistant Field Supervisor, South Florida Ecosystem Office, (see **ADDRESSES** above), telephone: 407/562–3909.

SUPPLEMENTARY INFORMATION: Bald eagles are found throughout the United States, but are most abundant in the Northwest and Southeast. Nationwide, the number of eagles has increased since listed as endangered under the Act. Sufficient protection and expanding populations resulted in the reclassification of eagles from endangered to threatened in 1995. In Florida, eagles have rebounded from a low of about 100 nesting pairs in 1973 to 831 nesting pairs in 1995. Eagle productivity has also increased over this time period. Fifty-five successful nests were documented in 1973, whereas 621 successful nests were identified in 1995. Osceola County, Florida, has also experienced substantial increases in the number of bald eagles and nests. In 1996, 130 bald eagle nests were located during surveys in Osceola County, one of which was built on the Project site. Construction of the Project's infrastructure and subsequent construction of 30 single family homes will likely result in abandonment of this nest site and may result in the death of eggs or chicks if abandonment occurs after egg laying. The take of eagles is considered incidental to the carrying out of the Project's otherwise lawful construction activities.

The EA considers the environmental consequences of three alternatives. The no action alternative may result in: (1) Maintenance of the Applicant's property in an undeveloped condition, or (2) development of the property by the Applicant or future owner without protective coverage of an ITP. The latter situation would result in the loss of

buffer area surrounding the bald eagle nest site, exposing the property owner to potential Section 9 violation. Alternative 2 would issue an ITP and result in construction of 30 houses with mitigation occurring on-site, including phased development over a 3- to 4-year period and funding for educational materials and bald eagle monitoring. Alternative 3 is identical to Alternative 2 except that both on- and off-site mitigation would be required. Two other alternatives were examined but not forwarded for further evaluation. These include: (1) Decreasing the lot sizes within the Project area to provide a greater buffer area surrounding the bald eagle nest and (2) construction of the 30 homes within a 1-year period without phasing of construction.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: July 3, 1996.

Noreen K. Clough,

Regional Director.

[FR Doc. 96–17522 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Land Management

[OR–130–1040–00; GP6–0211]

Notice of Public Land Closure in the Juniper Forest Management Area, Franklin County, WA

AGENCY: Bureau of Land Management, Spokane District.

ACTION: Due to continuing fire danger and to aid in ongoing suppression efforts, all public lands under the jurisdiction of the Bureau of Land Management (BLM) within the Juniper Forest Management Area are hereby closed to all public use. This closure is being conducted pursuant to 43 CFR 8364.1. The public lands closed by this order include both the Juniper Dunes Wilderness Area and all public lands under BLM jurisdiction in Townships 10 and 11 North, Ranges 31 and 32 East, W.M.

SUMMARY: This closure is effective immediately and shall continue until further notice. Personnel of the Bureau of Land Management (BLM) engaged in official business, authorized fire patrol and suppression personnel, and law enforcement personnel are exempt from this closure.

FOR FURTHER INFORMATION CONTACT: Ann B. Aldrich, Border Resource Area Manager, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, WA 99212; or call 509–536–1200.

Dated: July 3, 1996.

Kevin R. Devitt,

Acting Border Resource Area Manager, Acting.

[FR Doc. 96–17532 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–33–P

[AZ–910–0777–61–241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council Meeting, notice of meeting.

SUMMARY: This notice announces the sixth meeting of the Arizona Resource Advisory Council. The meeting will be held August 9, 1996, beginning at 8:30 a.m. in the Washington Room at the Bureau of Land Management National Training Center, 9828 N. 31st Avenue, Phoenix, Arizona. The agenda items to be covered at the business meeting include review of previous meeting minutes, report to the Council on the Standards and Guidelines statewide plan amendment, update on the call for RAC nominations on the elected official position, discussion on the RAC chairperson selection, update of proposed field organization strategy comment analysis, update on recreation initiatives and issues, report on BLM administrative issues, and reports from the Public Relations and Recreation working groups. A public comment period will take place at 11:30 a.m., August 9, 1996, for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens or Ken Mahoney, Bureau of Land Management, Arizona State Office, 3707 N. 7th St., Phoenix, Arizona 85014, (602) 650–0512.

Michael A. Ferguson,

Deputy State Director, Resource Planning, Use and Protection Division.

[FR Doc. 96–17529 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–32–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 29, 1996. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by July 25, 1996.

Carol D. Shull,

Keeper of the National Register.

CALIFORNIA

Los Angeles County

Town House, The, 2959—2973 Wilshire Blvd. and 607—643 S. Commonwealth Ave., Los Angeles, 96000821

CONNECTICUT

New London County

Lighthouse Inn, 6 Guthrie Pl., New London, 96000822

FLORIDA

Dade County

Bow, Lily Lawrence, Library (Homestead MPS), 212 N.W. 1st Ave., Homestead, 96000823

KENTUCKY

Morgan County

Cooper, Judge John E., House, 709 N. Main St., West Liberty, 96000824

MASSACHUSETTS

Worcester County

East Main Street—Cherry Street Historic District, 215—270 and 35—73 Main, 2—16 Linden, 3—24 Ash, 26—73 Cherry, 6—19 May, and 8 Park Sts., Spencer, 96000826

MISSISSIPPI

Bolivar County

Taborian Hospital, US 61, jct. of McGinnis St., Mound Bayou, 96000827

N. MARIANA ISLANDS

Saipan Municipality

Unai Achugao Archaeological Site, Address Restricted, Punton Achugao vicinity, 96000825

NEW YORK

St. Lawrence County

Fine Town Hall, 91 NY 58, Fine, 96000829

Saratoga County

CATAWISSA (tugboat), Lock 3, NY State Barge Canal, Erie Div., Waterford, 96000828

NORTH CAROLINA

Gaston County

Mount Holly Cotton Mill, 250 N. Main St., Mount Holly, 96000830

OHIO

Lucas County

Birmingham Historic District (East Toledo MPS), Roughly bounded by Genesee, York, Esther, Magyar, Consaul, and Conrail Tracks Toledo, 96000834

East Toledo Historic District (East Toledo MPS), Roughly bounded by Front, Platt, Starr, and Spring Grove Toledo, 96000831

Spring Grove Historic District (East Toledo MPS), Roughly bounded by Mason, Spring Grove, Greenwood, and Conrail Tracks, Toledo, 96000832

Yondota Historic District (East Toledo MPS), Roughly bounded by Oak, 2nd, Euclid, Starr, White, Delence, and Nevada, Toledo, 96000833

SOUTH CAROLINA

Orangeburg County

All Star Bowling Lane (Civil Rights Movement in Orangeburg County MPS), 559 E. Russell St., Orangeburg, 96000837

Stroman, William P., House (Orangeburg MRA), 1017 N. Boulevard, Orangeburg, 96000836

Union County

Union Community Hospital (Union MPS), 213 W. Main St., Union, 96000835

WASHINGTON

Grays Harbor County

Old McCleary Hotel, 42 Summit Rd., McCleary, 96000842

Lewis County

Hillside Historic District, Roughly bounded by Jefferson Ave., Hill St., Washington Ave., and 9th St., Chehalis, 96000841

Pierce County

Parkland Lutheran Children's Home (Norwegian Settlement in Parkland MPS), 12123 A St., Tacoma, 96000838

Smith, Ward T. and Bjug Harstad House (Norwegian Settlement in Parkland MPS), 12204 S. A St., Tacoma, 96000839

Spokane County

Littlebrook, 16704 N. Dartford Dr., Spokane, 96000840

Yakima County

Edgar Rock Lodge, 380 Old Naches Rd., Naches, 96000843

[FR Doc. 96–17484 Filed 7–9–96; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

Pursuant to 28 CFR § 50.7, notice is hereby given that a Consent Decree in *United States and the State of Montana* v. *City of Billings*, Civil Action No. CV 94–168–BLG–RWA (D. Mont.), entered into by the United States on behalf of the United States Environmental Protection Agency, the State of Montana on behalf of the Department of Environmental Quality, and the City of Billings (''the City''), was lodged on May 29, 1996 with the United States District Court for the District of Montana. The proposed Consent Decree resolves claims of the United States against the City under Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), and of the State of Montana against the City under Mont. Code Ann. § 75–5–631, relating to the bypass of secondary treatment facilities at the City's wastewater treatment plant in June, 1993. The Consent Decree provides for the payment of a total of $74,600 in civil penalty amounts to the United States and the State of Montana, and the performance of three Supplemental Environmental Projects at a cost to the City of no less than $543,600.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States and the State of Montana* v. *City of Billings*, Civil Action No. CV 94–168–BLG–RWA (D. Mont.), D.J. Ref. No. 90–5–1–1–4143. The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Montana, Suite 400, 2929 Third Avenue North, Billings, Montana 59103, at the Montana Operations Office of U.S. Environmental Protection Agency Region VIII, 301 S. Park, Helena, Montana 59626–0096, and the Office of the United States Department of Justice, Environment and Natural Resources Division, 999 18th Street, Suite 945N, Denver, CO 80209. Copies can also be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $8.25, payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–17493 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 U.S.C. 50.7, and pursuant to 42 U.S.C. 7413(g), notice is hereby given that a proposed Consent Decree in *United States* v. *GNB Industrial Battery, Inc.*, Civil Action No. *96–2129*, was lodged on June 18, 1996, with the United States District Court for the Western District of Arkansas.

The Consent Decree settles an action brought under Section 113 of the Clean Air Act (''the Act''), 42 U.S.C. 7413, and the Standards of Performance for New Stationary Sources (''NSPS''), 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants. The Consent Decree provides for GNB's payment of a civil penalty to the United States in the amount of $63,177.00, and requires GNB to implement and complete a Supplemental Environmental Project (''SEP'') at a cost of approximately $385,000.00.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *GNB Industrial Battery, Inc.*, DOJ Ref. #90–5–2–1–1706.

The proposed Consent Decree may be examined at the office of the United

States Attorney, 6th and Rogers, Room 216, Ft. Smith, Arkansas; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of *$12.25* (25 cents per page reproduction costs), for the Consent Decree or *$19.25* for the Consent Decree with attachments, payable to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–17496 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–01–M

Department of Justice Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that a proposed Consent Decree in *United States* v. *Noreen Greenberg, Marvin Greenberg, and The Property Addressed at 120 Osage Avenue, located in Kansas City, Kansas,* Civil Action No. 96–2289–JWL, was lodged on June 17, 1996, with the United States District Court for the District of Kansas.

The complaint alleges that Noreen and Marvin Greenberg are jointly and severally liable for the United States' approximately $1.1 million in response costs at the Osage Metals Superfund Site, located in Kansas City, Kansas, pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). The complaint also includes an *in rem* action to recover these costs, which are secured by a CERCLA lien against the Site, pursuant to Section 107(l) of CERCLA, 42 U.S.C. 9607(l).

The proposed agreement concerns the 1.7-acre Osage Metals Superfund Site (''Site''), located at 120 Osage Avenue in Kansas City, Kansas. The Site was the location of metals salvage and reclamation facilities between 1948 and 1993. The United States Environmental Protection Agency (''EPA'') conducted a removal action at the Site in 1995. As of October 31, 1995, EPA had incurred costs in excess of $1.1 million exclusive of interest. On June 26, 1995, EPA perfected a CERCLA lien on the Site to secure its $1.1 million in response costs.

Under the proposed consent decree, the owners will transfer ownership of the Site to a developer who will, in turn, pay the United States $80,000 in reimbursement of the United States' past response costs. The W.W. Land Company, which had no part in the activities that gave rise to the United States' response costs of the Site, plans to build and operate a commercial warehouse on the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Noreen Greenberg, Marvin Greenberg, and The Property Addressed at 120 Osage Avenue, located in Kansas City, Kansas,* DOJ Ref. #90–11–3–1617.

The proposed consent decree may be examined at the office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas, 66101, (913) 551–6730; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101 (913) 551–7010; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $6.00 for the consent decree only, or $10.25 for the consent decree and attachments (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–17497 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees Relating to the Lemberger Superfund Sites in Manitowoc County, WI, Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that three proposed consent decrees in *United States* v. *Invincible Metal Furniture Company, Inc.,* Civil Action No. 96–C–740, *United States* v. *A & P (Whitehouse Division), et al.,* Civil Action No. 96–C–738, and *United States* v. *A.C.E. Building Service, Inc., et al.,* Civil Action No. 96–C–739 (and related cases–*Lemberger Sites Remediation Group* v. *Amoco Corp., et al.,* Civil Action No. 95–C–1064 and *Lemberger Sites Remediation Group* v. *A.M. Richter & Sons, Co., et al.,* Civil Action No. 95–C–1065) were lodged with the United States District Court for the Eastern District of Wisconsin, on June 21, 1996. All of these actions were commenced pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. § 9601, *et seq.* in connection with the Lemberger Landfill Superfund Site (#5–3E), and the Lemberger Transport & Recycling Superfund Site (#5–J4) (See the National Priorities List in 40 CFR Part 300, Appendix B) which are located near the intersection of Hempton Lake and Sunnyslope Roads, near the town of Whitelaw, in Manitowoc County, Wisconsin.

The Operable Unit 1 and Operable Unit 2 remedial and removal actions at the two Lemberger Sites are being performed by a group of potentially responsible parties (the Lemberger Sites Remediation Group or the ''LSRG'') who signed a Consent Decree in 1992 and an Administrative Order in 1993 with the United States. In the first proposed consent decree with Invincible Metal Furniture Company, Invincible, which following the signing of the 1993 Administrative Order joined the LSRG, is now committing to the United States to perform the Operable Units 1 and 2 remedial and removal actions for the two Lemberger Sites, to pay the United States' and the State of Wisconsin's future response costs for the Sites, and to pay $600,000 towards the United States' past response costs incurred and paid in connection with the two Lemberger Sites.

The United States is also lodging two proposed consent decrees with parties who contributed ''de minimis'' amounts of waste to the Lemberger Sites: a ''global decree'' which is a settlement among the signatories, the LSRG and the United States, and a ''partial decree'' which is a settlement between the signatories and the United States only. Under the proposed ''Global De Minimis Consent Decree'' with A.C.E. Building Services, Inc., et al., if all signatories to the consent decree meet their commitments, the LSRG will be paid approximately $1,183,000 toward the costs it has incurred and will continue to incur in remediating the Lemberger Sites, and the United States will be paid approximately $287,000 towards the costs it has incurred and paid in connection with the Lemberger Sites. Under the proposed ''partial'' consent

decree with A & P (Whitehouse Division), et al., if all signatories to that decree meet their commitments, the United States will be paid approximately $126,000 towards the costs it has incurred and paid in connection with the Sites.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530 (attention: Lisa Cherup). All comments should refer to ''*United States* v. *Invincible Metal Furniture Company, Inc., United States* v. *A.C.E. Building Service, Inc., et al.,* and *United States* v. *A & P (Whitehouse Division), et al.* (Lemberger Superfund Sites) DJ # # 90–11–2–712B & E.''

The proposed consent decrees may be examined at the Office of the United States Attorney for the Eastern District of Wisconsin, 517 E. Wisconsin Ave., Room 530, Milwaukee, WI 53202 (c/o William Lipscomb); the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Street, Seventh Floor, Chicago, Illinois 60604; at the Department of Justice Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005 (202) 624–0892 or at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin (414) 683–4862. A copy of any one or more of the proposed consent decrees may be obtained in person or by mail from the Department of Justice Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the above-referenced DJ numbers, and enclose a check in the amount of $25.50 (twenty-five cents per page reproduction costs) for the entire Global De Minimis Consent Decree *with all signature pages* (102 pages total), $10.00 for the Global De Minimis Consent Decree *without all signature pages* (40 pages), $8.00 for the Partial De Minimis Consent Decree (32 pages), and $5.00 for the Invincible Consent Decree (20 pages), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 96–17494 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Stipulation of Settlement Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Stipulation of Settlement in *United States* v. *Clark Equipment Company, d/b/a Melroe Company*, Civil Action No. A3–94–51, was lodged on June 17, 1996, with the United States District Court for the District of North Dakota Southeastern Division. The Stipulation resolves the United States' claims for civil penalties against Clark Equipment Company, for violations of Section 307(d) of the Clean Water Act, 33 U.S.C. 1317(d), and the pretreatment regulations promulgated thereunder as a result of discharges from its facility in Gwinner, North Dakota. Under the terms of this Stipulation Clark must pay a civil penalty in the amount of $250,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation of Settlement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Clark Equipment Company, d/b/a Melroe Company*, Civil Action No. A3–94–51, DOJ Ref. #90–5–1–1–4054.

The proposed Stipulation of Settlement may be examined at the office of the United States Attorney, 219 Federal Building & U.S. Courthouse, Fargo, North Dakota, the Region VIII Office of the Environmental Protection Agency, 999 18th St., Suite 500, Denver Colorado; 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 Stipulation of Settlement 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 $2.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–17495 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Jeffrey Rutgard, M.D., Revocation of Registration

On November 21, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Jeffrey Rutgard, M.D., (Respondent), of La Jolla, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AR9688194, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of his registration as a practitioner under 21 U.S.C. 823(f), for the reason that, effective June 24, 1994, the California Medical Board (Medical Board) ordered the revocation of his state license to practice medicine. Further, the Show Cause Order noted that, lacking a medical license, the Respondent was no longer authorized to handle controlled substances in the State of California. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right would be deemed waived.

The DEA mailed the show cause order to the Respondent at two locations of record with the DEA in La Jolla, California, and also mailed a copy to an attorney known by DEA to have represented the Respondent in a criminal matter. Subsequently, the DEA received three signed receipts from the United States Postal Service, showing that the orders had been delivered. The attorney also wrote a letter, stating that she did not represent the Respondent in this matter, but that she would forward the show cause order to the Respondent at the Federal Correctional Institution at Fort Dix, New Jersey. However, no request for a hearing or any other substantive reply was received by the DEA from the Respondent or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding that (1) thirty days have passed since the issuance of the Order to Show Cause, and (2) no request for a hearing was received, concludes that the Respondent is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, on May 18, 1994, the Medical Board revoked the Respondent's license to practice medicine in the State of California, effective June 24, 1994. From

this fact, the Deputy Administrator infers that, since the Respondent is not authorized to practice medicine in California, he also lacks authorization to handle controlled substances in that state.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988). Here, it is clear that the Respondent is neither currently authorized to practice medicine nor to dispense controlled substances in the State of California. Therefore, the Respondent currently is not entitled to a DEA registration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 C.F.R. 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AR9688194 previously issued to Jeffrey Rutgard, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration be, and they hereby are, denied. This order is effective August 9, 1996.

Dated: July 3, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–17476 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–09–M

Mukesh H. Shah, M.D.; Revocation of Registration

On May 23, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Mukesh H. Shah, M.D., (Respondent), of Cerritos, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BS0619885, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of his registration as a practitioner under 21 U.S.C. 823(f), for the reason that, by order dated April 5, 1994, the Medical Board of California (Medical Board) ordered the revocation of his state license to practice medicine, effective May 5, 1994. Further, the Show Cause Order noted that, lacking a medical license, the Respondent was no longer authorized to handle controlled substances in the State of California. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right would be deemed waived.

The DEA mailed the show cause order to the Respondent at two locations of record with the DEA, one in Cerritos, California, and a second in Brea, California. Subsequently, the DEA received two signed receipts from the United States Postal Service, showing that the orders had been delivered. However, no request for a hearing or any other reply was received by the DEA from the Respondent or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding that (1) thirty days have passed since the issuance of the Order to Show Cause, and (2) no request for a hearing was received, concludes that the Respondent is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, on April 5, 1994, the Medical Board revoked the Respondent's license to practice medicine in the State of California, effective May 4, 1994. This order was upheld by the Los Angeles County Superior Court. From these facts, the Deputy Administrator infers that, since the Respondent is not authorized to practice medicine in California, he also lacks authorization to handle controlled substances in that state.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988). Here, it is clear that the Respondent is neither currently authorized to practice medicine nor to dispense controlled substances in the State of California. Therefore, the Respondent currently is not entitled to a DEA registration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BS0619885, previously issued to Mukesh H. Shah, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration be, and they hereby are, denied. This order is effective August 9, 1996.

Dated: July 3, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–17475 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–09–M

Federal Bureau of Investigation

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; application for employment/Federal Bureau of Investigation. Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments and suggestions from the public and affected agencies should address one or more of the following points:

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

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

Overview of this information collection:

(1) Type of information collection: Revision of a currently approved collection.

(2) The title of the form/collection: Application for Employment/Federal Bureau of Investigation.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form: FD–140. Federal Bureau of Investigation, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Individuals seeking employment with the FBI will be required to complete the FD–140. The information collected is used to address suitability, trustworthiness, and other security issues beyond the seven year scope of Standard Form 86.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 50,000 annual respondents; 1.5 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 75,000 hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: July 3, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–17480 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–02–M

Immigration and Naturalization Service

Agency Information Collection Activities: New Collection; Comment Request

ACTION: Notice of information collection under review; physical presence of grandparent.

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

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

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

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

Overview of this information collection:

(1) Type of Information Collection: New Collection.

(2) Title of the Form/Collection: Physical Presence of Grandparent.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form N–600/N–643, Supplement A. Office of Examinations, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. This form is required so that information on a grandparent's residence may be collected to establish a child's eligibility for naturalization.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 4,000 respondents at 30 minutes (.500) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 2,000 annual burden hours.

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

Dated: July 3, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–17481 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–18–M

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

ACTION: Notice of information collection under review; application for posthumous citizenship.

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

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

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

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

Overview of this information collection:

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

(2) Title of the Form/Collection: Application for Posthumous Citizenship.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form N–644. Office of Examinations, Adjudications, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as brief abstract: Primary: Individuals or Households. The information collected will be used to determine an applicant's eligibility to request posthumous citizenship status for a decedent and to determine the decedent's eligibility for such status.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 50 responses at 1 hour and 50 minutes (1.83) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 92 annual burden hours.

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

Dated: July 3, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–17482 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–18–M

Office of Justice Programs

National Institute of Justice

[OJP (NIJ) No. 1088]

RIN 1121–ZA40

National Institute of Justice Solicitation for Research and Evaluation on Violence Against Women: Fiscal Year 1996

AGENCY: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

ACTION: Announcement of the availability of the National Institute of Justice Solicitation for Research and Evaluation on Violence Against Women: Fiscal Year 1996.

DATES: The deadline for receipt of proposals is close of business on July 26, 1996.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Tawana Waugh, U.S. Department of Justice Response Center, at 800–421–6770 (in Metropolitan Washington, DC, 202–307–1480).

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1988).

Background

The National Institute of Justice is soliciting a second year of research and evaluation proposals responsive to the evaluation and research requirements related to the Violence Against Women Act—Title IV of the Violent Crime Control and Law Enforcement Act of 1994, and related violence against women issues.

Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of ''Solicitation for Research and Evaluation on Violence Against Women'' (refer to document No. SL000144). The solicitation is available electronically via the NCJRS Bulletin Board, which can be accessed via Internet. Telnet to ncjrsbbs.aspensys.com, or gopher to ncjrs.aspensys.com 71. For World Wide Web access, connect to the Justice Information Center at http://www.ncjrs.org. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set modem at 9600 baud, 8–N–1.

Jeremy Travis,

Director, National Institute of Justice.

[FR Doc. 96–17567 Filed 7–9–96; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–070]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

DATES: July 24, 1996, 9 a.m. to 2 p.m.; and July 25, 1996, 9 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 9H40, 300 E Street, SW., Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Ms. Anne L. Accola, Code Z, National Aeronautics and Space Administration, Washington, DC 20546–0001, 202/358–0682.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Update on NASA Activities
—Cross-fertilization between Codes S and Y
—Bion Task Force
—Evolved Expendable Launch Vehicle Program
—Reusable Launch Vehicle Program
—Cassini Environmental Assessment
—Summary of Air Force Science Advisory Board New Vistas Report
—Committee/Task Force Reports
—Discussion of Issues Regarding NASA Questions
—Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register. Due to unavoidable circumstances, this Federal Register notice is being published less

than 15 days prior to the date of the meeting.

Dated: July 2, 1996.

Alan M. Ladwig,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–17442 Filed 7–9–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 85th meeting on August 21–23, 1996, Room T–2B3, at 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the Federal Register on Wednesday, December 6, 1995 (60 FR 62485).

The entire meeting will be open to public attendance.

The agenda for this meeting shall be as follows:

Wednesday, August 21, 1996—8:30 a.m. until 6:00 p.m.
Thursday, August 22, 1996—8:30 a.m. until 6:00 p.m.
Friday, August 23, 1996—8:30 a.m. until 4:00 p.m.

During this meeting, the Committee plans to consider the following:

A. *Thermal-Mechanical-Hydrological-Chemical Coupled Processes*—The Committee will devote an entire day to a study of the Department of Energy and NRC staff plans to develop and use coupled process models in evaluating various aspects of repository performance. The Committee will investigate how thermal input to the host rock and ground water system will effect the hydrolic, mechanical, and chemical characteristics and processes of the geologic systems.

B. *Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards*—The Director will discuss items of current interest related to the Division of Waste Management programs which may include: progress at the Yucca Mountain site, the status of EPA's Yucca Mountain standards and NRC's high-level waste regulations, and the status of a branch technical position on low-level waste performance assessment.

C. *Preparation of ACNW Reports*—The Committee will discuss proposed reports, including: specifying a critical group and reference biosphere to be used in a performance assessment of a nuclear waste disposal facility, the consideration of coupled processes (Thermal-Mechanical-Hydrological-Chemical) in the design of a high-level waste repository, and comments on a Branch Technical Position on the use of Expert Elicitation.

D. *Technical Guidance on Expert Elicitation*—The Committee will review the NRC staff's draft technical position on the use of expert elicitation in the licensing of a nuclear waste disposal facility.

E. *Time of Compliance in Low-Level Waste Disposal*—The Committee will discuss options for setting a regulatory time of compliance for a low-level waste disposal facility. Participation by representatives of individual states is anticipated.

F. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members.

G. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on September 27, 1995 (60 FR 49924). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Major if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415–7366), between 8:00 a.m. and 5:00 p.m. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the ''NRC MAIN MENU.'' Direct Dial Access number to FedWorld is (800) 303–9672; the local direct dial number is 703–321–3339.

Dated: July 3, 1996.

Andrew L. Bates,

Advisory Committee Management Office.

[FR Doc. 96–17552 Filed 7–9–96; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on July 17, 1996, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Draft Legislation to Enhance Debt Collection Efforts: Section 12(o) Lien Authority.

(2) Legislative Program for Fiscal Year 1998.

(3) Administrative Circular REF(IRM)–1. Custon Tailored Information Services.

(4) Coverage Determinations:

A. WCL Railcars, Inc.

B. Contract Rail Service Company.

(5) Regulations—Part 211, Pay for Time Lost.

(6) Medicare Part B Services (Contract No. 92RRB006) and Update on Status Of Medicare Transaction System (MTS) and Of Meetings with MetraHealth and Health Care Financing Administration (HCFA).

(7) Labor Member Truth in Budgeting Status Report.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: July 5, 1996.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96–17642 Filed 7–8–96; 9:03 am]

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22051; International Series Release No. 1000/812–9898]

The T. Rowe Price International Funds, Inc., et al.; Notice of Application

July 2, 1996.

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

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

APPLICANTS: T. Rowe Price International Funds, Inc., T. Rowe Price International Series, Inc., Institutional International Fund, Inc., and Rowe Price-Fleming International, Inc. (''Price-Fleming'').

RELEVANT ACT SECTIONS: Order requested under section 10(f) granting an exemption from that section.

SUMMARY OF APPLICATION: Applicants request an order to permit T. Rowe Price International Funds, Inc., T. Rowe Price International Series, Inc., and Institutional International Fund, Inc. to purchase securities that are not registered under the Securities Act of 1933 (the ''Securities Act'') from an underwriting syndicate when the funds' investment adviser is an affiliated person of a principal underwriter in the syndicate.

FILING DATE: The application was filed on December 15, 1995 and amended on May 3, 1996. Applicants have agreed to file an amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 29, 1996, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 100 East Pratt Street, Baltimore, Maryland 21202.

FOR FURTHER INFORMATION CONTACT: David W. Grim, Staff Attorney, at (202) 942–0571, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

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

Applicants' Representations

I. Background

1. T. Rowe Price International Funds, Inc., T. Rowe Price International Series, Inc., and Institutional International Fund, Inc. are open-end management investment companies registered under the Act. Each fund was organized as a Maryland corporation, and each fund invests primarily in foreign equity and fixed income securities.

2. Applicants request that any exemptive order issued pursuant to the application also apply to any other registered investment company, or separate investment series thereof, which in the future is advised or managed by Price-Fleming, or an entity controlling, controlled by or under common control with Price-Fleming, and which is a member of the T. Rowe Price ''group of investment companies,'' as defined in rule 11a–3(a)(5) under the Act (each, a ''Future International Fund''). In addition, applicants request that any exemptive order issued pursuant to the application also apply to any other registered investment company, or separate investment series thereof, to which Price-Fleming currently or in the future acts as sub-adviser (each, a ''Sub-Advised Fund'') (together, with T. Rowe Price International Funds, Inc., T. Rowe Price International Series, Inc., Institutional International Fund, Inc., and the Future International Funds, the ''International Funds'').

3. Price-Fleming is a registered investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). Price-Fleming is adviser or sub-adviser, as the case may be, to each of the International Funds. Price-Fleming is one of America's largest international mutual fund managers with approximately $20 billion under management in its offices in Baltimore, London, Tokyo and Hong Kong. Price-Fleming was incorporated in Maryland in 1979 as a joint venture between T. Rowe Price and Robert Fleming Holdings Limited (''Fleming Holdings''). The common stock of Price-Fleming is 50% owned by a wholly-owned subsidiary of T. Rowe Price Associates, Inc. (''T. Rowe Price''), 25% owned by a subsidiary of Fleming Holdings and 25% owned by Jardine Fleming Group Limited (''Jardine Fleming''). Half of Jardine Fleming is owned by Fleming Holdings and half is owned by Jardine Matheson Holdings Limited. T. Rowe Price has the right to elect a majority of the board of directors of Price-Fleming, and Fleming Holdings has the right to elect the remaining directors, one of whom will be nominated by Jardine Fleming.

4. Fleming Holdings is a diversified investment organization which participates in a global network of regional investment offices. Currently, the following direct or indirect subsidiaries of Fleming Holdings may participate as principal underwriters in international securities offerings in which the International Funds may invest (the location of each such underwriter's principal office(s) is set forth in parenthesis following its name): Robert Fleming Securities Limited (London), Jardine Fleming Securities Limited (Hong Kong, Tokyo, Seoul), Jardine Fleming Taiwan Limited (Taipei), PT Jardine Fleming Nusantara (Jakarta), Jardine Fleming Thanakom Securities Limited (Thailand), Ord Minnett Securities Ltd. (Melbourne, Wellington), Fleming Martin Ltd. (London), Jardine Fleming Australia Securities Ltd. (Sydney), Jardine Fleming Australia Management Ltd. (Melbourne), Jardine Fleming New Zealand Limited (Wellington), Jardine Fleming India Limited (Bombay) and Pesaka Jardine Fleming SDN, BHD (Kuala Lumpur) (together with any additional entities existing or created in the future which are direct or indirect subsidiaries of Flemings Holdings and which may participate as principal underwriters in international underwritings in which the International Funds participate, the ''Affiliated Syndicate''). The entities in the Affiliated Syndicate and Price-Fleming are or may be deemed to be ''affiliated persons'' of each other within the meaning of section 2(a)(3) of the Act.

5. To the extent any of the entities in the Affiliated Syndicate participates as principal underwriter in an international securities offering, the International Funds would be prohibited from purchasing securities in such offering, absent the relief requested herein. Applicants request that the International Funds be permitted to purchase, through the Affiliated Syndicate, foreign securities which are not registered under the Securities Act. Foreign securities purchased pursuant to the exemptive relief being sought will be issued in public offerings conducted in accordance with the applicable laws of Australia, Brazil, France, India,

Indonesia, Ireland, Japan, Mexico, the Philippines, South Africa, Sweden, Taiwan, and Thailand (the ''Countries''), and the applicable rules and regulations of the stock exchanges and regulated unlisted market(s), if any, in such Countries.

II. Information About the Countries

A. Australia

1. Securities regulation throughout Australia derives its authority from the Corporations Law 1991 (the ''Australia Corporations Law''). The legislation covers a wide range of issues, including raising capital, preparation of prospectuses, and personal liability for false or misleading statements and omissions. The Australian Stock Exchange Limited (the ''ASX'') operates in the capital cities of each of the six states in Australia. The Australia Corporations Law is administered by the Australian Securities Commission (the ''ASC''), which is accountable and responsible to the Commonwealth Attorney General and the Commonwealth Parliament. All securities purchased in offerings in Australia by the International Funds pursuant to the requested relief will be listed or approved for listing on the ASX.

2. The Listing Rules of the ASX impose various reporting and other obligations on listed companies, in addition to the obligations imposed by the Australia Corporations Law. Companies wishing to list their securities with the ASX must be of a sufficient size and their prospectuses, articles of association, share certificates, annual accounts, and other published documents must conform to the requirements of the Australia Corporations Law and the ASX. Among other things, the ASX Listing Rules require listed companies to promptly announce the declaration of dividends and new issues of capital, to provide semi-annual financial reports and to disclose other information which may have an important bearing on market value. The ASX Listing Rules also require disclosure of all material information on an ongoing basis. The other requirements of the ASX to obtain a listing relate to minimum capitalization, shareholder distributions, and size of operation or net tangible assets. In order to list, a company must have an initial minimum capitalization of $AUD 1,000,000 (approximately US $787,402 at current exchange rates). Further, the company must have at least 500 shareholders, each of whom holds shares with a market value of at least $AUD 2,000 (approximately US $1,575 at current exchange rates).

3. Under the Australia Corporations Law, issuers that intend to make public offerings of securities are required to file with the ASC a prospectus or a sale notice which complies with statutory requirements intended to ensure full and fair disclosure. In almost all cases where an initial public offering is involved, the practical effect of the provisions will be that similar information and disclosure will be required to be made, irrespective of the form of document legally required.

4. The Australia Corporations Law provides only in general terms the kind of information required to appear in a prospectus; it does not provide a statutory checklist of information required. A prospectus is required to contain ''all such information as investors and their professional advisers would reasonably require, and reasonably expect to find in a prospectus, for the purpose of making an informed assessment of: (i) the assets and liabilities, financial position, profits and losses, and prospects of the corporation; and (ii) the rights attaching to the securities.'' There is no legal requirement that financial statements be included in the prospectus. However, as a matter of practice, where a company which issues a prospectus has a track record, it is usual for a summary of historical financial information to be included. In many cases, this period extends to the last three financial years. In other prospectuses, however, only a summary of financial information for the most recent year is included together with a summary of pro forma financial information assuming the securities offered under the prospectus are actually issued. It is unusual for the actual financial statements themselves to be included in the prospectus. In addition, a prospectus usually includes directors' forecasts of future profits for the forthcoming year or two, and an independent accountant's report reviewing both historical and forecast financial information.

5. An underwriting commitment in Australia typically proceeds by way of bookbuilding with soft underwriting. The underwriter only takes up that portion of the public offering which is not subscribed for within a specified time (public offerings generally stay open for one month). This process has partly arisen due to market practice, and also because of tax (stamp duty) savings. Generally, no stamp duty is payable on the issue of shares. Stamp duty is usually payable on the transfer of shares listed on the ASX at the rate of 3% of the value of the shares and the rate of 6% of the value of the shares where the shares are not listed on the ASX. An underwriter will often engage sub-underwriters, or seek to place shares with institutional investors.

B. Brazil

1. All securities purchased by the International Funds in offerings in Brazil pursaunt to the requested relief will be admitted for trading or listed or approved for listing on one or more of the following exchanges or markets: Bolsa de Valores de Sao Paulo, Bolsa de Valores do Rio de Janeiro, Bolsa de Valores do Paraná, Bolsa de Valores de Santos, Bolsa de Valores de Pernambuco e Paraiba, Bolsa de Valores do Extremo Sul, Bolsa de Valores de Minas Gerais, Brasilia e Espirito Santo, Bolsa de Valores da Bahia, Sergipe e Alagoas, and Bolsa de Valores Regional.

2. Companies wishing to become public companies must register as such with the Brazilian securities commission, the Commissoa de Valores Mobiliários (the ''CVM''), and must apply with the CVM for registration of particular securities before issuing and selling them to the public. Among other items, the application for registering an issue of securities must contain information concerning the company, a copy of the agreement concerning the distribution of the securities, a draft of the subscription documents and the prospectus, and, in some cases, a study of the economic and financial feasibility of the issue. The CVM reviews the foregoing materials and has authority to deny the registration on the grounds that the proposed issuance is unfeasible or otherwise not advisable. The CVM may also suspend a registration and the public offering after the registration has been granted if it uncovers fraud or determines that the offering is not being conducted in compliance with the materials approved or the Brazilian securities laws and regulations.

3. The public offering may commence only after the registration has been granted, the lead distributor has made the public announcement required by the CVM regulations, and the final prospectus has been made available to the public. The public offering of equity securities requires the prior approval of the company shareholders, or, if the company has authorized capital and the amount of securities to be offered are within its limit, of the company's board of directors. The issue price to the public and a justification therefor must be set in accordance with the applicable law by the company's shareholders at a shareholders' meeting even if the company has adequate authorized capital, although the shareholders may

delegate this authority to the company's board of directors.

4. Under Brazilian law, shareholders have preemptive rights to subscribe for equity securities to be issued in connection with any capital increase of the company in proportion to their current equity participation. Such preemptive rights may be eliminated only if the company has authorized capital, the securities will be issued though a public offering, and the company's by-laws expressly waive the preemptive rights. If there are no preemptive rights, a company may first offer the securities to existing shareholders, giving them a priority to subscribe for them rather than a preemptive right. In such a case, the period to exercise the priority is usually two to five days. At the end of the period for the exercise of the preemptive rights or priority, if any, the unsubscribed securities are offered to the public for subscription.

5. The offering and distribution of the securities must be made through the intermediation of distributors, which may be investment banks, brokerage firms, and securities dealers, all of whom must be registered with the CVM. The distributor may either work as an intermediary, or agent, between the issuing company and the purchasers on a best efforts basis, or acquire, partially or wholly, the securities issued for resale through a firm commitment, or standby firm commitment, underwriting. The CVM has prescribed certain terms and provisions that all distribution and underwriting contracts must contain as a minimum. In a firm commitment underwriting, any securities that are not subscribed for by the public or existing shareholders by the end of the subscription period will be subscribed for by members of the underwriting consortium in the proportion established by the consortium agreement. Applicants are seeking relief with respect to participation in underwritings in Brazil only to the extent necessary to purchase securities that are the subject of firm commitment underwritings.

C. France

1. The seven securities exchanges in France—Paris, Lyon, Nancy, Marseille, Lille, Nantes, and Bordeaux (together, the ''French Stock Exchanges'')—are all governed by the same stock exchange authorities and are subject to uniform rules and regulations. All securities purchased by the International Funds in offerings in France pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on one or more of the French Stock Exchanges. Three regulatory agencies supervise the operations of the French Stock Exchanges: (i) the Counseil des Bourses de Valeurs, or Stock Exchange Council, which has general regulatory and supervisory authority over the French Stock Exchanges; (ii) the Société des Bourses Francáises, or French Securities Exchange Company (''SBF''), which implements the rules, regulations and policies established by the Stock Exchange Council; and (iii) the Commission des Opérations de Bourse, or Commission on Securities Exchange Operations (''COB''), an autonomous administrative body that performs market regulator functions. Each of the French Stock Exchanges is comprised of three markets—the Cote Officielle or ''Official Market,'' the Second Marché or ''Second Market,'' and the Marché Hôrs-Côte or over-the-counter market.

2. French law requires any company making a public offering of securities, prior to such offering, to ''publish a public information document describing the structure, financial condition and development of the activities of such company.'' Varying levels of detail are required for the information contained in such a prospectus, depending on whether the issuer is seeking to list its securities on the Official or Second Market and on the extent of information about the issuer that is already available to the investing public. In general, COB regulations require that the prospectus must contain information necessary to inform investors as to the assets, financial condition, results of operations, and prospects of the issuer, as well as the terms of the securities being offered.

3. In addition to SBF and Stock Exchange Council oversight, an issuer seeking to list its securities on the Official Market must obtain the advance written approval for its prospectus from the COB. A Second Market prospectus does not require such COB approval, but must be filed with the COB at least three months prior to the expected admission date. The regulatory authorities' review of the listing file and prospectus typically involves a comment procedure pursuant to which the authorities seek to ensure that appropriate disclosure is being made by the issuer. The prospectus in final form must be delivered or addressed to all offerees.

4. Initial public offerings in France are made in conjunction with an initial listing of the issuer's shares on the French Stock Exchanges. In both initial and subsequent public offerings, all shares of the same class included in the offering are offered to all potential investors at a single offering price and, except for the preferential or priority subscription rights granted to existing shareholders, on the same other terms and conditions.

5. Initial public offerings and subsequent public offerings of equity securities, equity-related debt securities, and straight debt securities in France are generally underwritten by banks and certain other financial institutions authorized to underwrite securities and regulated by the Bank of France. Underwriting practices are identical for initial and subsequent public offerings. Generally, stock offerings are underwritten pursuant to a practice known as the garantie de bonne fin (literally, ''guarantee of successful result'') and equity-related debt securities and straight debt securities are underwritten ''prise ferme'' (literally, ''firm taking'').

6. All public offerings in France involving the issuance of shares that result in a capital increase are underwritten pursuant to an agreement between the issuer and an underwriting syndicate providing for a garantie de bonne fin. The agreement allots to each underwriter a specified number of the shares being offered, and each underwriter severally commits to subscribe to, of procure subscribers for, its pro rata portion (based on such respective underwriting allotments) of the number of offered shares that are not subscribed for by existing shareholders or the public pursuant to subscription rights or otherwise during a stated subscription period. The garantie de bonne fin constitutes a binding contractual obligation by the underwriters to purchase all shares in the offering that are not otherwise sold to the public and, therefore, constitutes bookbuilding with soft underwriting or standby firm commitment underwriting. The price payable by the underwriters pursuant to their standby firm commitment under the garantie de bonne fin is the same as the subscription price at which the shares are offered to the public.

7. French public offerings of equity-related debt securities, such as convertible bonds or debentures with warrants, as well as straight debt securities, are underwritten pursuant to the prise ferme method. Pursuant to the agreement between the underwriters and the issuer, each underwriter severally commits to purchase from the issuer a specific number of the newly issued securities before they are listed for trading on an exchange. In practice, the prise ferme method operates similarly to the garantie de bonne fin. Securities that have not been placed with the public or with existing security holders are purchased by the

underwriters pro rata on the basis of their respective commitments, and then are resold on the markets by the underwriters for their own accounts.

D. India

1. India's stock exchanges, while mainly self-regulating, are subject to the supervision of the Securities Exchange Board of India (''SEBI'') under the Securities Contract (Regulation) Act of 1956 (the ''SCRA'') and Rules, 1957 (the ''SCRA'') and Rules, 1957 (the ''SCRA Rules''). Currently, 24 stock exchanges in India are recognized under the SCRA Rules. All securities purchased by the International Funds in offerings in India pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on one or more of the following exchanges or markets: The Stock Exchange, The Bombay Stock Exchange, The Calcutta Stock Exchange Association Ltd., Madras Stock Exchange Ltd., The Delhi Stock Exchange Association Ltd., The Hyderabad Stock Exchange Ltd., Madhya Pradesh Stock Exchange Ltd., Bangalore Stock Exchange Ltd., Cochin Stock Exchange Ltd., The Uttar Pradesh Stock Exchange Association Ltd., Pune Stock Exchange Ltd., The Ludhiana Stock Exchange Association Ltd., The Guahati Stock Exchange Ltd., Mangalore Stock Exchange Ltd., The Magadh Stock Exchange Ltd., Jaipur Stock Exchange Ltd., Bhubaneshwar Stock Exchange Association Ltd., Saurashtra Kutch Stock Exchange Ltd., The Vadodara Stock Exchange Ltd., The Coimbatore Stock Exchange Ltd., OTC Exchange of India (the ''OTCEI''), and National Stock Exchange of India Ltd.

2. SCRA Rules provide that only companies whose issued share capital par value is more than Rs 50 million (approximately US $1,464,987 at current exchange rates) and whose shares are widely held may list their shares on existing recognized stock exchanges. OTCEI was incorporated in 1990 to enable trading in securities of companies which do not meet such minimum capital requirements. Recently, OTCEI announced that certain ''main board'' securities will be eligible to trade on OTCEI. Although listing of a company's shares is generally optional, the Government may compel public companies to list their securities on the stock exchanges if such a listing is deemed to be in the public interest or in the interest of the securities market. A minimum of 25% of the ordinary shares of a company seeking a listing are required to be offered to the public.

3. A public offering of securities is generally required to be made by means of a prospectus, which must contain the information specified in the Companies Act, 1956 (the ''India Companies Act'') including, but not limited to, a description of the entire history of the company, its main objectives, the number and classes of its shares, information regarding the directors and their remuneration, and statements regarding the purpose of the raising of funds. The International Funds will not purchase securities in public offerings in India unless a prospectus relating to such securities is available.

4. The prospectus must be accompanied by an auditors report for the previous five years of the company and its subsidiaries and an expert consent. A company's directors and promoter are subject to civil and criminal liability for misstatements in a prospectus and SEBI has been delegated with the power and the authority for this purpose.

5. A public offering also requires that the company enter into a listing agreement with the relevant stock exchange. The listing agreement is statutorily prescribed and requires disclosure of information about the company prior to listing as well as, among other things, reporting of unaudited results at six month intervals with explanations of differences with audited results, providing information about material changes, changes in management and auditors once trading has commenced.

6. Underwriting is no longer mandatory. It is left to the issuer whether to have the issue partially or totally underwritten. In an underwritten offering, an underwriter enters into an underwriting agreement with the issuer and is required to commit to purchase a certain number of shares. Applications for shares received directly by the underwriter from its clients, as well as applications received by the issuer from the public independently, may serve to reduce an underwriter's obligation under the underwriting agreement based on the allocation methodology set forth in the agreement. To the extent such applications are insufficient to meet the underwriter's full obligation under the underwriting agreement, the underwriter is required to purchase the remainder of the shares. There are only two circumstances in which an underwriter may be relieved of its obligations under the underwriting agreement: (i) the issue fails to keep the subscription list for public issuer open for the maximum 10 day period (unless the issue is oversubscribed, in which case the subscription list may be kept open for less than 10 days), and (ii) the issuer fails to receive subscriptions for 90% of the issue (in which case all amounts paid in satisfaction of underwriting obligations are refunded).

7. If there is no underwriting, since all issues are conditional upon a minimum subscription requirement of 90% of the securities being issued, any deficit will result in the entire amount raised being refunded. Promoters are required to retain specified minimum holdings of equity capital, and, as a consequence, promoters can be required to purchase a portion of public issues. Shares purchased by promoters to maintain their minimum required holdings are subject to a lockup of five years, and the full subscription amount must be paid in advance before the public issue is made. Bonus issues to security holders are prohibited for 12 months following any public offering or rights issue.

E. Indonesia

1. There are currently two stock exchanges in Indonesia, the Bursa Efek Indonesia, comprised of the Jakarta Stock Exchange (''JSE'') and the Surabaya Stock Exchange (''SSE'') (together, the ''Bursa Efek''). All securities purchased by the International Funds in offerings in Indonesia pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on the JSE and/or the SSE.

2. In 1976, the government established Badan Pelaksana Pasar Modal (''BAPEPAM''), the Capital Market Executive Agency. Initially, BAPEPAM was created to, among other things, establish and regulate the stock market, and evaluate and approve listings of new companies. In 1990, however, BAPEPAM's responsibilities were modified to include monitoring and regulating a market in which securities can be issued and traded regularly, fairly, and efficiently, and protecting the interests of investors and the public. Consistent with its new responsibilities, the BAPEPAM's official name was changed to the ''Capital Market Supervisory Agency.''

3. Listing requirements differ for the JSE and the SSE. Companies desiring to list shares on any exchange must be organized with limited liability. The JSE requires as conditions to listing that issuers have paid-up capital of at least Rp 2 billion (approximately US $856,714 at current exchange rates), have an operating profit and positive net income for the prior two fiscal years, and have audited financial statements for the prior year accompanied by an unqualified auditor's report. The SSE requires issuers desiring a listing to have at least Rp 1 billion (approximately US $428,357 at current exchange rates) in paid-up capital, a par value of at least

Rp 1,000 (approximately US $0.43 at current exchange rates) per share, positive net income in its most recent fiscal year, and audited financial statements accompanied by an unqualified auditor's report, provided, however, that a qualification in the auditor's report respecting financial statements for the most recent year will be acceptable.

4. Public offerings of securities in Indonesia are subject to BAPEPAM regulation and supervision. In order to conduct a public offering in Indonesia, BAPEPAM requires that issuers have been in existence for three years and have three years of profitable operations. An offering must be made by a prospectus which includes information regarding the company's history, business, operations, management, share ownership, and financial condition. The prospectus must include three years of audited financial statements, including three years of income statements, balance sheets, statements of cash flow (or equivalent), and statements of changes in stockholders' equity. Companies may have only one class of capital stock unless special permission is received from the BAPEPAM. Shareholders have preemptive rights.

5. The offering prospectus forms part of a registration statement which, together with related documents (e.g., an underwriting agreement and articles of association), must be submitted to the Chairman of the BAPEPAM for possible review. Prior to effectiveness of the registration statement, the underwriters meet with the issuer to fix the public offering price, the underwriters' compensation, and the size of the offering. Once agreed, a firm commitment underwriting agreement is entered into, and thereafter the offering period which must last at least three days begins. During this period, the prospectus must be publicly distributed. Given the possibility of a short offering period and in order to ensure knowledge of the impending offering, a prospectus summary must be published in an Indonesian newspaper at least three business days before the beginning of the offering period. Pursuant to the terms of the underwriting agreement, the underwriters are required to purchase all of the securities in the offering, notwithstanding the fact that they may not have been able to resell all of them.

F. Ireland

1. Irish securities laws, comprised principally of the Companies Acts 1963–1990 (together, the ''Irish Companies Act''), generally provide for self-regulation, and there is no central agency other than the Irish Stock Exchange having authority over listed companies. The Irish Stock Exchange supervises listed companies in accordance with its rules. In particular, a provision of the Irish Companies Act allows a listed company to issue an invitation to the public to subscribe for shares without following many of the provisions of the Irish Companies Act provided that the invitation is accompanied by a document which has been approved by the Irish Stock Exchange. Typically such a document issued by a listed company will have been scrutinized several times by the Irish Stock Exchange before it is publicly disseminated.

2. If a company is not seeking any form of stock exchange listing or trading facility, the securities laws are entirely self-regulating. However, all issuers also are subject to civil claims and criminal prosecutions, including criminal prosecutions by the Director of Public Prosecutions (akin to the U.S. Attorney General). In addition, issuers whose securities are officially listed on the Irish Stock Exchange are subject to regulation by the exchange and may be the subject of sanctions, such as suspension of trading or de-listing.

3. All securities purchased in Ireland by the International Funds pursuant to the requested order will be purchased in public offerings which are (i) subject to Irish law and listed (or seeking listing) on the Official List of the Irish Stock Exchange,[1] and/or (ii) listed approved for listing on the London Stock Exchange Limited. Securities of Irish issuers listed on the London Stock Exchange Limited are subject to the regulations of such Exchange, which may be in addition to and more stringent than those of the Irish Stock Exchange and the Irish Companies Act.

4. To be listed on the Official List on the Irish Stock Exchange, a company must have capitalization of 700,000 Irish Pounds (approximately US $1,092,555 based on current exchange rates), must have published three years of financial results, and must have at least 25 percent of its shares in public hands, i.e., held by others who are not affiliates of such company. In addition to the above requirements, companies seeking to list on the Irish Stock Exchange must provide the exchange with a formal statement (known as ''listing particulars'') describing the company's business, management, and financial condition.

5. Irish law also requires, with certain exceptions, any invitation to subscribe or purchase shares in a public offering be accompanied by a prospectus meeting the disclosure requirements set forth in the Third Schedule to the Irish Companies Act. Among other things, the Irish Companies Act requires any company conducting a public offering to disclose its dividend record, profits, and losses for the preceding three years. Under the Irish Companies Act, the listing particulars for companies on the Official List are deemed to be a ''prospectus'' and, therefore, the requirement to make a separate Third Schedule disclosure does not apply. The disclosure required under the Irish Stock Exchange rules for a company on the Official List, however, is generally more onerous than that required under the Irish Companies Act.

6. The public offering price is fixed at the time of initial issuance and published in the offering prospectus, and the securities offered to and purchased by affiliates of underwriters as part of a public offering are offered and sold under the same terms as to the general public. With respect to a rights issue, the subscription price is generally fixed and is at a discount to the prevailing market price or at the market price. Applicants are aware of at least one instance when the price was fixed at a premium to the market price. The International Funds, however, will not purchase securities in underwritten offerings at a public offering price that is set at a premium to the current market price.

7. A public offering in Ireland is often underwritten pursuant to an underwriting agreement in which the primary underwriters (as opposed to the sub-underwriters) commit to purchase any of the offered securities that are not taken up by existing shareholders (after a stated subscription period) or by the market generally. Typically, sub-underwriters irrevocably contract with the underwriter to subscribe for a minimum portion of the issue at a fixed price.

8. The number of subscribers participating in a public offering will vary depending on the nature of the existing trading market for an issuer's securities and other circumstances, either related to the status of the issuer or to general economic conditions. The International Funds will only participate in underwritten offerings in which it is likely that the securities will be widely disseminated.

[1] The Irish Stock Exchange is comprised of four markets—the main market or the ''First Market'' or, more commonly, the ''Official List,'' the Unlisted Securities Market, the Exploration Securities Market, and the Small Companies Market.

G. Japan

1. There are eight securities exchanges in Japan and one over-the-counter market. The securities exchanges and the over-the-counter market are regulated by the Minister of Finance (the ''MOF''), and there is strong emphasis on self-regulation. All securities purchased by the International Funds in offerings in Japan pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on one or more of the eight Japanese securities exchanges: the Tokyo Stock Exchange, the Osaka Securities Exchange, the Nagoya Stock Exchange, the Sapporo Stock Exchange, the Ni'igata Stock Exchange, the Kyoto Stock Exchange, the Hiroshima Stock Exchange, and the Fukuoka Stock Exchange.

2. The basic listing requirements are governed by the Securities and Exchange Law of 1948 (the ''Japan Securities and Exchange Law''), while detailed matters such as listing eligibility criteria and reporting procedures are dealt with in the listing regulations of each exchange. A company wishing to list its equity securities on the Tokyo Stock Exchange (the ''TSE'') is required to file an application for listing with the TSE, which is examined by the exchange, placing emphasis on the public interest and investor protection. If the TSE considers a listing of the relevant instrument to be appropriate, it may authorizing listing subject to approval of the MOF. Assuming approval of the MOF is then obtained, the company is required to enter into a listing agreement with the TSE whereby the company agrees that it will abide by the Japan Securities and Exchange Law and the TSE's rules and regulations, including Business Regulations, Listing Regulations, and Regulations for Supervision of Listed Securities.

3. Issuers that intend to make public offerings of securities are required to file with the MOF a registration statement for the securities accompanied by supplemental materials that adequately disclose pertinent information concerning the offering and the issuer. Issuers are required to include financial statements for their last five business periods (ten business periods if the business period is half a year) in their registration statements.

4. A preliminary prospectus corresponding to a ''red herring'' in the United States can be circulated for the purpose of soliciting offers during the period between the initial filing and effective dates so that the public can learn the essential facts relating to a proposed issue. The use of prospectuses that do not meet the statutory requirements is prohibited and a prospectus must be delivered at the time of sale.

5. The nature of the underwriting commitment is determined by contract and may differ from transaction to transaction. In general, however, one of two types of commitments is made, roughly equivalent to firm commitment underwriting and bookbuilding with soft underwriting. Under the first method, the underwriting syndicate buys as principal all of the securities of the issuer and assigns them to its members. If any underwriter or any assignee is unable to place any of the securities which it has purchased, those securities remain in that underwriter's or assignee's inventory. Under the second method, an underwriting syndicate seeks to market the securities, and members of the syndicate must purchase for their own accounts any securities of the issuer which they are unable to place. In either of the two methods, the syndicate is responsible for placing all the securities of the issuer, but it is rare that any securities are not placed because the conditions of issuance are determined in accordance with market conditions.

6. Only licensed securities companies may act as underwriters. A company that intends to issue securities generally enters into an underwriting agreement with a primary managing underwriter which will form a syndicate for the floatation of the securities. The terms and conditions on which the primary managing underwriter is required to purchase any shortfall are a matter for contract between the issuer of the securities and the primary managing underwriter. The relationship between an underwriter and its parent or its subsidiary is regulated by rules known as ''fire-walls.'' In the sphere of underwriting, an underwriter must not (within 6 months of becoming an underwriter) sell underwritten securities to a customer which the underwriter knows has received financing for the purchase from the parent or a subsidiary of the underwriter. In addition, an underwriter is prohibited from selling underwritten securities to its parent or subsidiary within 6 months of becoming an underwriter for such securities.

H. Mexico

1. Securities legislation, Ley del Mercado de Valores (''Securities Market Law''), passed in 1975, contains the regulatory framework for the Mexican securities industry and strengthened the regulatory powers of the Mexican Banking and Securities Commission, or Comisión Nacional Bancaria y de Valores (''CNBV''). The CNBV is responsible in general for monitoring the Mexican securities market and, among other things, regulates the registration and subsequent trading of all new issues of shares, bonds and commercial paper, and other securities, and regulates the activities of brokers and of securities depositories and Mexico's only stock exchange, the Bolsa Mexicana de Valores, S.A. de C.V. (the ''Mexican Stock Exchange''), a private corporation, the shares of which are owned solely by authorized brokers. All securities purchased by the International Funds in offerings in Mexico pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on the Mexican Stock Exchange.

2. In order to offer securities to the public in Mexico, an issuer must meet certain requirements set forth in the Securities Market Law and by the CNBV as to assets, operating history, management, and other matters, and only securities approved by the CNBV may be listed on the Mexican Stock Exchange. In order to obtain and maintain registration to offer securities in the Mexican Stock Exchange, an issuer must file an application for registration with the securities section of the Registro Nacional de Valores e Intermediarios, the National Registry of Securities and Securities Brokers, which is part of the CNBV. The issuer seeking approval must comply, to the satisfaction of the CNBV, among others, with the following requirements: (i) The characteristics of the securities and the terms of the offering are such that the securities will have significant circulation and will cause no dislocation of the market, (ii) the securities possess, or have the potential for, broad circulation in relation to the size of the market or the issuer; and (iii) the issuer is solvent and has liquidity. Although the Securities Market Law does not set any specific quantitative standards regarding the size of the offering, it does require that every public offering be large enough, in the opinion of the CNBV, to assure investors of secondary market liquidity. As a result, securities must be issued in sufficient quantity to be available to a wide group of offerees.

3. Once the offering price for a security is set, it is disclosed in the prospectus and CNBV circulars require the underwriters to offer the securities to the public at that set price. As a result, publicly offered securities are offered to and purchased by the public investors on the same terms. Although

Mexican law does permit, under certain circumstances, securities to be publicly offered at a premium to market price, the situation rarely occurs. The International Funds will not purchase securities in underwritten offerings at a public offering price that is set at a premium to the current market price.

4. In firm commitment public offerings in Mexico, the obligations of the various underwriters are in practice several and not joint, and each underwriter is obligated to purchase shares from the issuer at a fixed price regardless of the marketing results of the underwriting group. The CNBV, however, can object to the price set by the issuer and underwriters.

I. The Philippines

1. Public offerings of securities in the Philippines are conducted in accordance with regulations promulgated by the Securities and Exchange Commission of the Philippines (the ''Philippine SEC'') and rules promulgated by the Philippine Stock Exchange. These rules and regulations are intended to ensure that a wide group of offerees will take part in each offering, that the price offered to each of the offerees is the same, and that the securities will be offered to and purchased by unaffiliated persons on the same terms as the other participants in the offering. In particular, the Philippine Stock Exchange requires an issuer to have at least 500 shareholders (subject to certain modifications), have 400 million pesos (about US $15.3 million at current exchange rates) in authorized capital stock, and 100 million pesos (about US $3.8 million at current exchange rates) in subscribed capital stock, all of which subscribed capital stock must be fully paid-up, before its securities may be listed on the Philippine Stock Exchange. No single stockholder should own or control more than 75% of the subscribed capital stock of the issuer. All securities purchased by the International Funds in offerings in the Philippines pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on the Philippine Stock Exchange—Ayala and/or the Philippine Stock Exchange—Pektite.

2. A company wishing to issue securities to the public is required to file a registration statement with the Philippine SEC setting forth information about the company, its business, and its management. Registration statements must be prepared in accordance with principles of full and fair disclosure. The registration statement (which includes the offering prospectus) is required to contain a provision stating the price at which the security is to be sold. A registration statement becomes effective upon the issuance by the Philippine SEC of an order to that effect. Once such an order is issued, the issuer and the underwriter cannot modify the offering price set forth in the registration statement and prospectus and the securities may only be offered pursuant to the stated terms of the prospectus. Accordingly, any securities issued in connection with a public offering in the Philippines will be offered to unaffiliated persons on the same terms as any other participant in the offering.

3. Public offerings are underwritten by investment houses and commercial banks with expanded commercial banking authority. If the securities to be publicly offered are to be listed on the Philippine Stock Exchange, approximately 50% of the company's subscribed shares (or shares offered to be subscribed through an underwriter) are offered to the public through the Philippine Stock Exchange for distribution to the public. This ensures that each Philippine offering to be listed on the Philippine Stock Exchange is made available publicly to a wide group of offerees.

4. Although underwriting commitments differ from issue to issue in the Philippines, generally all of Philippine public offerings are conducted on a bookbuilding with soft underwriting basis. Under this type of commitment, the issuer is responsible for selling the shares (through the underwriting syndicate), but the lead underwriter or underwriters commit to purchase any unsold shares at the completion of the initial offering period. The Philippine Stock Exchange requires such a commitment by the underwriter as a condition to listing on the Philippine Stock Exchange.

J. South Africa

1. There are three exchanges in South Africa, namely, the Bond Market Exchanges (''BME''), the South African Futures Exchange (''Safex'') and the Johannesburg Stock Exchange (''JSE''). Each is self-regulating within the parameters of the relevant acts. Securities purchased by the International Funds in securities offerings in South Africa pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on the BME or the JSE.

2. There are three possible listings on the JSE: the Main Board, the Development Capital Market (''DCM'') or the Venture Capital Market (''VCM''). The DCM was created in 1984 and designed to encourage the growth of small businesses. Companies listed on the DCM, and particularly the VCM, are subject to less stringent requirements for listing, and accordingly, a higher degree of risk is normally associated with such companies. Once DCM and VCM companies achieve the requirements for a Main Board listing, they may apply for a transfer. Both the DCM and the VCM require a shorter or no profit history, a smaller and narrower distribution of shares to the public, and a lower minimum initial price of shares. The requirements for listing equity securities on the Main Board of the JSE include (i) a minimum subscribed capital, excluding revaluations of assets, of at least R2 million (approximately US $459,242 at current exchange rates) in the form of not less than one million shares in issue; (ii) a satisfactory profit history for the preceding three years, with a current audited level of earnings of at least R1 million (approximately US $229,621 at current exchange rates), before taxation; (iii) 30% of the first million shares (and an agreed percentage of the balance) to be held by the public; (iv) the number of public shareholders to be at least 300; and (v) the minimum initial price of shares to be no less than 100 cents per share. Despite the requirement for a three-year history of trading for a Main Board listing, mining ventures generally go directly to the Main Board upon delivery to the JSE of a satisfactory geological report, evidence of proven reserves, and appropriate undertakings relating to minimum capital structure.

3. The JSE introduced a new rule in July 1995 to promote broader public ownership of shares. It is now a continuing obligation that at least 10% of a company's shares be held by the public (other than institutions) at the time of listing.

4. New equity shares are generally underwritten in South Africa by insurance companies, large pension funds, or merchant banks. Typically, underwriters in public offerings of securities will commit to subscribe for any shares not purchased in the offering. When a public issue is underwritten, the structure and mechanics thereof usually take the following form. The potential issuer will first approach a financial institution such as a merchant bank which will act as agent on behalf of the issuer (the ''Agent''). The Agent itself may arrange for the underwriting of the issue in total or in part. Pursuant to an underwriting agreement, the primary underwriters will be obligated to purchase at a fixed price all of the securities being offered and which are not taken up by others under the offering. A broker is usually engaged to arrange for the sub-underwriting

of the primary underwriting. Typically, the sub-underwriters will irrevocably subscribe for a minimum portion of the issue at a fixed price. The primary underwriters and sub-underwriters commitments will be subject to certain conditions precedent typically related to the delivery by the issuer of appropriate offering documents, the admission of the securities to listing on the JSE (if the issuer is a listed company), and the compliance by the issuer with The South Africa Companies Act, 1973 provisions relating to offering prospectuses. The primary underwriters fully assume risk of the Agent of finding sufficient sub-underwriters for the securities underwritten. As compensation, the primary underwriters and sub-underwriters receive a fee which is defined as a percentage of the offering price to the public of the securities purchased thereby. The Agent will also receive a fee directly from the issuer. Such ''firm commitment'' underwriting is the most common structure used by companies listed on the JSE.

K. Sweden

1. To qualify for a listing on the Swedish Stock Exchange's (''SSE's'') ''A'' list (comprising the officially listed companies), a company must (i) have at least 3 years of audited financial statements; (ii) meet the SSE's requirements concerning financial stability, organization and dissemination of information; (iii) must publish an SSE listing prospectus; and (iv) at least 25% of the share capital and no less than 10% of the voting power must be distributed in the market among no fewer than 1,000 investors, each with a holding the market value of which is half a base amount (equivalent to approximately SEK 17,850 or US $2,644 at current exchange rates).

2. The SSE also provides an over-the-counter quotation facility for unlisted securities known as the ''OTC'' or ''O'' list. To qualify for quotation on O lists, a company must (i) publish a listing prospectus; (ii) have a share capital of at least SEK 2 million (approximately US $296,222 at current exchange rates) and total equity of at least SEK 4 million (approximately US $592,443 at current exchange rates); and (iii) at least 10% of the share capital must be distributed to the market among no less than 300 investors, each with a holding of at least one quarter of a base amount in market value but not exceeding 10% of the total equity.

3. The Swedish Companies Act (1975:1385) (the ''Swedish Companies Act'') requires that companies which publicly offer or otherwise invite a substantial number of persons to acquire shares of subscription rights in the company must prepare a prospectus, if the sum total of the amounts payable under the offer amounts to SEK 300,000 (approximately US $44,443 at current exchange rates) or more. In addition, the contents of prospectuses are subject to recommendations of the Swedish Industry and Commerce Stock Exchange Committee and to detailed regulations issued by the Financial Supervisory Authority.

4. Under the Swedish Companies Act, a prospectus must contain, among other things, the balance sheets, the income statements, and a summary of the management reports for the last three financial years for which annual reports and auditor's reports have been rendered; a description of the company's and any group's operations, supply or raw materials, products, and places of business as well as its position in the industry; and a description of the distribution of ownership of shares and voting power in the company.

5. In general, securities of Swedish companies have historically traded immediately after their public offering at substantial premiums over the initial offering price. One consequence of this pattern is that offerings for such securities are typically oversubscribed during a ''red herring'' offering phase. As a result, the practice in Sweden is that underwriting commitments are not firm since all of the securities offered will have been already placed. Applicants have no reason to believe that securities of companies in Sweden will not in the future trade at a premium over the initial offering price. In addition, offerings in Sweden that are not oversubscribed are rare, and applicants have no reason to believe that oversubscribed securities offerings will not continue in the future.

L. Taiwan

1. All securities purchased by the International Funds in offerings in Taiwan pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on the Taiwan Stock Exchange (the ''TSE'') and/or the Republic of China OTC Securities Exchange.

2. Securities traded on the TSE are divided into three categories: ''A'', ''B'' and ''C'', depending on years of establishment of the issuer, capital, profitability and the extent of share distribution. To meet Category A listing criteria, a company must, among other things, have minimum paid-up share capital of at least TWD 600 million (approximately US $22,081,555 at current exchange rates) for the two most recent fiscal years, and have at least 2,000 registered shareholders of which more than 1,000 hold 1,000 to 50,000 shares and the total holdings of such shareholders is more than 20% of the total issued and outstanding shares of 10,000,000 shares. To meet Category B listing criteria, a company must, among other things, have minimum paid-up share capital of at least TWD 300 million (approximately US $11,040,777 at current exchange rates) for the two most recent fiscal years, and have at least 1,000 registered shareholders of which more than 500 hold 1,000 to 50,000 shares and the total holdings of such shareholders is more than 20% of the total issued and outstanding shares or 10,000,000 shares. To meet Category C listing criteria, a company must, among other things, obtain classification from the relevant central competent authority as a ''qualified science technology company,'' and have paid-up share capital of at least TWD 200 million (approximately US $7,360,518 at current exchange rates).

3. The Taiwan Securities and Exchange Commission (the ''Taiwan SEC'') supervises and controls all aspects of securities market operations. In general, listed companies are required to submit to the Taiwan SEC a prospectus in a standard format prescribed by the Taiwan SEC on commencement of an initial public offering and upon an increase of capital stock. The International Funds will not purchase securities in public offerings in Taiwan unless a prospectus relating to such securities is available. A prospectus must include, among other information, company history, organization, business scope and facilities available, capital structure and share-distribution, records of corporate bond issues, plans and business prospects, and audited financial statements for the five most recent years.

4. All listed companies on the TSE must enter into a listing agreement with the TSE, which is a standard form agreement adopted by the TSE and approved by the Taiwan SEC. Listed companies are required to report promptly any material events which may affect the business or affairs of the company, such as a corporate reorganization. In addition,the Taiwan SEC may require issuers to make financial and business reports at any time after the public issuance of securities, and the Taiwan SEC may, if deemed necessary, conduct direct investigations on the issuers' financial or business conditions.

5. Underwriting can be done by securities companies, banks, and trust and investment companies that have obtained an underwriter license from the Taiwan SEC. Because of the recently implemented rules, underwriting can be conducted only on firm commitment basis.[2] The underwriter and issuer must enter into an underwriting agreement which sets forth, among other things, the underwriting period, the number of securities to be underwritten and their price, and the underwriting fees and disbursements. The underwriter must ensure that the prospectus prepared in accordance with the regulations of the Taiwan SEC be delivered to each subscriber. The subscription price may not be changed during the underwriting period, and the subscription price must be paid in full in one lump sum payment. Upon expiration of the underwriting period, the underwriter must report to the Taiwan SEC the status of the underwriting, including the number of securities which have been sold in the underwriting period and the number of securities which have been acquired by the underwriter, if any.

M. Thailand

1. The Stock Exchange of Thailand (''SET'') is the only official stock exchange in Thailand. Shares which are not listed on the SET are sometimes traded on the informal over-the-counter (''OTC'') market (the ''Bangkok Stock Dealing Centre''). Currently, the Bangkok Stock Dealing Center is principally used for the trading of unlisted shares which are expected to be quoted on the SET in the near future. All securities purchased by the International Funds in offerings in Thailand pursuant to the requested relief will be admitted for trading or listed, or approved for listing, on the SET and/or the Bangkok Stock Dealing Center.

2. The Thailand SEC is charged with formulating policies to promote and develop, as well as to supervise, matters concerning securities, securities businesses, the securities exchange, OTC centers and related businesses, organizations related to the securities business, the issue or offer of securities for sale to the public, acquisition of securities for business takeovers, and prevention of unfair securities trading practices. Under The Securities and Exchange Act B.E. 2535 (A.D. 1992) (the ''SEC Act''), a public offering of newly issued securities is permitted only when the issuer has received approval from the Thailand SEC to make the offering and a registration statement in the prescribed form, together with a draft prospectus, has become effective. Upon effectiveness, sales activities and distribution of the prospectus may begin. Sales activities must be completed within six months. In addition, the issuer must meet qualitative standards under Thailand SEC regulations.

3. While primary responsibility for the regulation of new securities issues has shifted to the Thailand SEC, the SET continues to operate the stock exchange as an exchange authorized under the SEC Act and is responsible for listing approvals, once the SEC public offering approval, prospectus, and related requirements have been met and the paid-up capital reflecting the shares offered in the relevant offering has been registered with the Ministry of Commerce. The SET is responsible, among other things, for processing all listing applications, for ensuring that disclosure requirements for listed companies are met and for monitoring all trading activities in respect of listed securities.

4. The SEC Act provides for only one category of securities to be listed and traded on the SET (''listed securities''). Under the regulations promulgated by the SET, existing publicly traded securities must be converted into listed securities and listed companies must comply with the listing requirements within three to five years, depending on the nature and locality of such company. Under the current SET listing regulations, the applicant must have a main business which is economically and socially beneficial to the country. Approval for listing of shares is granted after the public offering thereof is approved by the Thailand SEC and the shares are distributed to a specified number of small shareholders. The applicant must also be able to show that its business operations are sound and consistent with the nature and type of business, and that it is in a stable and healthy financial condition with sufficient working capital. The business of the applicant must have operated continuously under substantially the same management for not less than three years prior to the submission of the listing application. The applicant must also have the net profit after tax of Baht 50,000,000 (approximately US $1,981,493 at current exchange rates) is aggregate for the last three years prior to the submission of the listing application.

5. Underwriting of securities may be conducted either on a firm commitment or best efforts basis. In practice, however, substantially all underwritings are done on a firm commitment basis. Under the Thailand SEC notification, issuers of shares shall arrange for the securities underwriter to underwrite all shares of the issue. Generally, one or more securities underwriters will enter into an underwriting agreement with an issuer to underwrite the securities issue on a several basis. In rare cases, securities may be underwritten on a non-several (or joint) basis. Applicants submit that a firm commitment underwriting conducted on such a basis is still a firm commitment underwriting for purposes of rule 10f–3(a)(3), the only difference being that an underwriter may be liable for the entire amount of the offering, not just its own share.

Applicants' Legal Analysis

1. Section 10(f) of the Act prohibits a registered investment company from purchasing securities from an underwriting syndicate if, as relevant here, the investment company's investment adviser is an affiliated person of a principal underwriter in the syndicate.

2. Section 2(a)(3) of the Act defines the term ''affiliated person'' to include, among other things, any entity directly or indirectly controlling, controlled by, or under common control with another entity. Section 2(a)(9) of the Act generally defines the term ''control'' to mean the power to exercise a controlling influence over the management or policies of a company. Section 2(a)(9) further provides that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 percent of the voting securities of a company shall be presumed to control the company. Based on the complex ownership structure of the various direct and indirect subsidiaries of Fleming Holdings which may participate as principal underwriters in international underwritings, each such subsidiary is or may be deemed to be controlled by or under common control with Fleming Holdings for purposes of section 2(a)(3). Price-Fleming also may be deemed to be controlled by Fleming Holdings for purposes of section 2(a)(3) of the Act. As a result, the entities that make up the Affiliated Syndicate and Price-Fleming

[2] Article 76 of the Securities and Exchange Law of Taiwan (the ''SEL'') provides that underwriters may choose to conduct underwritings on either a firm commitment or best efforts basis. Pursuant to its rulemaking authority, the Taiwan SEC has promulgated a rule which provides that underwriters can only offer securities to the public through firm commitment underwritings. The inconsistency between the SEL and the recently adopted rules will be resolved when the Taiwan legislature amends the SEL to limit public underwritings to firm commitment underwritings. The amendment is expected to be passed in the near future. In practice, the result has already been obtained since underwritings are conducted only on a firm commitment basis.

may be deemed to be under the common control of Fleming Holdings, making the Affiliated Syndicate entities and Price-Fleming affiliated persons of each other. Thus, the International Funds, which are advised or sub-advised by Price-Fleming, are prohibited from purchasing securities from any underwriting syndicate in which one or more of the entities in the Affiliated Syndicate participates as principal underwriter.[3]

3. Notwithstanding the section 10(f) prohibition, the section provides that the SEC may exempt conditionally or unconditionally any transaction or classes of transactions from any of the provisions of section 10(f) if and to the extent that the exemption is consistent with the protection of investors. Applicants believe that the granting of the requested exemption is consistent with the protection of investors.

4. Rule 10f–3 under the Act provides that purchases of securities by a registered investment company otherwise prohibited by section 10(f) are exempt from such section if certain specified conditions are met. Applicants represent that purchases of foreign securities which would not be permitted but for the requested relief will be made in accordance with all the terms of rule 10f–3, except paragraph (a)(1) of the rule.

5. Applicants state that the Securities Act registration requirement set forth in rule 10f–3 was imposed to ensure that investment companies purchased marketable securities, at the public offering price (which ordinarily would not exist absent registration), that the securities were issued more or less in the ordinary course of business, and that adequate disclosure is made with respect to the securities to be purchased. Applicants believe that the effect of the exemption sought is to substitute for the Securities Act registration requirement (i) a condition requiring that the securities at issue be purchased in public offerings conducted in accordance with the laws of the Countries, (ii) a condition requiring that the securities at issue will be either (a) admitted for trading on one or more of the official stock exchange(s) or regulated unlisted market(s) in the relevant Country, or (b) approved for admission to one or more of the relevant Country's official exchange(s) or regulated unlisted market(s), but not yet admitted or listed, and (iii) a condition requiring that an issuer's audited financial statements for two years prior to the offering will be available to prospective purchasers. Applicants believe that the availability of such financial statements, as well as other disclosure provided by issuers in accordance with the various securities laws of each Country (including listing or admission requirements), would provide Price-Fleming with sufficient information to make informed decisions on behalf of the International Funds. The audited financial statements, together with the public offering and listing (or admission) requirements, also would provide some assurance that the securities being purchased are issued more or less in the ''ordinary course'' of business. Similarly, the financial statements and public offering and listing (or admission) requirements assure investors that the securities being purchased are issued in compliance with regulatory requirements substantially similar to those imposed by United States securities laws.

6. Applicants represent that the International Funds will only participate in underwritings in Countries in which (i) it is likely that a wide group of offerees will participate; (ii) the price offered to such offerees will consist of a single price (except for any discounted price offered to certain specified groups within a particular locality or jurisdiction (i.e., employees of the issuer or the government, citizens of the issuer's home country)); and (iii) the securities will be offered to and purchased by unaffiliated persons on the same terms as other participants in the offerings. Moreover, applicants represent that the International Funds will not purchase securities in underwritten offerings in which the public offering price is set at a premium to the current market price.[4] Applicants believe that the foregoing limitations will further address the SEC's concern that securities purchased by the International Funds will be purchased at the public offering price and more or less in the ordinary course of business.

7. Applicants represent that they will comply with the firm commitment underwriting requirement of paragraph (a)(3) of rule 10f–3. Accordingly, the types of underwritings in which the International Funds will be permitted to invest will be firm commitment underwritings and certain other types of underwriting arrangements specific to a particular Country, the practical realities of which effectively satisfy the firm commitment underwriting requirement.

8. The typical underwriting arrangements involved in securities underwritings in India, Indonesia, Mexico, South Africa, and Taiwan, as well as all underwriting commitments in Japan other than bookbuilding with soft underwriting, are firm commitment. Underwriting arrangements in Brazil and Thailand may be either firm commitment or a variation of best efforts underwritings; however, applicants are seeking relief with respect to participation in underwritings in Brazil and Thailand only to the extent necessary to purchase securities that are the subject of firm commitment underwritings.

9. The public offerings in Australia, France, Ireland and the Philippines, as well as certain public offerings in Japan, are underwritten using ''bookbuilding with soft underwriting'' or ''standby firm commitment underwriting,'' which is a form of underwriting in which the underwriter makes a firm commitment to purchase or procure purchasers for any portion of the offered securities that remains unsold to the public after a stated subscription period. Applicants believe that the practical realities of bookbuilding with soft underwriting as conducted in the securities markets of Australia, France, Ireland, the Philippines, and Japan effectively satisfy the firm commitment underwriting requirement of paragraph (a)(3) of rule 10f–3 since the primary underwriters are contractually committed, on a firm basis, to purchase all the securities being offered, and this obligation is reduced only to the extent that the securities which the primary underwriters are required to purchase pursuant to the underwriting agreement are actually sold to others.

10. In Sweden, there is no mechanism by which underwriters bind themselves to purchase all of the securities offered as in a firm commitment underwriting in the United States. In practice, however, underwritings in Sweden are not undertaken unless all of the offered securities are placed. Typically, offerings of securities of companies

[3] T. Rowe Price, rather than by Price-Fleming, advises certain funds in the T. Rowe Price group of funds (the ''Domestic Funds''). T. Rowe Price is an affiliated person of Price-Fleming and, in turn, is or may be deemed to be an affiliated person of an affiliated person of each of the Affiliated Syndicate entities (a ''second-tier affiliate''). Accordingly, purchases of securities by the Domestic Funds during the existence of an underwriting syndicate in which one or more of the Affiliated Syndicate entities serves as principal underwriter are not prohibited by section 10(f), and, therefore, relief is not requested herein in connection with such transactions.

[4] As noted above, securities in foreign underwritings may be offered at a discount to certain specified groups within a particular locality or jurisdiction. The International Funds typically would not be eligible to purchase securities at the discounted price. As a result, the Funds would purchase securities in the offering at a separate fixed public offering price which is higher than the discounted price but which does not constitute a premium.

based in Sweden are oversubscribed. Applicants state that with respect to oversold offerings, a reasonable inference may be drawn that the underwriter is unlikely to have any improper incentive to cause an affiliated company to purchase the securities that are the subject of such offerings.[5] Applicants submit that the practical realities of oversold offerings in Sweden effectively satisfy the firm commitment requirement of paragraph (a)(3) of rule 10f–3.

11. Applicants represent that the board of each International Fund will adopt internal procedures which are reasonably designed to provide that the conditions of the requested order are complied with with respect to the purchase of securities subject to section 10(f). In addition, the boards will determine, at least quarterly, that all purchases made during the preceding quarter were made in compliance with such procedures and will approve such changes to the procedures as such boards deem necessary.

12. Applicants believe that the representations and conditions of the requested order are at least as protective of the interests of investors in the International Funds as are the provisions of paragraph (a)(1) of Rule 10f–3 which require Securities Act registration. Furthermore, applicants believe that the representations and conditions will act to ensure that purchases of foreign securities by the International Funds through the Affiliated Syndicate are made in a manner consistent with the underlying policies of section 10(f) and rule 10f–3.

Applicants' Conditions

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

1. Applicants will comply with rule 10f–3, except for paragraph (a)(1).

2. All foreign securities purchased under circumstances otherwise subject to section 10(f) will be purchased in public offerings conducted in accordance with the applicable laws of the relevant Country and with the rules and regulations of the stock exchanges and regulated unlisted market(s), if any, in such Country, as applicable.

3. All foreign securities purchased under circumstances otherwise subject to section 10(f) will be either (i) admitted for trading on one or more of the official stock exchange(s) or regulated unlisted market(s) in the relevant Country, or (ii) approved for admission to one or more of the relevant Country's official exchange(s) or regulated unlisted market(s) but not yet admitted or listed.

4. All subject foreign issuers will make available to prospective purchasers financial statements, audited in accordance with the accounting standards of the relevant Country, for at least the two years prior to purchase.

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

Jonathan G. Katz,

Secretary.

[FR Doc. 96–17502 Filed 7–9–96; 8:45 am]

BILLING CODE 8010–01–M

[5] *See Investment Company Acquisition of Securities Underwritten by an Affiliate of that Company*, Investment Company Act Release No. 14924 (Jan. 29, 1986).

[Release No. 34–37398; File No. SR–Phlx–96–19]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., To Establish a Firm Facilitation Exemption

July 2, 1996.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 3, 1996, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx is proposing to adopt a firm facilitation exemption from position and exercise limits applicable to both index and equity options for up to two times above the existing limits.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx is proposing to establish a firm facilitation exemption[3] for all non-multiply-listed Exchange options by adding new Commentary .08 to Exchange Rule 1001 and new Commentary .02 to Exchange Rule 1001A.[4] The exemption would be available to equity and index options, including customized options.[5]

Under the proposal, the procedures in Exchange Rule 1064(b) for crossing a customer order with a firm facilitation order must be followed. Moreover, only after all market participants in the trading crowd have been given a reasonable opportunity to accept the terms, may the representing Floor Broker cross all or any remaining part of such order in accordance with the rule. According to the Phlx, the purpose of this procedure is to ensure that the trading crowd cannot first facilitate the order before resorting to a position limit exemption for the facilitating firm. Thus, only after it is determined that the trading crowd will not fill the order may the firm's customer order be crossed with the firm's facilitation order pursuant to the exemption.

The Phlx notes that the firm facilitation provision will be in addition to and separate from the standard limit, as well as other exemptions available under Exchange position limit rules. For example, if a member organization decides to facilitate customer orders in ABC options, which is assumed not to be multiply-listed and also assumed to have a 10,500 contract standard position limit, the member organization may qualify for a firm facilitation exemption of up to twice that limit (21,000 contracts), as well as an equity hedge

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that a facilitation trade is defined as a transaction that involves crossing an order of a member firm's public customer with an order for the member firm's proprietary account.

[4] The Exchange notes that its rule filing is similar to proposals which the Commission has recently approved for other options exchanges. *See* Securities Exchange Act Release Nos. 36964 (March 13, 1996), 61 FR 11453 (March 20, 1996) (File No. SR–CBOE–95–68); 37178 (May 8, 1996), 61 FR 24523 (May 15, 1996) (File No. SR–PSE–96–10); 37179 (May 8, 1996), 61 FR 24520 (May 15, 1996) (File No. SR–Amex–96–11).

[5] *See* Securities Exchange Act Release No. 37048 (March 29, 1996), 61 FR 15549 (April 8, 1996) (File No. SR–Phlx–96–08).

exemption of up to twice the standard limit (21,000 contracts), in addition to the 10,500 contract standard limit. If both exemptions are allowed, the facilitation firm may hold or control a combined position of up to 52,500 ABC contracts on the same-side of the market.[6]

The Phlx notes, however, that the firm facilitation exemption would not presently extend to all options listed on the Exchange. Rather, until coordinated intermarket procedures are developed, the firm facilitation exemption will be extended only to non-multiply-listed options.

Under the proposal, the facilitation exemption requires prior approval from two Floor Officials and submission of a Firm Facilitation Form.[7] Although approval may be granted on the basis of verbal representations, the facilitation firm is required to furnish to the Market Surveillance Department, within two business days or such other time period designated by the Exchange,[8] appropriate forms substantiating the basis for the exemption.

The Exchange notes, however, that the facilitation firm need not have the customer order in hand when requesting the exemption, as long as the exemption is properly used to facilitate a customer order pursuant to the rule. Because the provision states the position ''will facilitate'' a customer order, a firm approaching the limit may request an exemption prior to receiving an order, in response to customer interest.

Within five business days after the execution of a facilitation exemption order, a facilitation firm must hedge all exempt option positions that have not previously been liquidated, and furnish to the Market Surveillance Department documentation reflecting the resulting hedged positions. In meeting this requirement, and to ensure fair and orderly markets, the facilitation firm must establish and liquidate its own as well as its customer's option and stock positions (or their equivalent) in an orderly fashion, and not in a manner calculated to cause unreasonable price fluctuations or unwarranted price changes.

In addition, a facilitation firm is not permitted to use the facilitation exemption with a view toward taking advantage of any differential in the price between a group of securities and an overlying stock index option. According to the Phlx, this prohibition against index arbitrage should prevent undue market impact on the options or any underlying stock positions by preventing the increased positions from being used in a leveraged manner. Moreover, to facilitate surveillance and to ensure an accurate audit trail, the facilitation firm is required to promptly provide to the Exchange any information or documents requested concerning the exempted and hedged positions, to furnish copies of the relevant order tickets to the market Surveillance Department on the day of execution, and to notify the Exchange of any material change in the exempted option position or the hedge.

The Exchange is also proposing several minor changes to its rules. First, the introductory paragraph to Exchange Rule 1001 is to be amended to list the 20,000 and 25,000 contract position limit tiers, which were inadvertently omitted when Commentary .05(a) was amended to adopt these limits.[9] Second, Exchange Rule 1064(b) is to be amended to eliminate the incorrect limitation to ''equity'' options, as this provision applies to index options as well. Third, the equity option hedge exemption contained in Commentary .07 to Exchange Rule 1001 is to be amended to state that the exemption is available up to ''two times above'' existing limits, as opposed to ''three times'' the limits, as currently stated. The maximum size of the exemption is not being changed, just rephrased in terms of the excess number of contracts above the applicable position limit. In this manner, the provision will be consistent with the index option hedge exemption of the Phlx as well as other exchanges.[10] Fourth, the equity option hedge exemption is to be amended to state that it is separate from any other exemption available under Exchange rules.

2. Statutory Basis

For these reasons, the Phlx believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and with Section 6(b)(5) in particular,[11] in that it is designed to facilitate transactions in securities, to protect investors and the public interest, and will accommodate the needs of investors and other market participants without substantially increasing concerns regarding manipulation and other trading abuses.

B. Self-Regulatory Organization's Statement on Burden on Competition

The self-regulatory organization does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[6] In addition, exercise limits will continue to correspond to position limits, such that investors may exercise the number of contracts set forth as the position limit as well as those contracts exempted by this proposal, during five consecutive business days. *See* Exchange Rules 1002 and 1002A.

[7] According to the Phlx, the purpose of the Firm Facilitation Form is to detail the terms of the customer order and the resulting facilitation, as well as to ensure compliance with the exemption. In addition, pursuant to the existing requirements of Exchange Rule 1064(b), facilitation orders must be marked with an ''F'' prior to executing facilitating trades. Lastly, Firm Facilitation Forms will be made available at the Exchange's Surveillance Post.

[8] Telephone Conversation between Edith Hallahan, Special Counsel, Regulatory Services, Phlx, and Matthew S. Morris, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on June 19, 1996.

[9] *See* Securities Exchange Act Release No. 36409 (October 23, 1995), 60 FR 55399 (October 31, 1995) (File No. SR–Phlx–95–71).

[10] *See* Phlx Rule 1001A, Commentary .01. *See also* CBOE Rule 4.11, Interpretations and Policies .04(b).

[11] 15 U.S.C. 78f(b)(5) (1988).

available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–96–19 and should be submitted by July 29, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jonathan G. Katz,

Secretary.

[FR Doc. 96–17501 Filed 7–9–96; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before September 9, 1996.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W. Suite 5000, Washington, D.C. 20416. Phone Number: 202–205–6629.

SUPPLEMENTARY INFORMATION:

Title: ''Disaster Business Loan Application''.

Type of Request: Extension of a Currently Approved Collection.

Description of Respondents: Small Business.

Annual Responses: 10,500.

Annual Burden: 31,500.

Comments: Send all comments regarding this information collection to Bridget Dusenbury, Disaster Resource Specialist, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, S.W. Suite 6050 Washington, D.C. 20416. Phone No.: 202–205–6734.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 96–17518 Filed 7–9–96; 8:45 am]

BILLING CODE 8025–01–M

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

DATES: Interested persons are invited to submit comments on or before August 4, 1996.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to the Office of Management and Budget, New Executive Office Building, Room 10202, Attention DOT/FAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC–100; Federal Aviation Administration; 800 Independence Avenue, S.W.; Washington, DC 20591; Telephone number (202) 267–9895.

SUPPLEMENTARY INFORMATION: Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1995, requires that agencies prepare a notice for publication in the Federal Register, listing information collection requests submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 8, 1996 [FR 61, page 15557].

Title: Indirect Air Carrier Security, FAR 14 Part 109

OMB Control Number: 2120–0505

Abstract: FAR 14 Part 109 sets forth procedures to be used by indirect air carriers in carrying out their responsibilities involving the protection of persons and property against acts of criminal violence, aircraft piracy, and terrorist activities in the forwarding of package cargo by passenger aircraft.

Need: FAR 109 prescribes aviation security rules governing each person (including freight forwarder and any cooperatives shippers' association) engaged, or who intends to be engaged indirectly in the air transportation of package cargo that is intended for carriage aboard a passenger-carrying air carrier aircraft inside the United States.

Respondents: The respondents are an estimated 2,500 indirect air carriers.

Frequency: On occasion.

Burden: Total annual burden hours requested: 641.

Issued in Washington, DC on July 3, 1996.

Phillip A. Leach,

Information Clearance Officer, United States Department of Transportation.

[FR Doc. 96–17569 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–P

RTCA, Inc., Special Committee 184; Minimum Performance and Installation Standards for Runway Guard Lights

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix 2), notice is hereby given that the Special Committee 184 meeting, announced at 61 FR 32473 (June 24, 1996), has been changed from July 10 to July 30, 1996. The meeting, starting at 9:30 a.m., will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will be as follows: (1) Administrative Announcements; (2) Chairman's Introductory Remarks; (3) Review and Approval of Meeting Agenda; (4) Review and Approval of Minutes of the Previous Meeting; (5) Review Comments Received from Proposed Final Draft; (6) Complete Editorial and Comment Cleanup on Proposed Final Draft; (7) Other Business; (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain

information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone) or (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

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

Janice L. Peters,

Designated Official.

[FR Doc. 96–17597 Filed 7–9–96; 8:45 am]

BILLING CODE 4810–13–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 June 1996, there were five 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: Savannah Airport Commission, Savannah, Georgia.

Application Number: 96–02–C–00–SAV.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in This Application: $1,439,445.

Estimated Charge Effective Date: December 1, 2015.

Estimated Charge Expiration Date: June 1, 2016.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators.

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 Savannah International Airport.

Brief Description of Projects Approved for Collection and Use: Helipad, Reconstruct runway 9/27 and Category II lights, North and south perimeter fences.

Brief Description of Withdrawn Project: Revise master plan.

Determination: The public agency withdrew this project by letter dated May 31, 1996.

Decision Date: June 4, 1996.

FOR FURTHER INFORMATION CONTACT: Catherine M. Nelmes, Atlanta Airports District Office, (404) 305–7148.

Public Agency: City of Eugene, Oregon.

Application Number: 96–02–U–00–EUG.

Application Type: Use PFC revenue.

PFC Level: $3.00.

PFC Revenue Approved for Use in This Application: $1,850,000.

Charge Effective Date: November 1, 1993.

Estimated Charge Expiration Date: December 1, 1998.

Class of Air Carriers Not Required To Collect PFC's: No change from previous approval.

Brief Description of Project Approved for Use: Land acquisition, phase I.

Date: June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Carolyn Read, Seattle Airports District Office, (206) 227–2661.

Public Agency: Port of Port Angeles, Port Angeles, Washington.

Application Number: 96–03–C–00–CLM.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in This Application: $83,058.

Estimated Charge Effective Date: September 1, 1996.

Estimated Charge Expiration Date: June 1, 1998.

Class of Air Carriers Not Required to Collect PFC's: Air taxis.

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 William B. Fairchild International Airport.

Brief Description of Projects Approved for Collection and Use: Rehabilitation of the east end of runway 8/26, Index A aircraft rescue and firefighting (ARFF) truck.

Brief Description of Disapproved Project: Airport access road.

Determination: Disapproved. The public agency received authorization from the FAA to impose a PFC for use on the design and construction of an airport access road in the public agency's first PFC application. In a letter dated November 9, 1994, the public agency withdrew the construction of the airport access road from the first PFC because the schedule for construction showed that the construction would not begin within the regulatory timeframe. In that letter, the public agency acknowledged that the FAA would consider the airport access road construction project for inclusion in another PFC decision until the project had been implemented. The schedule submitted with the public agency's 96–03–C–00–CLM application shows that the project has not been implemented, therefore, the FAA disapproved the project.

Decision Date: June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Vargas, Seattle Airports District Office, (206) 227–2660.

Public Agency: City of La Crosse, Wisconsin.

Application Number: 96–02–00–LSE.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Net PFC Revenue Approved in this Application: $605,000.

Estimated Charge Effective Date: July 1, 1997.

Estimated Charge Expiration Date: October 1, 1999.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Concurrent Authority To Impose and Use: ARFF vehicle replacement, PFC administrative costs.

Brief Description of Withdrawn Project: Runway 13/31 safety improvements.

Determination: The public agency withdrew this project by letter dated June 7, 1996.

Decision Date: June 25, 1996.

FOR FURTHER INFORMATION CONTACT: Sandra E. DePottey, Minneapolis Airports District Office, (612) 725–4366.

Public Agency: City of Chicago, Department of Aviation, Chicago, Illinois.

Application Number: 96–05–C–00–ORD.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Application: $386,444,323.

Estimated Charge Effective Date: July 1, 1999.

Estimated Charge Expiration Date: January 1, 2004.

Class of Air Carriers Not Required To Collect PFC's: Air taxi operators.

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 Chicago O'Hare International Airport.

Brief Description of Projects Approved for Use of PFC Revenue:

Taxiway 14L/32R rehabilitation, Terminal apron pavement rehabilitation—common,

Taxiway-north/south rehabilitation,
Airfield drainage improvements,
Taxiway-inner bridge rehabilitation,
Taxiway-9L/27R rehabilitation,
Taxiway-14R/32L rehabilitation,
Taxiway-4R/22L rehabilitation,
Taxiway-9R/27L rehabilitation,
Terminal #2 upgrade,
Terminal #3 upgrade,
Terminals #2 and #3 upper level and elevator extension,
Heating and refrigeration emergency turbine generators,
Heating and refrigeration domestic hot water converters replacement,
Heating and refrigeration water pressure study implement,
Roadway-Zemke/Coleman improvements.

Brief Description of Projects Approved for Collection and Use:

Elevated parking structure (EPS) basement corridors,
Public toilets rehabilitation,
Interior signage,
Terminal road signage,
Additional signage,
East-west baggage roadway,
Retaining wall replacement,
Safety and security system,
Terminal 2 security,
Guard Post 11 relocation,
Relocate road control system,
Cargo taxiway rehabilitation,
Airside access service road-north,
Guard Post #1 expansion,
Rehabilitation of ditchbridge,
Old Mannheim Road improvements,
Road signs-phase 4,
Terminal 5 roadway,
Airport transit system station,
Airfield emergency power-south vault,
Runway weather sensors,
Runway 14L/32R in-pavement light replacement,
Runway 14R/32L fillet,
Centerline lights for 27R high speed taxiway,
Hold pad runway 27L,
Runway 4R/22L rehabilitation,
Taxiway guidance signs,
Service water system,
Taxiway 3 security,
Terrazzo floor replacement,
Fire door delayed egress security,
EPS pedestrian corridors/escalator rehabilitation,
North-south pumping stations and tunnels,
Airfield emergency power-north vault,
In-pavement runway edge lights,
Terrazzo floor repair-Concourse E/F stem,
Radio trunking system,
Ground run-up enclosure,
High Temperature water system improvements,
Runway 14L/32R shoulder and edge lighting reconstruction,
Hangar area service road rehabilitation,
Acquisition of four tow trucks,
Upgrade airside perimeter guard posts,
Acquisition of miscellaneous equipment,
Acquisition of 100-foot tower ladder vehicle,
Residential insulation.

Brief Description of Projects Approved in Part for Collection and Use: Noise planning.

Determination: Approved in part. Three elements of this project are eligible under Airport Improvement Program (AIP) criteria, paragraph 401(f) of FAA Order 5100.38A, AIP Handbook, and are approved. The remaining three elements have been determined ineligible under AIP criteria and, therefore, are also PFC ineligible.

School soundproofing.

Determination: Approved in part. This project is eligible under specific PFC criteria, § 158.15(b)(5). However, the public agency has not submitted sufficient documentation to support eligibility for inclusion of the following three elementary schools in the school soundproofing program: Edison, Field, and Medinah. Therefore, these three schools are not PFC eligible at this time. Also, the following schools have been included in a 1996 AIP grant for school soundproofing: St. Paul Lutheran and St. John Vianney. Therefore, these two schools are not eligible for full PFC participation.

Brief Description of Disapproved Projects: Alert hangar demolition.

Determination: Disapproved. The public agency indicated, in their justification for this project, the demolition allowed the parcel to be used as a staging area for the runway 14L/32R project. FAA review of the runway 14L/32R project indicates other areas were available for use as a staging area and, therefore, demoliation of the alert hangar was not justified. Further, the public agency indicated in the ''Attachment B'' that the demolition project would preserve capacity of the national air transportation system. The FAA was unable to concur with this statement; therefore, the project does not meet the requirements of § 158.15(a).

Facilities information management system implementation.

Determination: Disapproved. This project is not considered AIP eligible under paragraph 500 of FAA Order 5100.38A, AIP Handbook, and, therefore, is not PFC eligible. The FAA considers this project to be a maintenance and management tool and, under paragraph 501 of FAA Order 5100.38A, maintenance projects are specifically AIP and PFC ineligible. Therefore, a project supporting maintenance functions is also considered ineligible.

Underground storage tank removal.

Determination: Disapproved. This project is not considered AIP eligible under Appendix 2, Item 1 of FAA Order 5100.38A, AIP Handbook, and, therefore, is not PFC eligible.

Brief Description of Withdrawn Project: O'Hare ALP update.

Determination: The public agency withdrew this project by letter dated June 26, 1996.

Decision Date: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Louis H. Yates, Chicago Airports District Office, (847) 294–7335.

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
92–01–I–01–RFD, Rockford, IL	05/06/96	$640,286	$1,168,936	10/01/96	10/01/96
93–02–U–01–RFD, Rockford, IL	05/06/96	.....	.....	10/01/96	10/01/96
93–01–C–02–DAB, Daytona Beach, FL	05/09/96	8,702,230	13,020,901	03/01/04	02/01/01

Issued in Washington, D.C. on July 2, 1996.

Donna P. Taylor,

Manager, Passenger Facility Charge Branch.

[FR Doc. 96–17587 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

[Docket No. RSAC–96–1, Notice No. 2]

Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Railroad Safety Advisory Committee (''RSAC'') Meeting.

SUMMARY: As required by Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and 41 CFR 101–6.1015(b), the Federal Railroad Administration (FRA) gives notice of a meeting of the Railroad Safety Advisory Committee (''RSAC''). The purpose of the meeting is threefold: (1) to task the RSAC with the revision of 49 CFR Part 230, Locomotive Inspection for Steam Powered Locomotives; (2) to receive progress reports from existing working groups; and (3) to engage in exploratory discussions regarding several issues that may be tasked to the RSAC in the future.

DATES: The meeting of the RSAC is scheduled to commence at 8:30 a.m. on Wednesday, July 24th and to conclude at 12:00 p.m. on Thursday, July 25th.

ADDRESSES: The meeting of the RSAC will be held at Loew's L'EnFant Plaza Hotel, S.W., Washington, D.C. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Sign language interpreters will be available for individuals with hearing impediments.

FOR FURTHER INFORMATION CONTACT: Vicky McCully, FRA, 400 7th Street, S.W. Washington, D.C. 20590, (202) 366–6569, Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 400 7th Street, S.W., Washington, D.C. 20590, (202)–366–0897, or Lisa Levine, Office of Chief Counsel, FRA, 400 7th Street, S.W., Washington, D.C. 20590, (202)–366–0621.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the Railroad Safety Advisory Committee (''RSAC''). The meeting is scheduled to begin at 8:30 a.m. on both Wednesday, July 24, 1996 and Thursday, July 25, 1996 and will be held at the Loew's L'EnFant Plaza Hotel, S.W., Washington D.C. All times noted are Eastern Standard Time.

RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. The Committee consists of 48 individual representatives, drawn from among 27 organizations representing various rail industry perspectives, and 2 associate non-voting representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico.

During this meeting, the RSAC will receive progress reports from all working groups currently operational, specifically those working groups concerned with—

- Revision of the power brake regulations applicable to freight service and related topics (see 49 CFR Parts 215, 229, 232);
- Revision of the Track Safety Standards (49 CFR Part 213);
- Revision of the Radio Standards and Procedures (49 CFR Part 220) and development of additional standards related to railroad communications; and
- Review of existing and proposed regulations to determine appropriate applicability to tourist and historic railroads and examination of FRA's policy with respect to exercise of jurisdiction over railroads off the general system of rail transportation.

The Committee will also consider a proposed task regarding examination and possible revision of existing steam locomotive inspection standards (see 49 CFR Part 230). In addition, the agency will engage in exploratory discussion with the RSAC regarding the following issues, which may be tasked to the RSAC in the future:

(1) Accident survivability standards for locomotive event recorder data (see 49 CFR § 229.135) (may be proposed for tasking at this meeting);

(2) Review of locomotive engineer certification standards (49 CFR Part 240); and

(3) Blue signal protection vis-a-vis single engineers working alone and contractors (49 CFR Part 218).

FRA will brief the RSAC regarding recent developments in the regulatory program, including plans for revision of the accident/incident reporting guide following amendments to 49 CFR Part 225 published on June 18, 1996 (61 FR 30940). Please refer to the notice published in the Federal Register on March 11, 1996 (61 F.R. 9740) for more information about the RSAC.

Philip Olekszyk,

Acting Associate Administrator for Safety.

[FR Doc. 96–17586 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–06–P

Maritime Administration

[Docket S–938]

Farrell Lines Incorporated; Notice of Application for Waiver of Section 804(a) of the Merchant Marine Act, 1936, As Amended

Farrell Lines Incorporated (Farrell), by application dated June 27, 1996, requests a waiver of the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended, so as to permit Farrell to charter and operate a foreign-flag vessel for a one-way U.S. east coast to Mediterranean voyage commencing in early August 1996 in place of the ARGONAUT, one of the vessels assigned regularly to that trade, which is being drydocked in the United States from August 7 to August 31, 1996.

Farrell agrees to carry on the foreign-flag voyage not more than the capacity (1,070 TEUs) of the ships it currently operates in the Mediterranean trade. The United States and foreign ports of call are: New York, Norfolk, Charleston, Cadiz, Livorno, Naples, Haifa, Alexandria, Izmir, and Piraeus.

Further, Farrell states that the substitute vessel is needed to: (1) Support its existing American-flag service and maintain its operating schedule integrity; (2) meet the service requirements of customers; (3) attract cargo which would otherwise move on foreign-flag vessels; and (4) generate revenues during the absence of the ARGONAUT.

Farrell believes, as demonstrated above, there are special circumstances and good cause for it to use a foreign-flag vessel in support of its U.S.-flag service, and that there will be no detrimental effect on the operations of any other operator.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7210, 400 Seventh Street SW., Washington, D.C. 20590. Comments must be received no later than 5:00 p.m. on July 16, 1996. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies))

Dated: July 3, 1996.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 96–17517 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

[Docket No. 96–069; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1993 Ferrari 512 TR Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1993 Ferrari 512 TR passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1993 Ferrari 512 TR that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 9, 1996.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Champagne Imports, Inc. of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1993 Ferrari 512 TR passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1993 Ferrari 512 TR that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1993 Ferrari 512 TR to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1993 Ferrari 512 TR, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1993 Ferrari 512 TR is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* * * *, 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 112 *Headlamp Concealment Devices,* 113 *Hood Latch Systems,* 116 *Brake Fluid, 124 Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) inscription of the word ''Brake'' on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.- model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: replacement of the convex passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems*: rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection*: (a) installation of a U.S.-model seat belt at the driver's seating position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer; (c) installation of motorized seat belt assemblies at both front outboard seating positions. These

assemblies will be comprised of components with identical part numbers to those found on the U.S. certified 1993 Ferrari 512 TR. The petitioner states that knee bolsters were not installed on the U.S. certified 1993 Ferrari 512 TR and that the lower dash panels on that vehicle, which Ferrari designates as ''lower lateral inserts,'' are identical to those found on the non-U.S. certified version of the vehicle.

Standard No. 214 *Side Impact Protection*: installation of reinforcing door beams.

Standard No. 301 *Fuel System Integrity*: installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the non-U.S. certified 1993 Ferrari 512 TR must be reinforced to comply with the Bumper Standard found in 49 CFR Part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 3, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–17582 Filed 7–9–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board [1]

[STB Finance Docket No. 32966]

Northern Central Railway, Incorporated—Lease and Operation Exemption—County of York, PA

Northern Central Railway, Incorporated (Northern Central) and the County of York, PA (York), have filed a joint verified notice of exemption under 49 CFR 1150.31 for Northern Central, a noncarrier, to lease and operate approximately 18.5 miles of rail line owned by York [2] between milepost 35.67 at New Freedom, PA, and milepost 54.17 at Hyde Siding, PA (approximately 3 miles south of the city of York). The proposed transaction was to be consummated on or after June 26, 1996, the effective date of the exemption.

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 automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32966, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Francis G. McKenna, Anderson & Pendleton, 1700 K Street, N.W., Suite 1107, Washington, DC 20006.

Decided: July 2, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–17515 Filed 7–9–96; 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.

[2] York states that the trackage was acquired from the Commonwealth of Pennsylvania by agreement on March 28, 1990.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8823

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8823, Low-Income Housing Credit Agencies Report of Noncompliance.

DATES: Written comments should be received on or before September 9, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Low-Income Housing Credit Agencies Report of Noncompliance.

OMB Number: 1545–1204

Form Number: 8823

Abstract: Under Internal Revenue Code section 42(m)(1)(B)(iii), state housing credit agencies are required to notify the IRS of noncompliance with the low-income housing tax credit provisions. A separate form must be filed for each building that is not in compliance. The IRS uses this information to determine whether the low-income housing credit is being correctly claimed and whether there is any credit recapture.

Current Actions: The format of Form 8823 is being redesigned so that it can be processed using an optical scanner. Checkboxes are being added in item 4 for the filer to indicate whether the taxpayer identification number entered is an employer identification number (EIN) or a social security number (SSN). Both numbers have 9 digits and sometimes the hyphen(s) are not entered correctly. Four new entries are being added to new item 6 showing information about the buildng. Item 7, which asked for a description of noncompliance, is being replaced by new item 9 which contains checkboxes for the 10 most common reasons for noncompliance and checkboxes for those issues that have been corrected. New item 10 is a checkbox to indicate if additional information about noncompliance is attached.

Type of Review: Revision of a currently approved collection.

Affected Public: State or local government housing credit agencies.

Estimated Number of Respondents: 56.

Estimated Time Per Respondent: 1,271 hrs. 26 min.

Estimated Total Annual Burden Hours: 71,200.

Request for comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 25, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–17573 Filed 7–9–96; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 61, No. 133

Wednesday, July 10, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[EPA #530-Z-96-002; FRL-5438-3]

RIN 2050-AD38

Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners

Correction

In rule document 96–7597 beginning on page 15566 in the issue of Monday, April 8, 1996 make the following corrections:

§268.40 [Corrected]

1. Beginning on page 15601, in the table Treatment Standards for Hazardous Wastes, the following entries are reprinted to correct typographical errors.

* * * * *

TREATMENT STANDARDS FOR HAZARDOUS WASTES

(Note: NA means not applicable.)

Waste code	Waste description and treatment/regulatory subcategory[1]	Regulated hazardous constituent		Wastewaters	Nonwastewaters
		Common name	CAS[2] No.	Concentration in mg/l[3]; or technology code[4]	Concentration in mg/kg[5] unless noted as "mg/l TCLP"; or technology code
F001, F002, F003, F004, & F005	F001, F002, F003, F004, and/or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluorethane, trichloroethylene, trichloromonofluoromethane, and/or xylenes [except as specifically noted in other subcategories]. See further details of these listings in § 261.31.	Acetone	67–64–1	0.28	160
F007	Spent cyanide plating bath solutions from electroplating operations.	Cadmium	7440–43–9	0.69	0.19 mg/l TCLP
F025	Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution F025 - Light Ends Subcategory.	Carbon tetrachloride	56–23–5	0.057	6.0
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart D of this part. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.).	Acenaphthylene	208–96–8	0.059	3.4
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene.	207–08–9	0.11	6.8
		1,2-Dibromo-3-chloropropane	96–12–8	0.11	15
		o,p′-DDD	53–19–0	0.023	0.087
		N-Nitrosopyrrolidine	930–55–2	0.013	35
		1,1,2,2-Tetrachloroethane	79–34–6	0.057	6.0
K015	Still bottoms from the distillation of benzyl chloride.	Anthracene	120–12–7	0.059	3.4
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production..	bis(2-Chloroethyl)ether	111–44–4	0.033	6.0
		Chloroform	67–66–3	0.046	6.0
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	Benzene	71–43–2	0.14	10
		Benz(a)anthracene	56–55–3	0.059	3.4
P007	5-Aminomethyl 3-isoxazolol	5-Aminomethyl 3-isoxazolol	2763–96–4	(WETOX or CHOXD) fb CARBN; or CBMST	CMBST
P010	Arsenic acid	Arsenic	7440–38–2	1.4	5.0 mg/l TCLP
P011	Arsenic pentoxide	Arsenic	7440–38–2	1.4	5.0 mg/l TCLP
P012	Arsenic trioxide	Arsenic	7440–38–2	1.4	5.0 mg/l TCLP
P038	Diethylarine	Arsenic	7440–38–2	1.4	5.0 mg/l TCLP
P074	Nickel-cyanide	Cyanides (Total)[7]	57–12–5	1.2	590

		Cyanides (Amenable[7]	57–12–5	0.86	30
P087	Osmium tetroxide	Osmium tetroxide	20816–12–0	RMETL; or RTHRM	RMETL; or RTHRM
P099		Cyanides (Amenable)[7]	57–12–5	0.86	30
		Silver	7440–22–4	.043	0.30 mg/l TCLP
U099	1,2-Dimethylhydrazine	1,2-Dimethylhydrazine	540–73–8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U107	Di-n-octyl phthalate	Di-n-octyl phthalate	117–84–0	0.017	28
U172	N-Nitrosodi-n-butylamine	N-Nitrosodi-n-butylamine	924–16–3	0.40	17
U173	N-Nitrosodiethanolamine	N-Nitrosodiethylamine	1116–54–7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174	N-Nitrosodiethylamine	N-Nitrosodiethanolamine	55–18–5	0.40	28

BILLING CODE 1505–01–D

federal register

Wednesday
July 10, 1996

Part II

Department of Health and Human Services

Administration for Children and Families

Adoption Opportunities Program: Availability of Financial Assistance and Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF/CB/AO–96–1]

Adoption Opportunities Program; Announcement of Availability of Financial Assistance and Request for Applications

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

ACTION: Announcement of the Availability of Financial Assistance and Request for Applications to Conduct Demonstration Projects Funded Under the Adoption Opportunities Program in the Children's Bureau, Administration on Children, Youth and Families.

SUMMARY: The Children's Bureau (CB) within the Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) announces the availability of fiscal year (FY) 1996 funds from the Adoption Opportunities Program for demonstration grants to State child welfare agencies, public or private nonprofit child welfare and adoption agencies, organizations and adoptive parents' groups for projects aimed at: (a) Increasing the placements in adoptive families of children, especially minority children, who are in foster care and have the goal of adoption; (b) fostering model collaboration for the adoption of children with developmental disabilities; (c) increasing practice options to secure permanency for children; (d) developing resource materials assisting transcultural and transracial adoptions; and (e) allowing leaders in the adoption field to propose innovative endeavors.

This announcement contains forms and instructions for submitting an application.

PAPERWORK REDUCTION ACT OF 1995: Under the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record keeping requirements or program announcements. This program announcement meets all information collection requirements approved for ACF grant applications under OMB Control Number 0970–0139.

SUPPLEMENTARY INFORMATION: This program announcement consists of three parts. Part I provides information on the Children's Bureau and general information on the application procedures. Part II describes the review process, additional requirements for the grant applications, the criteria for the review and evaluation of applications, and the programmatic priorities for which applications are being solicited. Part III provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow Part III. Please copy as single-sided forms and use in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

Part I—General Information

A. Background

The Administration on Children, Youth and Families (ACYF) administers national programs for children and youth, works with States and local communities to develop services which support and strengthen family life, seeks out joint ventures with the private sector to enhance the lives of children and their families, and provides information and other assistance to parents.

The concerns of ACYF extend to all children from birth through adolescence. Many of the programs administered by the agency focus on children from low-income families; children and youth in need of foster care, adoption or other child welfare services; preschool children; children with disabilities; abused and neglected children; runaway and homeless youth; and children from American Indian and migrant families.

Within ACYF, the Children's Bureau plans, manages, coordinates and supports child welfare services programs. It administers the Foster Care and Adoption Assistance Program, the Child Welfare Services State Grants Program, the Child Welfare Services Research, Demonstration and Training Programs, the Independent Living Initiatives Program, the Adoption Opportunities Program, the Temporary Child Care for Children With Disabilities and Crisis Nurseries Program, the Abandoned Infants Assistance Program, and the Family Preservation and Support Services Program.

The federal statutory, regulatory, policy and program framework for adoption has emphasized overcoming numerous complexities in order to facilitate the completion of adoptions, creating financial incentives for the adoption of certain children for whom it would be difficult to secure an adoptive placement, requiring each State to establish a pool of adoptive families reflecting the ethnic and racial diversity of children for whom adoptive homes are needed, and promoting a vision of and guidance for permanence by forging a National Adoption Strategic Plan and stimulating communication and collaboration among foster care, adoption and court professionals.

The Adoption Opportunities Program, originally enacted in title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, and most recently amended by the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992, Public Law 102–295, works to eliminate barriers to adoption and provide permanent homes for children who would benefit from adoption. The Adoption Opportunities Program facilitates the elimination of barriers to adoption by: (1) promoting adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; (2) promoting quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of the children in need of adoption; and (3) demonstrating expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan. This discretionary program awards grants and contracts to public and private non-profit agencies.

The passage of the Adoption Assistance and Child Welfare Act of 1980, Public Law 96–272, resulted in the establishment of the title IV–E adoption assistance program. This entitlement provides funds to States to assist in paying costs associated with the adoption of children who are AFDC or SSI eligible and have special needs, such as being older or disabled. The adoption assistance program encourages and supports permanence for children with special needs in adoptive homes, thereby preventing their inappropriate and excessive stays in foster care.

Another major legislative initiative in the area of adoptions, the Multiethnic Placement Act (MEPA), was passed in 1994. The purposes of MEPA are to decrease the length of time that children wait to be adopted; to prevent discrimination in the placement of children on the basis of race, color, or

national origin; and to increase the identification and recruitment of foster and adoptive parents who can meet the children's needs. MEPA does three things:

- prohibits an agency or entity that receives Federal financial assistance and is involved in adoption or foster care placements from delaying or denying the placement of a child based solely on the race, color or national origin of the foster or adoptive parent or the child involved;
- allows for the consideration of race, color, or national origin, along with other factors, in making a placement decision only when a child placement agency has made a narrowly tailored, individualized determination that the consideration of such factors is in the best interests of a particular child; and
- requires that agencies engage in diligent recruitment efforts to develop a pool of foster and adoptive families who reflect the racial, ethnic or national origin of the children in care, and/or who can meet the needs of the children.

In response to MEPA, States have been required to devise comprehensive recruitment plans and to enlist potential foster and adoptive families who reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. These recruitment plans must be included in each State's title IV–B child and family services plan.

The Children's Bureau has provided policy and program guidance to the adoption field by fostering the development of the National Adoption Strategic Plan in December 1995, based on recommendations from the Adoption Program Network. The Strategic Plan specifies goals and objectives and defines measures of success. It identifies what should be accomplished, while affording States the flexibility to determine how to accomplish the goals and objectives. The Children's Bureau has also sanctioned collaboration among child welfare professionals by convening a Permanency Partnership Forum in March 1996 which brought together State adoption, foster care, and court professionals from around the country to share and gain knowledge and ideas on a variety of key cross-cutting issues that impact on permanence for children.

This FY 1996 Adoption Opportunities Program Announcement maintains the emphasis on permanence and collaboration and encourages demonstration and innovation efforts which target various groups of children and specific types of activities.

B. Statutory Authority Covering This Announcement Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, as amended

Availability and Allocation of Funds

The Administration for Children, Youth and Families proposes to award appropriately 15 new grants in fiscal year 1996 in varying amounts. The total combined funding for the Priority Areas 1.01, 1.02, 1.03, 1.04, 1.05 and 1.06 for fiscal year 1996 competitive grants is approximately $2.1 million.

Part II. The Review Process and Priority Areas

A. Eligible Applicants

Each priority area description contains information about the types of agencies and organizations which are eligible to apply under that priority area. Because eligibility varies depending on statutory provisions, it is critical that the ''Eligible Applicants'' section of each priority area be reviewed carefully.

Before review, each application will be screened for applicant organization eligibility as specified under the selected priority area. Applicants from ineligible organizations will not be considered or reviewed in the competition, and the applicants will be so informed.

Only agencies and organizations, not individuals, are eligible to apply under this Announcement. All applications developed jointly by more than one agency or organization, must identify only one lead organization and official applicant. Participating agencies and organizations can be included as co-participants, subgrantees or subcontractors. For-profit organizations are eligible to participate as subgrantees or subcontractors with eligible non-profit organizations under all priority areas.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

B. Review Process and Funding Decisions

The closing time and date for the receipt of the applications is 4:30 p.m. (Eastern Time Zone) on August 26, 1996. Applications received after 4:30 p.m. will be classified as late. Timely applications received by the deadline date which are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons outside the Federal government, will use the appropriate evaluation criteria listed later in this section to review and score the applications. The results of this review are a primary factor in making funding decisions.

The ACYF reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is in the best interest of the Federal government or the applicants. ACYF may also solicit comments from ACF Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with those of the expert reviewers, will be considered by ACYF in making funding decisions.

In making decisions on awards, ACYF may give preference to applications which focus on or feature: overrepresented populations; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations that administer or deliver human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ACYF may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Criteria

A panel of reviewers (primarily experts from outside the Federal

government) will review the applications. To facilitate this review, applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement.

The reviewers will determine the strengths and weaknesses of each application using the evaluation criteria listed below, provide comments and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight.

All applications will be evaluated against the following criteria.

(1) Objective and Need for Assistance (20 points). The extent to which the application pinpoints any relevant physical, economic, social, financial, institutional or other problems requiring a solution; demonstrates the need for the assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant; and includes and/or footnotes relevant data based on the results of planning studies. The application must identify the precise location of the project and area to be served by the proposed project. Maps and other graphic aids may be attached.

(2) Approach (35 points). The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved. The Approach section should include a listing of the activities to be carried out in chronological order, showing a reasonable schedule of accomplishments and target dates.

The extent to which, when appropriate, the application identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results and successes of the project. The extent to which the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project, along with a description of the activities and nature of their effort or contribution.

(3) Results or Benefits Expected (20 points). The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, and the extent to which the application indicates the anticipated contributions to policy, practice, theory and/or research. The extent to which the proposed project costs are reasonable in view of the expected results.

(4) Staff Background and Organization Experience (25 points). The application identifies the background of the project director/principal investigator and key project staff (including name, address, training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer the project. The application describes the relationships between the proposed project and other work planned, anticipated or underway by the applicant with Federal assistance.

D. Structure of Priority Area Descriptions

Each priority area description is composed of the following sections:

Eligible Applicants: This section specifies the type of organization eligible to apply under the particular priority area. Specific restrictions are also noted, where applicable.

Purpose: This section presents the basic focus and/or broad goal(s) of the priority area.

Background Information: This section briefly discusses the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACYF and/or others, and State models are noted, where applicable.

Minimum Requirements for Project Design: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important, since they will be used by the reviewers in evaluating the applications against the evaluation criteria. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.

Project Duration: This section specifies the maximum allowable length of time for the project period and refers to the amount of time for which Federal funding is available.

Federal Share of Project Cost: This section specifies the maximum amount of Federal support for the project for the first budget period.

Matching Requirement: This section specifies the minimum non-Federal contribution, either through cash or in-kind match, required in relation to the maximum Federal funds requested for the project. Grantees must provide at least 10 percent of the total cost of the project. The total cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet the match requirements through cash contributions. Therefore, a project requesting $150,000 in Federal funds (based on an award of $150,000 per budget period) must include a match of at least $16,667 (10 percent of total project cost).

Anticipated Number of Projects To Be Funded: This section specifies the number of projects that ACYF anticipates it will fund under the priority area.

Please note that applications that do not comply with the specific priority area requirements in the section on ''Eligible Applicants'' will not be reviewed. Applicants should also note that non-responsiveness to the section ''Minimum Requirements for the Project Design'' will result in a low evaluation score by the reviewers. Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description scores lower than one more clearly focused on, and directly responsive to, that specific priority area.

E. Available Funds

The ACYF intends to award new grants resulting from this announcement during the fourth quarter of fiscal year 1996, subject to the availability of funds.

Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term ''budget period'' refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary

and funding purposes. The term ''project period'' refers to the total time a project is approved for support, including any extensions.

Where appropriate, applicants may propose project periods which are shorter than the maximums specified in the various priority areas. Non-Federal share contributions may exceed the minimums specified in the various priority areas when the applicant is able to do so. However, if the proposed match exceeds the minimum requirement, the grantee must maintain its proposed level of match support throughout the entire project period unless a waiver is approved to reduce it. Applicants should propose only that non-Federal share they can realistically provide, since any unmatched Federal funds will be disallowed by ACF.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon satisfactory performance by the grantee, availability of funds from future appropriations and a determination that continued funding is in the best interest of the Government.

F. Grantee Share of Project Costs

Grantees must provide at least 10 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $150,000 in Federal funds (based on an award of $150,000 per budget period) must include a match of at least $16,667 (10 percent of the total project cost). If approved for funding, the grantee will be held accountable for commitments of non-Federal resources, and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

G. Priority Areas Included in This Announcement

1.01 Achieving Increased Adoptive Placement of Children in Foster Care
1.02 Innovations Increasing Adoptive Placements of Minority Children
1.03 Strategic Collaboration for Completing and Sustaining Adoptions of Children with Developmental Disabilities
1.04 Expanding Options for Permanency
1.05 Developing Resource Materials to Assess and Prepare Foster and Adoptive Parents to meet the Needs of Children of a Different Race, Color, or National Origin
1.06 Operation of a National Adoption Information Exchange System

H. Priority Area Descriptions and Requirements

1.01 Achieving Increased Adoptive Placement of Children in Foster Care

Eligible Applicants: Eligibility is limited to State social service agencies.

Purpose: To develop demonstration projects to increase the placement of children, who are in foster care and are legally free for adoption, with adoptive families.

Background Information: Children in foster care who are free for adoption, especially young people with special needs, often have difficulty attaining permanence through placement with an adoptive family. There are multiple reasons for this. Increasingly, children entering foster care have more complex problems which require more intensive services. Permanent families must be continuously recruited and prepared to parent the growing population of children who cannot return to their birth families. Supportive services must be added or improved so that the children in foster care who are legally free for adoption can move into an adoptive placement in a timely manner. This requires collaborative efforts with the court system to terminate parental rights. In addition, agencies must commit resources for the ongoing support of adoptive families from recruitment through the post-legal phase.

The Adoption Opportunities Program has provided demonstration grants to States to improve adoption services for the placement of children with special needs who are legally free for adoption. States have received awards to make systemic changes in their adoption programs in areas such as: acquiring computer hardware, software and membership in the National Adoption Exchange's Network; developing a consortium of nine States with large numbers of children in care in order to share knowledge to improve and enhance their special needs adoption programs; and forming a seven State national consortium on post-legal adoption services to develop and share model programs and promising practices of post legal adoption services for the adoption community.

These projects have demonstrated that improvements in placing children with adoptive families are achieved when permanent plans are made and carried out very early in the placement; when there are sufficiently trained and experienced staff; and when there are available resources and administrative commitments to adoption and to coordinated community-based efforts.

Even though more than half of the States have received grants to improve adoption services, only a small number have been able to sustain these efforts because of limited funds, staffing problems, and because adoption services are often not viewed as a priority.

This priority area is designed to provide incentives for States to craft innovative initiatives to secure and sustain permanence for children who are free for adoption.

Minimum Requirements for Project Design: In order to successfully compete under this priority area, the applicant should:

Identify and verify the number of children in foster care to be served by the project who are legally free and waiting for adoptive placement.

Provide and verify the proportion of placement of children in foster care placed in adoption in the year preceding the application (the proportion of placement is the number of children placed divided by the number of children waiting for adoption).

Describe the measurable improvements to be achieved during the period of the grant and the methods to be employed to increase the proportion of placement of legally-free children in foster care with adoptive families. Improvements should be specified as goals and objectives which are measurable and represent an increase over previous years.

Describe how the proposed improvements, if successful, would be continued beyond the period of Federal support under this grant as part of the agency's ongoing program and describe the specific steps which would be taken to accomplish this.

Propose and describe an evaluation plan which will focus on the innovations used to improve the placement of children who are legally free for adoption and which is capable of identifying the successes and failures of the initiative.

The evaluation plan should include the collection and analysis of data to determine placement rates and the types of clients served (e.g., waiting children, prospective adoptive families). Statistics should be collected to determine the availability of adoptive families during the program period. The evaluation should also include descriptive information on the processes and procedures used in implementing the project.

Discuss plans for disseminating information on the strategies utilized and the outcomes achieved. Identify audiences who will benefit from receiving the information and specify

mechanisms and forums which will be used to convey the information and support replication by other interested agencies.

Provide assurances that at least one key person from the project will attend an annual 3 to 5 day Child Welfare Conference in the Washington, D.C. metropolitan area hosted by the Children's Bureau. The Conference brings together child welfare professionals, including Adoption Opportunities and other Children's Bureau discretionary program grantees, to exchange information and address current child welfare issues.

Project Duration: The length of the project must not exceed 12 months.

Federal Share of Project Costs: The maximum Federal share of the project is not to exceed $100,000 per 12-month budget period.

Matching or Cost Sharing Requirement: Grantees must provide at least 10 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Therefore, a project requesting $100,000 in Federal funds (based upon an award of $100,000 per budget period) must include a match of at least $11,111 (10 percent of the total project cost). The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions.

Anticipated Number of Projects to be Funded: It is anticipated that two projects will be funded.

CFDA: 93.652 Adoption Opportunities Grants: title II of the Child Abuse Prevention and Treatment Adoption Reform Act of 1978 Public Law, 95–266, as amended.

1.02 Innovations Increasing Adoptive Placements of Minority Children

Eligible Applicants: States, local government entities, federally recognized Indian Tribes and Indian Tribal Organizations, public or private non-profit licensed child welfare or adoption agencies, and adoption exchanges with experience in working with minority populations.

Purpose: To implement innovative programs designed to increase the adoptive placement of minority children who are in foster care and have the goal of adoption, with an emphasis on the recruitment, retention and utilization of minority families and adoptive placements for minority children who are over the age of ten and/or a part of *sibling groups.*

Background Information: According to the Voluntary Cooperative Information System administered by the American Public Welfare Association (VCIS/APWA), in 1993 almost 1,200 children in the U.S. were separated from their biological parents every day and placed in an unfamiliar setting. VCIS/APWA also estimates the number of ''waiting'' children in the U.S. at approximately 86,000, and concludes that adoptive families for roughly 21,000 of these children are still actively being sought. These are children for whom it is difficult to find an adoptive placement because they are not the young people families generally seek. It is estimated that approximately 44% of the 21,000 children seeking an adoptive placement are 10 years and older, and approximately 55% are members of a minority group.

There continues to be an insufficient pool of adoptive families, especially for older minority children and sibling groups for whom adoption has been deemed the preferred means of accomplishing permanence. The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, places an emphasis upon the recruitment of minority families and provides funds for demonstration projects emphasizing the recruitment of families to adopt waiting minority children. The purpose of this priority area is to be responsive to this legislative intent.

Minimum Requirements for Project Design: In order to successfully compete under this priority area, the applicant should:

Identify and describe existing barriers to minority adoption in the locale where the project would be implemented; the number of families who would be recruited; and the number of children who would be placed.

Describe the innovative methods that would be employed to recruit, retain and prepare minority families for adoption, making sure to include individuals who are single.

Provide assurances that the project would not require the payment of fees by families for the adoption process.

Describe how training in cultural competence would be provided to all relevant staff to increase their effectiveness in serving minority children and families.

Present an evaluation plan for assessing the project's effectiveness in achieving its stated goals and objectives, and its ability to provide services to prospective adoptive families through the completion of the adoption.

Document how the project would be continued beyond Federal funding as part of the agency's ongoing program and describe the specific steps which would be taken to accomplish this.

If the applicant is a private non-profit adoption agency, it must provide evidence of licensure by submitting a copy of its license with the application.

Discuss plans for disseminating information on the innovations utilized. Identify audiences who will benefit from receiving the information and specify mechanisms and forums which will be used to convey the information and support replication by other interested agencies.

Provide assurances that at least one key person from the project will attend an annual 3 to 5 day Child Welfare Conference in the Washington, D.C. metropolitan area hosted by the Children's Bureau. The Conference brings together child welfare professionals, including Adoption Opportunities and other Children's Bureau discretionary program grantees, to exchange information and address current child welfare issues.

Provide assurances and document that the project would be staffed and implemented within 90 days of the notification of the grant award.

Project Duration: The length of the project must not exceed 24 months.

Federal Share of Project Costs: The maximum Federal share of the project is not to exceed $100,000 per 12-month budget period.

Matching or Cost Sharing Requirement: Grantees must provide at least 10 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Therefore, a project requesting $100,000 in Federal funds (based on an award of $100,000 per budget period) must include a match of at least $11,111 (10 percent of the total project cost). The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions.

Anticipated Number of Projects to be Funded: It is anticipated that four projects will be funded.

CFDA: 93.652 Adoption Opportunities Grants: title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, as amended.

1.03 Strategic Collaboration for Completing and Sustaining Adoptions of Children with Developmental Disabilities

Eligible Applicants: Agencies administering any of the following public programs: Child Welfare; Developmental Disability Councils;

Protection and Advocacy Systems; or University Affiliated Programs. Joint applications may be developed by consortiums at the regional, State, Tribal, or local level which bring complementary expertise to bear on the adoption of children with developmental disabilities. All applications, even those developed by two or more organizations, must identify a single lead agency to be the primary administrator of the grant and the official recipient of the award.

Purpose: To increase and successfully maintain the number of adoptions of children with developmental disabilities through the creation of effective collaboration strategies and models for the provision of adoption services to developmentally disabled children and their families in the public child welfare system.

Background Information: Children with special needs constitute the overwhelming percentage of young people waiting for an adoptive placement, residing in non-finalized adoptive homes, or benefiting from finalized adoptions. According to VCIS/APWA 1993, almost 82% of the children waiting for an adoptive placement in 12 States, had one or more special needs. Moreover, data from the same 12 States on finalized adoptions, showed that approximately 82% of the children also had one or more special needs. In addition, VCIS/APWA data illustrates that in 11 States, almost 76% had one or more special needs. Not all of the children identified above as having one or more special needs are actually developmentally disabled, because in the adoption field, special needs can also include such characteristics as being older or membership in a minority or sibling group. However, the sheer magnitude of the special needs percentages suggests there are significant numbers of young people in the adoption stream who have a developmental disability.

Relevant public agencies have a responsibility to facilitate adoptions, and provide support and resources to families formed by adoption. In terms of responding to the needs of children with developmental disabilities and families who are motivated to and/or actually adopt them, interagency work is especially vital. While there are examples of effective cooperation between Child Welfare Agencies (CW), Developmental Disabilities Councils (DDC), Protection and Advocacy Systems or University Affiliated Programs (UAP), very little has been done in the way of establishing exemplary collaborative strategies and models. In States with an ''umbrella agency,'' wherein CW and DDC are part of the same Statewide department, there is a need for delineating and implementing collaborative procedures to facilitate work with children with developmental disabilities in need of adoption and families adopting these children. In States with separate departments, there is even greater need to develop such procedures.

This priority area provides the field with the opportunity to develop collaboration strategies and models to increase the number of adoptees with developmental disabilities and to provide services to strengthen families who have adopted children with disabilities.

Minimum Requirements for Project Design: In order to successfully compete under this priority area, the application should:

Demonstrate knowledge of current issues in public agency adoption and other issues related to children with developmental disabilities in the child welfare system.

Describe the process that will be use to identify the needs of children and families to be served by the project. Discuss how individuals with disabilities and potential and actual adoptive families will be involved in the process.

Describe the current system the applicant is addressing at the State, regional or local level. Identify, policy, program and interagency issues which either serve to support or hinder/prevent the adoption of children with developmental disabilities.

Describe the measurable goals and objectives to be achieved that will lead to increasing and successfully maintaining the adoptions of children with developmental disabilities.

Describe the development and plans for the institutionalization of the proposed collaborative strategies or model on either a statewide, regional or local basis that will increase and sustain adoptions of children with developmental disabilities.

Document that the staff to be involved in the project are knowledgeable of relevant policies, federal regulations, laws and cultural issues that impact children with developmental disabilities and their adoptive families.

Present an evaluation plan for assessing the project's effectiveness in achieving its stated goals and objectives, and its ability to provide services to adoptive families through the completion of the adoption.

Provide a plan for how individuals with disabilities and potential and actual adoptive families will be involved in the evaluation process.

Provide specific written commitments from collaborating agencies conveying their role and the work they will perform.

Discuss plans for disseminating essential information on the strategies and/or model utilized. Identify audiences who will benefit from receiving the information and specify mechanisms and forums which will be used to convey the information and support replication by other interested collaborative groups of agencies.

Provide assurances that at least one key person from the project will attend an annual 3 to 5 day Child Welfare Conference in the Washington, D.C. metropolitan area hosted by the Children's Bureau. The Conference brings together child welfare professionals, including Adoption Opportunities and other Children's Bureau discretionary program grantees, to exchange information and address current child welfare issues.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Costs: The maximum Federal share is not to exceed $100,000 per 12-month budget period.

Matching or Cost Sharing Requirement: Grantee must provide at least 10 percent of the total cost of the project. The total cost of the project is the sum of the ACF share and the non-Federal share. Therefore, a project requesting $100,000 in Federal funds must include a total match of at least $11,111 (10 percent of the total project cost). The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions.

Anticipated Number of Projects to be Funded: It is anticipated that two projects will be funded.

CFDA: 93.652 Adoption Opportunities Grants: title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, as amended.

1.04 Expanding Options for Permanency

Eligible Applicants: States, local government entities, federally recognized Indian Tribes and Indian Tribal Organizations, public or private non-profit licensed child welfare or adoption agencies that currently serve children in the public child welfare system.

Purpose: To develop a system reform project that incorporates or strengthens the practice of one or more of the following non-adversarial options for permanency: voluntary relinquishment, concurrent planning and/or mediation.

Background Information: The Adoption Assistance and Child Welfare Act of 1980, Public Law 96–272, mandates securing a safe, permanent home for every child. The child welfare system continues to struggle with meeting this goal in a timely fashion. The practice base for achieving permanency for children is too often based on adversarial or involuntary methods. The major practice is to seek involuntary termination of parental rights (TPR) for children for whom adoption is considered the best permanency plan. Involuntary termination of parental rights can be a lengthy and expensive process which may involve court appeals. The procedure can also be emotionally stressful for birth, foster and prospective adoptive parents and the child. Frequently this practice is insensitive to the need of some children to maintain connections with their birth families. Although necessary in some cases, TPR and other practices of a similar tone, have failed to significantly reduce the large number of children in the foster care system waiting to be freed for adoption, to be adopted, or for other permanent arrangements.

Alternatively, the child welfare system is encouraged to focus on approaches which set a different tone and emphasize non-adversarial front-end practices and procedures and strengthen the agency's capacity to achieve earlier and better outcomes for children and their families. Expanding options for permanency, which encourage cooperative processes and early decision making among all parties involved, are essential to achieving child, family, and system well-being.

The demonstration projects funded under this priority area should be designed to inform the field about the efficacy of these non-adversarial approaches in achieving permanency earlier, more quickly and more sensitively for these children. Permanency is broadly conceptualized to include adoption, guardianship to a relative or non-relative and parental consent to relative or non-relative adoption. One or a combination of the following approaches can be included in the demonstration: voluntary relinquishment, mediation or concurrent planning.

Mediation is the voluntary, non-coercive process of negotiation with the assistance of a neutral, impartial third party. The aim of mediation in child welfare and permanency is to encourage birth parents, extended relatives and foster and/or adoptive parents to cooperate in making decisions that reflect the best interest of the child.

Concurrent Planning is the process of workers' developing alternative permanent plans for children during their initial contact with the child welfare system. Concurrent planning involves enacting a plan for family preservation or reunification with the child's birth family, while simultaneously engaging in planning for alternative permanency placements such as adoption and kinship care.

Relinquishment is a voluntary process of transferring parental rights to an authorized child welfare agency. It is often utilized at the request of the parent and can be provided at any point along the child welfare service continuum. In recent years it has been underutilized by child welfare workers, and the professional skills associated with counseling parents on the issues of voluntary relinquishment have eroded.

This priority area encourages child welfare system reform by incorporating and/or strengthening non-adversarial approaches into practice to achieve permanency for children in the child welfare system.

Minimum Requirements for Project Design: In order to successfully compete under this priority area, the applicant should:

Demonstrate knowledge of current issues in adoption and permanency for children in the public child welfare field.

Describe the project and explain why a particular system reform approach or set of approaches is being selected. Demonstrate knowledge and understanding of the reform approach or approaches selected. If more than one approach is selected, describe how they are linked.

Describe how the approach(es) to be used in this demonstration differ from current agency practice and how this project's reform approaches will be institutionalized.

Describe the measurable goals and objectives of the project to be used to determine if the approach selected led to an increase in achieving permanency earlier.

Describe the process and criteria that will be used to identify children and families in need of these services.

Describe how the birth families and extended families will be involved in the permanency planning process.

Provide assurances that project staff are knowledgeable of policies, federal regulations, laws and cultural issues that impact on permanency for children.

Describe the training/staff development components of the project which will be implemented.

If the project involves coordination with other agencies, present a plan clarifying how these agencies will work with the applicant to accomplish project goals and objectives.

Describe an evaluation plan which will focus on the reform approaches and which is capable of identifying the successes and failures of the approaches.

The evaluation plan should be outcome oriented and include the collection and analysis of data to ascertain the effectiveness of the non-adversarial options for permanency. The evaluation should also include descriptive information on the processes and procedures used in implementing the project.

Discuss strategies for disseminating information on the reform approaches utilized. Identify audiences who will benefit from receiving the information and specify mechanisms and forums which will be used to convey the information and support replication by other interested agencies.

If the applicant is a non-profit private agency, it must provide assurance that the children to be served through this demonstration are public agency children.

Provide assurances that at least one key person from the project will attend an annual 3 to 5 day Child Welfare Conference in the Washington, D.C. metropolitan area hosted by the Children's Bureau. The Conference brings together child welfare professionals, including Adoption Opportunities and other Children's Bureau discretionary program grantees to exchange information and address current child welfare issues.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Cost: The maximum Federal share of the project is $100,000 per 12-month budget period.

Matching Requirement: Grantees must provide at least 10 percent of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Therefore, a project requesting $100,000 in Federal funds (based upon an award of $100,000 per budget period) must include a match of at least $11,111 (10 percent of the total project cost). The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions.

Anticipated Number of Projects to be Funded: It is anticipated that two projects will be funded.

CFDA: 93.652 Adoption Opportunities Grants : title II of the Child Abuse Prevention and Treatment

and Adoption Reform Act of 1978, Public Law 95–266, as amended.

1.05 Developing Resource Materials for Foster and Adoptive Parents To Meet the Needs of Children of a Different Race, Color, or National Origin

Eligible Applicants: States, local government entities, public and private non-profit licensed child welfare and adoption agencies, adoption organizations, university-based institutes and incorporated adoptive parents' groups with materials development expertise.

Purpose: To develop resource materials capable of assisting foster and adoptive parents in meeting the needs of children of a racial and ethnic group different from their own.

Background: Many children in foster care are currently being cared for by parents of a different race, color or national origin, and if adopted, are more than likely to be adopted by their foster parents. With the passage of MEPA barriers to transracial and transcultural placements are being eliminated. At times, parents in these circumstances have received little or no assistance in looking at how these differences can affect themselves, their own family and the child(ren). Additionally, they may not have been prepared to deal with the racism and bias their foster or adoptive child(ren) and their newly formed family may encounter.

To meet the needs of all waiting children both minority foster and adoptive parents and transracial and transcultural families will be formed. Agencies involved in foster or adoptive parent recruitment, parent preparation and/or child placement may need assistance in appropriately assessing the capacity of those applicants to deal with the differences, and providing them with suitable training and education. How parents value, respect, appreciate and educate the child regarding his or her racial and/or ethnic background are among the most critical factors in the child's healthy development.

The Multiethnic Placement Act (MEPA) Guidance published in April 1995 identifies the following factors as being among those that agencies need to consider in assessing a prospective parent's suitability to care for a particular child. They are:

- the ability to form relationships and to bond with the specific child;
- the ability to help the child integrate into the family;
- the ability to accept the child's background and to help the child cope with his/her past;
- the ability to accept the behavior and personality of the specific child;
- the ability to validate the child's cultural, racial and ethnic background; and
- the ability to meet the child's particular educational, developmental or psychological needs.

To facilitate the implementation of MEPA, child placement agencies have been looking for new resource materials to use in assessing and preparing families to provide permanence for children who are culturally, ethnically, and racially different. This priority area promotes the development of resources responsive to this need.

Minimum Requirements for Project Design: In order to successfully compete under this priority area, the applicant should:

Describe applicant's understanding of the placement of public sector children in foster care and adoption, as well as an understanding of issues in assessing and preparing prospective foster and adoptive parents for children who have been in foster care.

Demonstrate knowledge of all factors to be considered in determining a child's placement needs and of factors to be considered in helping a family make a decision to parent or not to parent a child of a different race, color or national origin.

Demonstrate knowledge of the role that culture and ethnicity play in the development of a child's self esteem.

Demonstrate knowledge of the current issues in transracial/transcultural placements.

Identify resource deficiencies that currently exist and demonstrate how the proposed resource materials respond to the deficiencies identified.

Develop a Panel of Advisors from diverse backgrounds and disciplines, to assist in the content development and design of the resource materials.

Demonstrate that staff to be utilized in the project are culturally competent and have experience working with families and children from diverse backgrounds and racial and ethnic groups.

Provide assurance that draft and final content of the resource materials will be submitted for review by federal staff to confirm legal and policy accuracy.

Describe how the resource materials developed will be field-tested and evaluated prior to submission as a final product.

Discuss strategies for disseminating and/or marketing the resource materials. Identify audiences who will benefit from receiving the materials and specify mechanisms and forums which will be used to convey information about the materials and support utilization by other child welfare agencies.

Provide assurances that at least one key person from the project will attend an annual 3 to 5 day Child Welfare Conference in the Washington, D.C. metropolitan area hosted by the Children's Bureau. The Conference brings together child welfare professionals, including Adoption Opportunities and other Children's Bureau discretionary program grantees, to exchange information and address current child welfare issues.

Project Duration: The length of the project should not exceed 24 months.

Federal Share of Project Cost: The maximum Federal share of the project is not to exceed $75,000 per 12-month budget period.

Matching Requirements: Grantees must provide at least 10 percent of the total cost of the project. The total cost of the project is the sum of the ACF share and the non-Federal share. Therefore, a project requesting $75,000 in Federal funds (based on an award of $75,000 per budget period) must include a match of at least $8,333 (10 percent of total project cost). The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirement through cash contributions.

Anticipated Number of Projects To Be Funded: It is anticipated that two projects will be funded.

CFDA: 93.652 Adoption Opportunities Grant: title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, as amended.

1.06 Operation of a National Adoption Information Exchange System

Eligible Applicants: State or local governments, public or private non-profit agencies, organizations or universities with expertise in adoption and the ability to maintain a National Adoption Information Exchange System.

Purpose: To maintain a National Adoption Information Exchange System to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children waiting to be adopted.

Background information: The Adoption Opportunities statute spells out the intent of the Congress to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life threatening conditions.

The statute requires the Administration on Children, Youth and Families (ACYF) to conduct directly or by grant or contract with public or private non-profit agencies or organizations, ongoing, extensive recruitment efforts on a national level, to develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and to establish a coordinated referral system of recruited families with appropriate State or Regional adoption resources to ensure that families are served in a timely fashion.

In 1979, the North American Center on Adoption, a unit of the Child Welfare League of America, Inc. was awarded a three year contract by the Children Bureau for the National Adoption Information Exchange System project. This project focused on three areas: Designing, developing and operating a National Adoption Exchange system; providing and coordinating training and technical assistance to the State and Regional exchanges to enhance their ability to participate in the national exchange system; and publishing a significant quantity of materials needed to facilitate the adoption of waiting children. The contract was replaced with a competitive grant awarded to the Adoption Center of Delaware Valley in 1983, to operate the National Adoption Information Exchange System for two years. The grant was to provide six major services: information and referral, computerized listing of children and families, match/referral, recruitment and public education, training and technical consultation and development of the national adoption network. During the second year of the grant, there was an increased emphasis on telecommunications as a result of input provided by members of the Corporate Advisory Board and Child Welfare Advisory Board.

In September 1986 ACYF funded 44 States, including Puerto Rico and the District of Columbia, with small grants so that they could purchase hardware and software to join the national adoption telecommunications network, and to communicate with each other around concerns in the field of adoption. In 1985, the National Adoption Center (NAC), formerly the Adoption Center of Delaware Valley, received a grant to continue the development and implementation of the national adoption telecommunication network and to provide coordination and support services to manage the network and to provide technical consultation to States to continue building and implementing the network. The membership of the network includes public and private agencies, and other child welfare organizations, parent groups, independent or non-affiliated social workers and researchers.

In 1990, a new five year grant was competitively awarded to the NAC to continue the National Adoption Information Exchange System. The NAC increased usage of the system by providing training and technical assistance to its members and by providing national outreach and public education to recruit adoptive families for children who wait. In September 1995 an additional short-term grant was awarded to the National Adoption Center.

During its years of operation under various auspices, the National Adoption Information Exchange System, also known as the NAE has increased the visibility of waiting children and enabled approved families to register and gain maximum access to children waiting for adoptive families. The new computer system put into effect in July 1992 has considerably improved the ability of NAE members to access and utilize the information on the exchange. NAE members use the exchange to list children in the child database and to search for adoptive parents for the children whom they list.

However, there continues to be an insufficient number of families listed on the NAE to meet the needs of these children. State and local agencies are reluctant to list families on the NAE whom they believe are potential resources for children in their own States. The agency's preference to find families for children within the State or within close proximity to the State has prompted the development of State and Regional exchanges.

We have reached a critical point in the development of the National Adoption Information Exchange System. Previously, the NAE focused on the following areas: (1) Registration of waiting children and waiting families; (2) the development of a computer database which made this information available to members of the exchange electronically; (3) the number of matches made on behalf of listed waiting children; and (4) the development of national recruitment activities aimed at finding potential adoptive families interested in adoption of special needs children.

In order to remain effective, the NAE must refocus its priorities to emphasize assisting States and localities to build the capacity within their own jurisdictions to meet the needs of waiting children. This priority is based on the premise that only in unusual circumstances should a national search for an adoptive family be undertaken and that the activity is most effective when carried out at the local, State and regional levels. The NAE should be viewed as an extension of State and Regional exchanges, not as their competitor.

The NAE should be able to develop linkages with a variety of national media organizations in order to educate large segments of the population about the needs of waiting children and on how to access the adoption system. The NAE should be in the position to: (1) Provide training and technical assistance in the development and management of State and Regional exchanges and to provide consultation to exchanges on recruitment strategies for potential adoptive families; (2) facilitate the development of a network of exchanges that connect urban, rural, small and large child welfare service providers in their efforts to bring families and children together; (3) serve as the central receiver of all adoption inquiries generated during national and other recruitment campaigns and disseminate these resources to the Regional and State exchanges; (4) collaborate with organizations such as the Interstate Compact for the Placement of Children (ICPC), the Interstate Compact on Adoption and Medical Assistance (ICAMA), and other relevant agencies to assist with the identification of, and the possible removal of barriers that prevent ''necessary'' interstate placements which serve the best interest of the child.

The Federal government is in the process of redefining its relationship with States and other child welfare agencies. A new partnership is being forged based upon a vision wherein all concerned agencies will collaborate and cooperate to provide a continuum of services to meet the needs of children. In light of the current opportunity to revitalize child welfare, the role and responsibilities of NAE must be focused on assisting States to improve their ability to meet the needs of the rising numbers of children waiting for permanent families.

Minimum Requirements for Project Design: In order to successfully compete under this priority area, the applicant should:

Demonstrate knowledge of adoption and the current challenges faced by the field.

Demonstrate knowledge of the issues and problems related to the maintenance of a national adoption information exchange system and provide documentation of the applicant's plan to address them.

Describe a plan for establishing a 24 hour, 7 day a week, toll-free national adoption exchange telephone number which can be used for national recruitment initiatives, local recruitment initiatives and incoming adoption inquiries generated by these recruitment initiatives.

Develop performance measures that can be used to assess the strengths, weaknesses and successes of the NAE as well as State and Regional exchanges.

Describe a plan for providing training and technical assistance to States and Regions in the following areas: (1) Development of a State or Regional exchange, (2) development of State or Regional recruitment strategies, and (3) use of NAE's telecommunications resources.

Describe a strategy for the development of a network of exchanges which includes linkages between Regional exchanges, State Exchanges, and the NAE in order to maximize the placement options for children.

Describe a plan for enhancing, maintaining and continuing technological and telecommunications access to the national listing of waiting children and waiting families for exchange members.

Demonstrate knowledge of current technologies/programs such as the Internet and the Statewide Automated Child Welfare Information System (SACWIS) which could be used to access information on children in the child welfare system.

Provide documentation of the commitment to assist States in incorporating the exchange system into their computer systems as these systems are fully developed and implemented at the State level.

Describe a plan for periodic national recruitment activities, using a range of media sources, on behalf of waiting children on an annual basis (a minimum of 4 separate events per year, including National Adoption Month Activities).

Develop a media strategy which includes partnerships with State and local agencies in planning, implementing and the follow-up of recruitment activities.

Describe a plan for the production and dissemination of materials for general recruitment activities.

Provide assurances that the staff is knowledgeable of policies, regulations, laws and racial and cultural issues that impact the children who are waiting for an adoptive placement.

Describe a strategy for facilitating linkages and partnerships among (at a minimum) the State adoption specialists, the Interstate Compact on the Placement of Children (ICPC) Administrators, the Interstate Compact on Adoption and Medical Assistance (ICAMA) Administrators and the NAE to address the issues and problems of interstate placement.

Describe the efforts that will be made to coordinate with the National Adoption Information Clearinghouse (NAIC) and the National Resource Center for Special Needs Adoption (NRCSNA) to assure effective utilization of resources and to avoid duplication of effort and provide assurance that funds from this grant will not be used to support activities that are being conducted by NAIC and NRCSNA.

Describe how the proposed budget reflects the priorities for activities for the NAE described in this program announcement.

Describe a plan for developing a national network of State professionals in the field to serve as an advisory group on the operation of the exchange to address the needs of States.

Provide an assurance that at least one key person from the project will attend an annual 3 to 5 day Child Welfare Conference in the Washington, D.C. metropolitan area hosted by the Children's Bureau.

Provide assurances that at least one key staff member will attend annually four, one to two day meetings convened by the Children's Bureau in Washington, D.C.

Provide an assurance that key staff will meet with their Federal project officer and other Children's Bureau staff in Washington, D.C. within sixty days of receiving the award.

Agree to enter into a Cooperative Agreement which will require the grantee to submit to the Children's Bureau for review and approval: Work plans, including as appropriate, activities involving Headquarters and Regional Office staff; lists of topics to be covered in technical assistance resources, syntheses, summaries and literature reviews; topics, times and places for conferences; topics for any collection of original data; and draft reports, conference agendas and other materials prior to their finalization and dissemination by the grantee. (A cooperative agreement is Federal assistance in which substantial Federal involvement is anticipated. The respective responsibilities of Federal staff and the awardee are negotiated prior to award.) The grantee shall also cooperate, to the extent that its budget will allow, with the Children's Bureau in meetings, briefings, or other forums to disseminate knowledge gained from its work with States and local communities around adoption issues.

Project Duration: The length of the project must not exceed 36 months.

Federal Share of Project Cost: The maximum Federal share of the project is $500,000 per budget period.

Matching Requirement: Grantees must provide at least 25 percent of the total approved project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Therefore, a project requesting $500,000 in Federal funds (based on an award of $500,000 per budget period) must include a match of at least $166,666 (25 percent of the total project cost). The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions.

Anticipated Number of Projects to be Funded: It is anticipated that 1 project will be funded.

CFDA: 93.652 Adoption Opportunities Grants: title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Public Law 95–266, as amended.

Part III. Instructions for the Development and Submission of Applications

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided, along with a checklist, for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are in Part II.

A. Required Notification of the State Single Point of Contact The Adoption Opportunities Program is not covered under Executive Order 12372, Intergovernmental Review of Federal Programs.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade SW, 6th Floor East, OFM/DDG, Washington, D.C. 20047.

B. Deadline for Submission of Applications

The closing time and date for the receipt of applications is 4:30 p.m. (Eastern Time Zone) on August 26, 1996. Applications received after 4:30 p.m. will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade SW, Washington, DC 20447, (Reference Announcement Number and Priority Area). Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date. Applications hand-carried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m. at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, SW, Washington, D.C. 20024 between Monday and Friday (excluding Federal Holidays). Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications faxed to ACF will not be accepted regardless of date or time of submission and time of receipt.

Late Applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

C. Instructions for Preparing the Application and Completing Application Forms.

The SF 424, 424A, 424B, and certifications have been reprinted for your convenience in preparing the application. See Appendix A. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the Federal Register announcement, as they are printed on both sides of the page.

Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet. Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Enter the single priority area number under which the application is being submitted under only one priority area.

Item 1. Type of submission—Preprinted on the form.

Item 2. Date Submitted and Applicant Identifier—Date application is submitted to ACYF and applicant's own internal control number, if applicable.

Item 3. Date Received By State—State use only (if applicable).

Item 4. Date Received by Federal Agency—Leave blank.

Item 5. Applicant Information Legal Name—Enter the legal name of the applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

Organizational Unit—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

Address—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

Name and telephone number of the person to be contacted on matters involving this application (give area code)—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. Employer Identification Number (EIN)—Enter the employer identification number of the applicant organization, only provide the prefix and suffix assigned by the DHHS Central Registry System.

Item 7. Type of Applicant—Self-explanatory.

Item 8. Type of Application—Preprinted on the form.

Item 9. Name of Federal Agency—Preprinted on the form.

Item 10. Catalog of Federal Domestic Assistance Number and Title—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title, as indicated in the relevant priority area description.

Item 11. Descriptive Title of Applicant's Project—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title. Place the priority area number in parenthesis after the main program title.

Item 12. Areas Affected by Project—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. Proposed Project—Enter the desired start date for the project and projected completion date.

Item 14. Congressional District of Applicant/Project—Enter the number of the Congressional District where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter 00.

Items 15. Estimated Funding Levels: In completing 15a through 15f, the dollar amounts entered should reflect, for a 12 month budget period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

Item 15a. Enter the amount of ACF funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Item 15b–e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost-sharing or matching funds. The value of third party in-kind contributions should be included on appropriate lines as applicable.

Items 15f. Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a–15e.

Item 16a. Is Application Subject to Review By State Executive Order 12372 Process? Yes. —Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the

end of Part III. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding.

Item 16b. Is Application Subject to Review By State Executive Order 12372 process? No. —Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. Is the Applicant Delinquent on any Federal Debt? —Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded. —To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a–c. Typed Name of Authorized Representative, Title, Telephone Number—Enter the name, title and telephone number of the authorized representative of the applicant organization.

Item 18d. Signature of Authorized Representative—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. Date Signed—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs. This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering the first year budget period.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers the first year budget period if the proposed project period exceeds 12 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate itemized budget justification for each line item is required. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, Other.

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total cost of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, Other.

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. Equipment means an article as non-expendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000.

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) Procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, other.

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements. Applicants who anticipate procurement that will exceed $5,000 (non-governmental entities) or $25,000 (governmental entities) and are requesting an award without competition should include a sole source justification in the proposal which at a minimum should include the basis for contractor's selection, justification for lack of competition when competitive bids or offers are not obtained and basis for award cost or price.

Note: Previous or past experience with a contractor is not sufficient justification for sole source.)

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: Insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local

transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as miscellaneous and honoraria are not allowable.

Justification: Specify the costs included.

Total Direct Charge—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter none. Generally, this line should be used when the applicant has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with DHHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

Justification: Enclose a copy of the indirect cost rate agreement.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12, entitled ''Totals''. In-kind contributions are defined in 45 CFR, Part 74.51 and 45 CFR Part 92.3, as property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs, Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. This section should only be completed if the total project period exceeds 12 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column (b) ''First''. If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under (c) ''Second''. Columns (d) would be used in the case of a 48 month project period. Column (e) would not apply.

Section F—Other Budget Information

Direct Charges—Line 21, Not applicable.

Indirect Charges—Line 22, Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 12 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary Description. Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the application. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project abstract. It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

At the bottom of the page, following the summary description, type up to 10 key words which best describe the proposed project, the service(s) involved and the target population(s) to be covered. These key words will be used for computerized information retrieval for specific types of funded projects.

4. Program Narrative Statement. The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II.

The narrative should provide information concerning how the application meets the evaluation criteria using the following headings:

(a) Objectives and Need for Assistance;

(b) Results and Benefits Expected;

(c) Approach; and

(d) Staff Background and Organization's Experience.

The narrative should be typed double-spaced on a single-side of an 8½'' x 11'' plain white paper, with 1'' margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for Assistance'', as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

A page is a single side of an 8½'' X 11'' sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process if they exceed the page limit criteria. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement. The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Part IV—Assurances/Certifications. Applicants requesting financial assistance for a non-construction project must file the Standard Form 424B, ''Assurances: Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

Applicants must provide a certification concerning Lobbying. Prior to receiving an award in excess of

$100,000, applicants shall furnish an executed copy of the lobbying certificate with their applications. Applicants must sign and return the certification with their applications.

Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

Copies of the certification and assurances are located at the end of this announcement.

D. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

—One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;
—Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);
—Application for Federal Assistance (SF 424, REV 4–88);
—Budget Information-Non-Construction Programs (SF 424A, REV 4–88);
—Budget justification for Section B-Budget Categories;
—Table of Contents;
—Letter from the Internal Revenue Service to prove non-profit status, if necessary;
—Copy of the applicant's approved indirect cost rate agreement, if appropriate;
—Project summary description and listing of key words;
—Program Narrative Statement (See Part III, Section C);
—Organizational capability statement, including an organization chart;
—Any appendices/attachments;
—Assurances-Non-Construction Programs (Standard Form 424B, REV 4–88);
—Certification Regarding Lobbying; and
—Certification of Protection of Human Subjects, if necessary;
—Certification Regarding Environmental Tobacco Smoke.

E. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

Do not include a self-addressed, stamped acknowledgement card. All applicants will be notified automatically about the receipt of their application. If acknowledgement of receipt of your application is not received within eight weeks after the deadlines date, please notify the ACYF Operations Center by telephone at 1–800–351–2293.

Dated: June 26, 1996.

Olivia A. Golden,

Commissioner, Administration on Children, Youth and Families.

BILLING CODE 4184–01–P

Appendix A

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*: _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ . ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant | b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employee Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
—''New'' means a new assistance award.
—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.
—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184–01–P

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:

23. Remarks

SF 424A (4-88) Page 2
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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function, or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Line 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a) Section A. A breakdown by functions or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount of Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Line 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any

authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § § 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. § § 1271 et seq.), related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § § 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of Authorized Certifying Official

Title _____

Applicant Organization _____

Date Submitted _____

BILLING CODE 4184–01–P

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

_____

Check ___ *if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184–01–C

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Lobbying—Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL ''Disclosure Form To Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the require statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature _____

Title _____

Organization _____

Date _____

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

BILLING CODE 4184–01–C

Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

OMB State Single Point of Contact Listing

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315, FAX: (602) 280–1305

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, FAX: (501) 682–5206

Alabama

Jon C. Strickland, Alabama Department of Economic and Community Affairs, Planning and Economic Development Division, 401 Adams Avenue, Montgomery, Alabama 36103–5690, Telephone: (205) 242–5483, FAX: (205) 242–5515

California

Grants Coordinator, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacrameto, California 95814, Telephone (916) 323–7480, FAX: (916) 323–3018

Delaware

Francine Booth, State Single Point of Contact Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903, Telephone: (302) 739–3326, FAX: (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W.—Suite 500, Washington, D.C. 20005, Telephone (202) 727–6554, FAX: (202) 727–1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399–2100, Telephone: (904) 922–5438, FAX: (904) 487–2899

Georgia

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia, 30334, Telephone: (404) 656–3855 or (404) 656–3829, FAX: (404) 656–7938

Illinois

Barbara Beard, State Single Point of Contact, Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701, Telephone (217) 782–1671, FAX: (217) 534–1627

Indiana

Amy Brewer, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232–5619, FAX: (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 242–4719, FAX: (515) 242–4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone: (502) 573–2382, FAX: (502) 573–2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

Maryland

William G. Carroll, Manager, State Clearinghouse for Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone (410) 225–4490, FAX: (410) 225–4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226, Telephone: (313) 961–4266

Mississippi

Cathy Malette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone: (601) 359–6762, FAX: (601) 359–6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, FAX: (314) 751–7819

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone: (702) 687–4065, FAX: (702) 687–3983

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, FAX: (603) 271–1728

New Jersey

Gregory W. Adkins, Assistant Commissioner, New Jersey Department of Community Affairs, Please direct all correspondence and questions about intergovernmental review to: Andrew J. Jaskolka, State Review Process, Intergovernmental Review Unit CN 800, Room 813A,Trenton, New Jersey 08625–0800, Telephone: (609) 292–9025, FAX: (609) 633–2132

New Mexico

Robert Peters, State Budget Division, Room 190 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605,

North Carolina

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, FAX: (919) 733–9571

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, FAX: (701) 224–2308

Ohio

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411. Please direct correspondence and questions about intergovernmental review to: Linda Wise, Telephone: (614) 466–0698, FAX: (614) 466–5400

Rhode Island

Daniel W. Varin, Associate Director, Department of Administration/Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, FAX: (401) 277–2083; Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 477, Columbia, South Carolina 29201, Telephone: (803) 734–0494, FAX: (803) 734–0385

Texas

Tom Adams, Governor's Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, FAX: (512) 463–1880

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116, State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1535, FAX: (801) 538–1547

Vermont

Nancy McAvoy, State Single Point of Contact, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05609, Telephone: (802) 828–3326, FAX: (802) 828–3339

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

Wisconsin

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–2125, FAX: (608) 267–6931

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone: (307) 777–7574, FAX: (307) 638–8967

Territories

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, FAX: 011–671–472–2825

Puerto Rico

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, FAX: (809) 724–3270, (809) 724–3103

North Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802, Please direct all questions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069

[FR Doc. 96–17284 Filed 7–9–96; 8:45 am]

BILLING CODE 4184–01–P

federal register

Wednesday
July 10, 1996

Part III

Department of Housing and Urban Development

24 CFR Part 202, et al.

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Streamlining Mortgagee Requirements; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 202, 203, 221, and 234

[Docket No. FR–3957–F–02]

RIN 2502–AG57

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Streamlining Mortgagee Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule makes final the January 26, 1996 interim rule which revised FHA's mortgagee requirements to streamline and make the FHA process more flexible for mortgagees and FHA's customers and clients.

EFFECTIVE DATE: August 9, 1996.

FOR FURTHER INFORMATION CONTACT: William M. Heyman, Director, Office of Lender Activities and Land Sales Registration, Room 9156, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (voice) (202) 708–1515, (TTY) (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Early in 1995 the FHA Single Family Business Practices Working Group was established to develop recommendations to streamline the FHA process, reduce or eliminate unnecessary requirements, promote greater opportunities for first-time homebuyers and minorities, and maintain a responsible risk management program. The Working Group was comprised of representatives of mortgage lenders, State and local governments, trade associations, realtors, government-sponsored enterprises, and other interested parties.

On January 26, 1996, at 61 FR 2650, the Department published an interim rule on Streamlining Mortgagee Requirements. The revisions made by the interim rule resulted from the efforts and recommendations made by the Working Group. They were designed to make the FHA process more flexible for mortgagees, and for State and local governments and nonprofit associations, and also to expand homeownership opportunities. They were also intended to assist in making the FHA a more effective organization to serve the needs of our customers and clients. In addition, the revisions were intended to minimize the differences between FHA and conventional loan processing and to place greater reliance and accountability on mortgagees.

The interim rule made the following changes:

—Section 202.11(a)(5) was revised to establish uniform requirements on the use of authorized agents by supervised and nonsupervised mortgagees. For conforming reasons, §§ 202.13(e) and 202.17(d) were removed.

—Section 202.12(m) was revised to eliminate the requirement that a branch office of a mortgagee must be approved by FHA to originate FHA mortgages. A branch registry process is permitted. However, a nonsupervised loan correspondent is required to provide evidence that it complies with the net worth requirements for itself and all of its branches, as set forth in § 202.12(n)(3).

—Section 202.15(c)(1) was revised to eliminate the requirement that loans must be closed in the name of the Loan Correspondent, and to permit such mortgages to be closed in either the name of the Loan Correspondent or its Sponsor(s).

—Section 202.15(c)(5) was revised to eliminate the compliance report and the report on internal control from Loan Correspondents' annual audited financial statements.

—Section 203.3(b)(2) was revised to eliminate the requirement that FHA individually approve mortgagees' Direct Endorsement underwriters and to establish a registry process for the underwriter. Also, the requirement that the technical staff utilized by the mortgagee be approved by the Secretary was removed. For conforming reasons, §§ 203.3(b)(3) and (c) were eliminated.

Public Comments

The public was afforded a 60-day comment period on the January 26, 1996 interim rule. Two commenters responded: one certified public accountant firm and one national association of certified public accountants. Below is a listing of the comments presented, and the Department's response follows each comment.

Comment: The commenter questions (1) Whether the auditor needs to meet GAO Yellow Book general requirements for education, etc., given the lower level of scope, and (2) is the auditor required to communicate indications of illegal acts to HUD if such indications are present?

Response: (1) Unless engaged in other GAO Yellow Book audits, the auditor of a loan correspondent mortgagee would no longer have to meet the GAO Yellow Book education requirements. The Department notes, however, that Professional Standards provide that an auditor should obtain a level of knowledge of the auditee's business that will enable the auditor to plan and perform the audit in accordance with Generally Accepted Auditing Standards. (2) The auditor will still be required to report illegal acts as set forth in Handbook 2000.04 REV–1, Consolidated Audit Guide for Audits of HUD Programs.

Comment: The commenter urges the issuance by the Office of the Inspector General of a supplement to Handbook 2000.04 REV–1, Consolidated Audit Guide for Audits of HUD Programs. Otherwise, the commenter believes there will be confusion among both loan correspondents and their auditors since the Consolidated Audit Guide is in conflict with the interim rule.

Response: The Department is revising the Consolidated Audit Guide to reflect this and other changes. In the meantime, loan correspondent mortgagees and auditors may refer to Mortgagee Letter 96–12 for guidance.

Comment: Another commenter requests that the final rule state whether the financial statement audits of Loan Correspondents should be performed in accordance with Government Auditing Standards or in accordance with Generally Accepted Auditing Standards (GAAS).

Response: The Department will no longer require that financial statement audits of loan correspondent mortgagees be performed in accordance with Government Auditing Standards. Such audits, however, must be performed according to Generally Accepted Auditing Standards. Although this will not be incorporated into the final rule, it will be specified in the Consolidated Audit Guide and in Mortgagee Approval Handbook 4060.1 REV–1, both of which are being revised by the Department.

This Rule

No changes are needed to the regulatory text as a result of the public comments received on the January 26, 1996 interim rule. Therefore, this final rule adopts the interim rule without substantive change. In addition, this final rule makes conforming changes to parts 202, 203, 221, and 234.

Other Matters

Environmental Finding

A Finding of No Significant Impact with respect to the environment was

made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, for the January 26, 1996 interim rule. Since this final rule makes no changes to the interim rule, the Finding of No Significant Impact for the interim rule shall serve as the finding for the final rule. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule do not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. Specifically, the requirements of this rule are directed to insuring mortgages and do not impinge upon the relationship between the Federal government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order because it revises mortgagee requirements.

The Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Secretary by his approval of this rule hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the changes made by this rule are primarily procedural and will not have a significant economic impact.

List of Subjects

24 CFR Part 202

Administrative practice and procedure, Home improvement, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 234

Condominiums, Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, under the authority of 42 U.S.C. 3535(d), chapter II of title 24 of the Code of Federal Regulations is amended by adopting as final, without change, the interim rule for ''Parts 202 and 203, Streamling Mortgagee Requirements'', published in the Federal Register on January 26, 1996 (61 FR 2650). Chapter II is also amended by further amending part 203, and by amending parts 221 and 234 as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, and 1715u; 42 U.S.C. 3535(d).

§§ 203.51, 203.258, 203.259a, 203.359, 203.363, 203.366, 203.368, 203.369, 203.378, 203.379, 203.380, 203.402, and 203.423 [Amended]

2. Part 203 is amended by removing the word ''approved'' wherever it appears before the word ''underwriter'' in the following sections: §§ 203.51(2), 203.258(c)(2), 203.259a(a)(2)(ii)(B), 203.359(b) introductory text, 203.363(b) paragraph heading, 203.366(b)(1), 203.368(a)(1)(ii), 203.369(a)(1), 203.369(b), 203.378(c)(3), 203.379(b), 203.380(a)(1)(iii), 203.402(g)(1) paragraph heading, 203.402(g)(2) paragraph heading, and 203.423(a)(1).

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

3. The authority citation for part 221 continues to read as follows:

Authority: 12 U.S.C. 1707(a), 1715b, and 1715l; 42 U.S.C. 3535(d).

§ 221.70 [Amended]

7. In § 221.70(a)(2), the reference to ''approved underwriter'' is revised to read ''underwriter''.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

8. The authority for part 234 continues to read as follows:

Authority: 12 U.S.C. 1715b and 1715y; 42 U.S.C. 3535(d). Section 234.520(a)(2)(ii) is also issued under 12 U.S.C. 1707(a).

234.85 [Amended]

9. In § 234.85(a)(2), the reference to ''approved underwriter'' is revised to read ''underwriter''.

Dated: July 2, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96–17559 Filed 7–9–96; 8:45 am]

BILLING CODE 4210–27–P

federal register

Wednesday
July 10, 1996

Part IV

Department of Housing and Urban Development

24 CFR Part 570

Office of the Assistant Secretary for Policy Development and Research; Community Development Work Study Program; Amendments; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–3902–F–02]

RIN 2528–AA05

Office of the Assistant Secretary for Policy Development and Research; Community Development Work Study Program; Amendments; Final Rule

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Final rule.

SUMMARY: On November 6, 1995 (60 FR 56104), HUD published for public comment a rule proposing to revise HUD's regulations governing the Community Development Work Study Program (CDWSP). Under the CDWSP, HUD awards grants to institutions of higher education, either directly or through areawide planning organizations (APOS), or States, for the purpose of providing assistance to economically disadvantaged and minority full-time students who participate in a community development work-study program. The November 6, 1995 rule proposed to make several revisions to the CDWSP so that it would more effectively and efficiently meet its program objectives. This rule finalizes the policies and procedures of the November 6, 1995 proposed rule and considers the public comments submitted on the proposed rule.

EFFECTIVE DATE: August 9, 1996.

FOR FURTHER INFORMATION CONTACT: John Hartung, Office of University Partnerships, Department of Housing and Urban Development, Room 8130, 425 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 708–1537. (This telephone number is not toll-free.) Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act Statement

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2528–0175. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

II. The November 6, 1995 Proposed Rule

On November 6, 1995 (60 FR 56104), HUD published for public comment a rule proposing to revise its regulations at 24 CFR 570.415, which govern the Community Development Work Study Program (CDWSP). Section 501(b)(2) of the Housing and Community Development Act of 1987 (Pub.L. 100–242, approved February 5, 1988), added a new section 107(c) to the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) creating the CDWSP. Under the CDWSP, HUD is authorized to award grants to institutions of higher education, either directly, or through areawide planning organizations (APOs) or States, for the purpose of providing assistance to economically disadvantaged and minority students who participate in a community development work study program while enrolled in a full-time community development academic program.

The November 6, 1995 rule proposed to make several revisions to § 570.415 so that it would more effectively and efficiently meet the objectives of the CDWSP. HUD has determined that these changes are necessary as a result of its experience in administering the CDWSP. Among other revisions, the November 6, 1995 rule proposed to: (1) limit the number of students assisted under the CDWSP to five students per participating institution of higher education; (2) limit the CDWSP to graduate level programs; and (3) permit institutions of higher learning to apply individually or through APOs. The November 6, 1995 proposed rule described in detail the amendments to 24 CFR 570.415.

III. Changes to the November 6, 1995 Proposed Rule

This rule clarifies the definition of ''areawide planning organization (APO)'' set forth in the November 6, 1995 proposed rule. Language in the current definition referencing the ''nonmetropolitan area'' served by an APO is confusing since no specific ''nonmetropolitan'' areas are delineated for census purposes. The November 6, 1995 rule proposed to establish a revised definition, clarifying the relevant geographic area for purposes of an APO. Upon further consideration, HUD has determined that this proposed definition did not adequately address the ambiguity present in the current definition. This final rule clarifies that in order for an organization operating in a nonmetropolitan area to be considered an APO, its jurisdiction must cover at least one county.

This final rule also makes one revision to the November 6, 1995 proposed rule as a result of public comment. Specifically, HUD has decided to amend 24 CFR 570.415 by combining the per-student limit on CDWSP tuition assistance with the per-student limit on ''additional support.'' The public comment period on the November 6, 1995 proposed rule expired on January 5, 1996. Ten public comments were received. The following section of the preamble presents a summary of the significant issues raised by the public commenters on the proposed rule, and HUD's responses to these comments.

IV. Discussion of Public Comments on the November 6, 1996 Proposed Rule

1. Support for the CDWSP and the Elimination of the Repayment Requirements.

Comment. Several commenters expressed their strong support for the CDWSP. These commenters believe the CDWSP is a valuable resource for providing assistance to qualified minority and disadvantaged students pursuing graduate level studies in the field of community planning. Further, the majority of commenters applauded the proposed rule's elimination of the repayment requirements currently found at 24 CFR 570.415(g)(3)(i) and (k)(3)(ii). As one of the commenters, a university, wrote:

> [W]e are delighted with the proposed amendments to 24 CFR 570.415(g) and 24 CFR 570.415(k), which eliminate the program's repayment requirements. The university agrees that this requirement is both unnecessary as an incentive to highly motivated students and onerous to the recipient institution.

2. CDWSP Should Not be Limited to Graduate Programs

Comment. Four of the commenters opposed the proposed amendment to paragraph (a) of § 570.415, which would have limited the CDWSP to graduate-level programs. These commenters believed the proposed amendment would unfairly restrict CDWSP participation, and deny the community the valuable contributions made by certain undergraduate students. One commenter felt that this would especially be true for ''nontraditional'' undergraduate students, such as older, working, and minority students. The commenter noted that these students often possess valuable work and life experiences that they bring to their work study assignments, greatly benefiting

the community organizations for whom they work.

HUD Response. HUD does not agree with these commenters. While HUD appreciates the value of undergraduate participation in the CDWSP, the program has long emphasized a curriculum that leads directly and immediately to careers in community and economic development or a related field. The masters degree has in recent years become the accepted credential for professional positions in these fields. Moreover, although CDWSP funding addresses a critical need for highly qualified professionals, it is insufficient to fully meet that need in an era when the community and economic development field is increasingly complex. Accordingly, HUD finds it prudent to concentrate the funding in graduate programs, where it can be of the greatest and most immediate overall benefit to communities.

3. Five Student Limit Would Adversely Impact Minority Students

Four commenters were concerned about the potential negative impact of proposed 24 CFR 570.415(c)(2), which would have limited CDWSP assistance to five students per participating institution of higher education. These commenters believed that the proposed amendment would discourage the recruitment of minority students. The commenters wrote that the proposed amendment would increase competition for the small pool of minority students. This increased competition might lead many colleges and universities to conclude that the available funding does not warrant the extensive expenditures of time and resources traditionally needed to identify and recruit qualified minority students.

HUD Response. HUD disagrees. HUD's practice in recent years has been to fund five or fewer students per college or university, despite the authority to fund up to ten students per institution of higher learning. Although the proposed amendment may reduce HUD's discretion, it is not a divergence from existing practice. Moreover, HUD believes the amendment will *improve* opportunities for qualifying minorities to participate in the CDWSP. The amendment allows more institutions to participate in the program and thus more interested students to apply.

4. Participation Through APOs Should be Encouraged

Proposed 24 CFR 570.415(d)(1)(iii) would have permitted institutions of higher education to apply for participation in the CDWSP independently of an APO. One commenter wrote that partnerships between universities and APOs are essential to the success of the CDWSP. This commenter noted that APOs have strong ties with many area local governments and nonprofit organizations that serve as excellent placement agencies. These strong relations enable APOs to provide a variety of diverse internship opportunities.

The commenter also believed that it is more cost effective if APOs administer CDWSP participation. The commenter noted that without APO coordination, HUD staff must handle the administrative costs and paperwork for each individual participating college or university. This commenter believed that APO participation in the CDWSP dramatically decreases the administrative burden for HUD staff and assists in preserving limited Federal resources. The commenter suggested that HUD revise the November 6, 1995 proposed rule to include language strongly encouraging work partnerships between APOs and universities, especially in metropolitan areas.

HUD Response. HUD has not adopted the suggestion made by the commenter. HUD agrees that in some circumstances the participation of an APO may lead to a stronger application, but this is not necessarily always the case. HUD believes the matter is best left to the discretion of the institutions of higher education and the APOS. Further HUD believes that institutions of higher education should not be penalized for choosing to submit an individual application. While the administrative burden for either HUD or the institutions of higher education may be less when an APO is involved, this is not necessarily always the case. The comparative advantage of an APO on these matters depends on how effectively it communicates with HUD and monitors the activities of the institutions of higher education involved.

5. HUD Should Consolidate Tuition and ''Additional Support'' Cost Categories

Comment. One commenter suggested that HUD combine the per-student limit on CDWSP tuition assistance with the per-student limit on ''additional support,'' a category that includes books and travel. The commenter, director of the CDWSP at a private institution of higher education, indicated that the institution would likely utilize this greater flexibility to provide the entire combined amount to the students as tuition assistance.

HUD Response. HUD agrees with the suggestion made by the commenter. Tuition at private institutions now generally exceeds by far the existing $3,500 annual per-student limit on CDWSP tuition assistance. The additional flexibility would help economically disadvantaged and minority students better afford to complete their degree. In particular, students may find that they can minimize travel expense by attending locally sponsored conferences, rather than travelling to distant locations, and thus direct additional funds to meeting their tuition obligations. Likewise, some students may be able to purchase books at less than $500 per year, leaving more funds for meeting tuition requirements.

Although this amendment was not part of the November 6, 1995 proposed rule, it falls squarely within the spirit of that rule. The November 6, 1995 rule proposed an across-the-board streamlining of the CDWSP in order to increase program efficiency, eliminate unnecessary procedures, and clarify the existing regulations. The change suggested by the commenter will increase the flexibility provided to CDWSP participants, thus permitting the program to more effectively meet its objective of assisting qualified minority and disadvantaged students. Accordingly, this final rule adopts the commenter's recommendation and amends 24 CFR 570.415 to consolidate the per-student limit on tuition assistance with the per-student limit on additional support.

V. Other Matters

Environmental Impact. A Finding of No Significant Impact with respect to the environment was made at the proposed rule stage in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This Finding of No Significant Impact remains applicable to this final rule and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

Regulatory Flexibility. The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes several streamlining changes to the CDWSP. The amendments made by this rule are designed to clarify the existing regulations, increase program

efficiency, and eliminate unnecessary procedures. This final rule only affects applicants and participants in the CDWSP, and will not have any meaningful economic impact on any entity.

Federalism Impact. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this final rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, the requirements of this final rule are directed toward applicants and participants in HUD's Community Development Work Study Program (CDWSP). It effects no changes in the current relationships between the Federal government, the States and their political subdivisions in connection with CDWSP.

Family Impact. The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have the potential for significant impact on family formation, maintenance and general well-being, and, thus, is not subject to review under the Order. No significant changes in existing HUD policies or programs will result from promulgation of this final rule, as those policies and programs relate to family concerns.

List of Subjects in 24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

(The catalog of Federal domestic assistance program number is 14.234)

Accordingly, 24 CFR part 570 is amended as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

1. The authority citation for 24 CFR part 570 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5300–5320.

Subpart E—Special Purpose Grants

2. Section 570.415 is amended by:

a. Revising paragraph (a);

b. Revising paragraph (b);

c. Revising paragraphs (c)(1)(i) (A) and (B),

d. Removing paragraph (c)(1)(i)(C);

e. Revising paragraph (c)(2);

f. Revising paragraphs (d)(1)(i) (A) and (B), (d)(1)(ii), and (d)(1)(iii);

g. Revising paragraph (d)(2)(i)(A);

h. Removing paragraph (d)(2)(i)(D) and redesignating paragraphs (d)(2)(i) (E) through (I) as paragraphs (d)(2)(i) (D) through (H), respectively;

i. Revising newly designated (d)(2)(i)(E);

j. Revising paragraphs (f)(1) and (f)(2)(i);

k. Revising paragraphs (g)(1) (ii) and (iii), (g)(2)(ii), and (g)(3) (i) and (ii);

l. Revising paragraphs (i)(1)(iii) and (i)(2);

m. Revising paragraph (k)(3)(ii); and

n. Removing paragraph (k)(3)(iii) and redesignating paragraph (k)(3)(iv) as paragraph (k)(3)(iii), to read as follows:

§ 570.415 Community Development Work Study Program.

(a) *Applicability and objectives.* HUD makes grants under CDWSP to institutions of higher education, either directly or through areawide planning organizations or States, for the purpose of providing assistance to economically disadvantaged and minority students who participate in a work study program while enrolled in full-time graduate programs in community and economic development, community planning, and community management. The primary objectives of the program are to attract economically disadvantaged and minority students to careers in community and economic development, community planning, and community management, and to provide a cadre of well-qualified professionals to plan, implement and administer local community development programs.

(b) *Definitions.* The following definitions apply to CDWSP:

Applicant means an institution of higher education, a State, or an areawide planning organization that submits an application for assistance under CDWSP.

Areawide planning organization (APO) means an organization authorized by law or by interlocal agreement to undertake planning and other activities for a metropolitan or nonmetropolitan area. For an organization operating in a nonmetropolitan area to be considered an APO, its jurisdiction must cover at least one county.

CDWSP means the Community Development Work Study Program.

Community building means community and economic development, community planning, community management, land use and housing activities.

Community building academic program or academic program means a graduate degree program whose purpose and focus is to educate students in community building. ''Community building academic program'' or ''academic program'' includes but is not limited to graduate degree programs in community and economic development, community planning, community management, public administration, public policy, urban economics, urban management, and urban planning. ''Community building academic program'' or ''academic program'' excludes social and humanistic fields such as law, economics (except for urban economics), education and history. ''Community building academic program'' or ''academic program'' excludes joint degree programs except where both joint degree fields have the purpose and focus of educating students in community building.

Economically disadvantaged and minority students means students who satisfy all applicable guidelines established at the participating institution of higher education to measure financial need for academic scholarship or loan assistance, including, but not limited to, students who are Black, American Indian/Alaskan Native, Hispanic, or Asian/Pacific Island, and including students with disabilities.

Institution of higher education means a public or private educational institution that offers a community building academic program and that is accredited by an accrediting agency or association recognized by the Secretary of Education under 34 CFR part 602.

Recipient means an approved applicant that executes a grant agreement with HUD.

Student means a student enrolled in an eligible full-time academic program. He/she must be a first-year student in a two-year graduate program. Students enrolled in Ph.D. programs are ineligible.

Student with disabilities means a student who meets the definition of ''person with disabilities'' in the Americans with Disabilities Act of 1990.

(c) * * *

(1) * * *

(i) * * *

(A) *Student stipend.* The amount of the student stipend is based upon the prevailing hourly rate for initial entry positions in community building and the number of hours worked by the student at the work placement assignment, except that the hourly rate used should be sufficiently high to allow a student to earn the full stipend without working over 20 hours per week

during the school year and 40 hours per week during the summer. The amount of the stipend the student receives may not exceed the actual amount earned, up to $9,000 per year.

(B) *Tuition support and additional support.* The amount of support for tuition, fees, books, and travel related to the academic program, workplace assignment or conferences may not exceed actual costs incurred or $5,000 per year, whichever is higher. The conferences are limited to those dealing with community building, sponsored by professional organizations.

* * * * *

(2) *Number of students assisted.* The minimum number of students that may be assisted is three students per participating institution of higher education. If an APO or State receives assistance for a program that is conducted by two or more institutions of higher education, each participating institution must have a minimum of three students in the program. The maximum number of students that may be assisted under CDWSP is five students per participating institution of higher education.

(d) * * *

(1) * * *

(i) * * *

(A) *Institutions of higher education.* Institutions of higher education offering a community building academic program are eligible for assistance under CDWSP.

(B) *Areawide planning organizations and States.* An APO or a State may apply for assistance for a program to be conducted by two or more institutions of higher education. Institutions participating in an APO program must be located within the particular area that is served by the APO and is identified by the State law or interlocal agreement creating the APO. Institutions of higher education participating in a State program must be located within the State.

(ii) To be eligible in future funding competitions for CDWSP, recipients are required to maintain a 50-percent rate of graduation from a CDWSP-funded academic program.

(iii) If an institution of higher education that submits an individual application is also included in the application of an APO or State, then the separate individual application of the institution of higher education will be disregarded. Additionally, if an institution of higher education is included in the application of both an APO and a State, then the references to the institution in the application of the State will be stricken. The State's application will then be ineligible if fewer than two institutions of higher education remain as participants in the State's application.

(2) * * *

(i) * * *

(A) Recruit and select students for participation in CDWSP. The recipient shall establish recruitment procedures that identify economically disadvantaged and minority students pursuing careers in community building, and make such students aware of the availability of assistance opportunities. Students must be selected before the beginning of the semester for which funding has been provided.

* * * * *

(E) Encourage participating students to obtain employment for a minimum of two years after graduation with a unit of State or local government, Indian tribe or nonprofit organization engaged in community building.

* * * * *

(f) *Work placement agencies eligibility and responsibilities.* (1) *Eligibility.* To be eligible to participate in the CDWSP, the work placement agencies must be involved in community building and must be an agency of a State or unit of local government, an APO, an Indian tribe, or a nonprofit organization.

(2) * * *

(i) Provide practical experience and training in community building.

* * * * *

(g) * * *

(1) * * *

(ii) Must be a full-time student enrolled in the first year of graduate study in a community building academic program at the participating institution of higher education. Individuals enrolled in doctoral programs are ineligible.

(iii) Must demonstrate an ability to maintain a satisfactory level of performance in the community building academic program and in work placement assignments, and to comply with the professional standards set by the recipient and the work placement agencies.

* * * * *

(2) * * *

(ii) An interest in, and commitment to, a professional career in community building.

* * * * *

(3) * * *

(i) Enroll in a two-year program. A student's academic and work placement responsibilities include: Full-time enrollment in an approved academic program; maintenance of a satisfactory level of performance in the community building academic program and in work placement assignments; and compliance with the professional conduct standards set by the recipient and the work placement agency. A satisfactory level of academic performance consists of maintaining a B average. A student's participation in CDWSP shall be terminated for failure to meet these responsibilities and standards. If a student's participation is terminated, the student is ineligible for further CDWSP assistance.

(ii) Agree to make a good-faith effort to obtain employment in community building with a unit of State or local government, an Indian tribe, or a nonprofit organization. The term of employment should be for at least two consecutive years following graduation from the academic program. If the student does not obtain such employment, the student is not required to repay the assistance received.

* * * * *

(i) * * *

(1) * * *

(iii) The applicant must demonstrate that each institution of higher education participating in the program as a recipient has the required academic programs and faculty to carry out its activities under CDWSP. Each work placement agency must have the required staff and community building work study program to carry out its activities under CDWSP.

(2) *Rating.* All applications that meet the threshold requirements for applicant eligibility will be rated based on the following selection criteria:

(i) *Quality of academic program.* The quality of the academic program offered by the institution of higher education, including without limitation the:

(A) Quality of course offerings;

(B) Appropriateness of course offerings for preparing students for careers in community building; and

(C) Qualifications of faculty and percentage of their time devoted to teaching and research in community building.

(ii) *Rates of graduation.* The rates of graduation of students previously enrolled in a community building academic program at the institution of higher education, specifically including (where applicable) graduation rates from any previously funded CDWSP academic programs or similar programs.

(iii) *Extent of financial commitment.* The commitment and ability of the institution of higher education to assure that CDWSP students will receive sufficient financial assistance (including loans, where necessary) above and beyond the CDWSP funding to complete

their academic program in a timely manner and without working in excess of 20 hours per week during the school year.

(iv) *Quality of work placement assignments.* The extent to which the participating students will receive a sufficient number and variety of work placement assignments, the assignments will provide practical and useful experience to students participating in the program, and the assignments will further the participating students' preparation for professional careers in community building.

(v) *Likelihood of fostering students' permanent employment in community building.* The extent to which the proposed program will lead participating students directly and immediately to permanent employment in community building, as indicated by, without limitation:

(A) The past success of the institution of higher education in placing its graduates (particularly CDWSP-funded and similar program graduates where applicable) in permanent employment in community building; and

(B) The amount of faculty and staff time and institutional resources devoted to assisting students (particularly students in CDWSP-funded and similar programs where applicable) in finding permanent employment in community building.

(vi) *Effectiveness of program administration.* The degree to which an applicant will be able effectively to coordinate and administer the program. HUD will allocate the maximum points available under this criterion equally among the following considerations set forth in paragraphs (i)(2)(vi) (A), (B), and (C) of this section, except that the maximum points available under this criterion will be allocated equally between the considerations set forth in paragraphs (i)(2)(vi) (A) and (B) of this section only where the applicant has not previously administered a CDWSP-funded program.

(A) The strength and clarity of the applicant's plan for placing CDWSP students on rotating work placement assignments and monitoring CDWSP students' progress both academically and in their work placement assignments;

(B) The degree to which the individual who will coordinate and administer the program has clear responsibility, ample available time, and sufficient authority to do so; and

(C) The effectiveness of the applicant's prior coordination and administration of a CDWSP-funded program, where applicable (including the timeliness and completeness of the applicant's compliance with CDWSP reporting requirements).

(vii) *Commitment to meeting economically disadvantaged and minority students' needs.* The applicant's commitment to meeting the needs of economically disadvantaged and minority students as demonstrated by policies and plans regarding, and past effort and success in, recruiting, enrolling and financially assisting economically disadvantaged and minority students. If the applicant is an APO or State, then HUD will consider the demonstrated commitment of each institution of higher education on whose behalf the APO or State is applying; HUD will then also consider the demonstrated commitment of the APO or State to recruit and hire economically disadvantaged and minority students.

* * * * *

(k) * * *

(3) * * *

(ii) If a student's participation in CDWSP is terminated before the completion of the two-year term of the student's program, the recipient may substitute another student to complete the two-year term of a student whose participation has terminated. The substituted student must have a sufficient number of academic credits to complete the degree program within the remaining portion of the terminated student's two-year term.

* * * * *

Dated: June 28, 1996.

Michael A. Stegman,

Assistant Secretary for Policy Development and Research.

[FR Doc. 96–17558 Filed 7–9–96; 8:45 am]

BILLING CODE 4210–62–P

federal register

Wednesday
July 10, 1996

Part V

Department of Housing and Urban Development

24 CFR Part 60

Office of the Secretary: Streamlining of HUD Regulations Governing the Protection of Human Subjects; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 60

[Docket No. FR–4069–F–01]

RIN 2501–AC26

Office of the Secretary; Streamlining of HUD Regulations Governing the Protection of Human Subjects

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: HUD's regulations at 24 CFR part 60 govern the protection of human subjects involved in research conducted or sponsored by HUD. These regulations are identical to those set forth by the Department of Health and Human Services (HHS). This final rule, which is part of HUD's continuing efforts to implement the President's regulatory reform initiative, amends part 60 to simply cross-reference to the HHS regulations, rather than repeating these identical provisions.

EFFECTIVE DATE: August 9, 1996.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–3055. (This is not a toll-free number.) Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On June 18, 1991 (56 FR 28003), HUD and fifteen other Federal Departments and Agencies published a common rule establishing guidelines for the protection of human subjects involved in research conducted or funded by these Departments and Agencies. Adoption of these common requirements implemented a recommendation made by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (the President's Commission), which was established by 42 U.S.C. 300v. HUD has codified these requirements at 24 CFR part 60.

The President's Commission is directed by 42 U.S.C. 300v–1(c) to report biennially to the President, the Congress, and appropriate Federal Departments and Agencies on the protection of human research subjects involved in biomedical or behavioral research. In carrying out that charge, the President's Commission must conduct a review of ''the rules, policies, guidelines, and regulations of all Federal agencies regarding the protection of human subjects of biomedical or behavioral research which such agencies conduct or sponsor.'' Further, the review ''may include such recommendations for legislation and administrative action as the [President's] Commission deems appropriate.'' (See 42 U.S.C. 300v–1(c).)

In December 1981, the President's Commission issued its first biennial report. Each Department or Agency receiving recommendations from the President's Commission with respect to its rules, policies, guidelines or regulations, is required by 42 U.S.C. 300v–1(b)(1) to publish the recommendations for public comment. On March 29, 1982 (47 FR 13272), the Department of Health and Human Services (HHS) published the recommendations on behalf of all affected Departments and Agencies. Among other suggestions, the President's Commission recommended that:

> The President should, through appropriate action, require that all federal departments and agencies adopt as a common core the regulations governing research with human subjects issued by the Department of Health and Human Services (codified at 45 CFR part 46), as periodically amended or revised, while permitting additions needed by any department or agency that are not inconsistent with these core provisions. (47 FR 13272, 13294)

In May 1982, the affected Federal Departments and Agencies formed a committee, chaired by an HHS representative, to consider the recommendations made by the President's Commission and the public comments submitted on these recommendations. On June 3, 1986 (51 FR 20204), the committee published for public comment a proposed model policy for the protection of human subjects. In accordance with the recommendation made by the President's Commission, the proposed model policy was based on subpart A of the HHS regulations at 45 CFR part 46. The June 18, 1991 rule finalized the requirements set forth in the June 3, 1986 proposed model policy and considered the public comments submitted on the proposed policy.

HUD's regulations at 24 CFR part 60, which implement the model policy, are identical to the HHS regulations at 45 CFR part 46, subpart A. One of the goals of President's Clinton's regulatory reform initiative is the elimination of repetitious regulatory provisions. Accordingly, this final rule amends 24 CFR part 60 to simply cross-reference to the HHS requirements, rather than repeating these identical provisions. Elimination of these redundant provisions will assist in HUD's goal of streamlining the content of title 24.

II. Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that good cause exists to publish this rule for effect without first soliciting public comment. This rule merely eliminates unnecessary repetition by reducing HUD's regulations at 24 CFR part 60 to a single section which cross-references the identical HHS requirements at 45 CFR part 46, subpart A. It does not establish or affect substantive policy. Therefore, prior public comment is unnecessary.

III. Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk. Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW, Washington, DC 20410.

Executive Order 12612, Federalism

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, Federalism, that the policies contained in this final rule will not have federalism implications and, thus, are not subject to review under that Order. This final rule eliminates unnecessary repetition by amending 24 CFR part 60 to merely cross-reference to the identical HHS regulatory provisions. The final rule will not impinge upon the relationship between the Federal Government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have a potential for significant impact on family formation, maintenance, and general well-being. This rule, as part of HUD's continuing efforts to implement the President's regulatory reform initiative, eliminates redundant regulatory provisions from title 24 of the CFR. No substantial change in existing HUD policies or programs will result from promulgation of this rule.

Regulatory Flexibility Act.

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this final rule, and in so doing certifies that this final rule will not have a significant economic impact on a substantial number of small entities. This final rule eliminates unnecessary repetition from title 24 of the CFR. The rule reduces HUD's regulations at 24 CFR part 60 to a single section which simply cross-references to the identical HHS requirements at 45 CFR part 46, subpart A. Elimination of these redundant provisions will assist in HUD's continuing efforts to implement the President's regulatory reform initiative. This rule does not establish or affect substantive policy, and will not have any meaningful economic impact on any entity.

List of Subjects in 24 CFR Part 60

Human research subjects, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 60 is amended as follows:

PART 60—PROTECTION OF HUMAN SUBJECTS

1. The authority citation for 24 CFR part 60 is revised to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b) and 3535(d).

2. Section 60.101 is revised to read as follows:

§ 60.101 Cross-reference.

The provisions set forth at 45 CFR part 46, subpart A, concerning the protection of human research subjects, apply to all research conducted, supported, or otherwise subject to regulation by HUD.

§§ 60.102 through 60.124 [Removed]

3. Sections 60.102 through 60.124 are removed.

Dated: June 28, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–17557 Filed 7–9–96; 8:45 am]

BILLING CODE 4210–32–P

federal register

Wednesday
July 10, 1996

Part VI

Department of Health and Human Services

Food and Drug Administration

International Conference on Harmonisation; Final Guidelines on Stability Testing of Biotechnological/Biological Products; Availability; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93D–0139]

International Conference on Harmonisation; Final Guideline on Stability Testing of Biotechnological/ Biological Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a final guideline entitled ''Quality of Biotechnological Products: Stability Testing of Biotechnological/Biological Products.'' The guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guideline is intended to provide guidance to applicants regarding the type of stability studies that should be provided in support of marketing applications for biotechnological/biological products.

DATES: Effective July 10, 1996. Submit written comments at any time.

ADDRESSES: Submit written comments on the guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Copies of the guideline are available from the Division of Communications Management (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1012. An electronic version of this guideline is also available via Internet by connecting to the CDER file transfer protocol (FTP) server (CDVS2.CDER.FDA.GOV).

FOR FURTHER INFORMATION CONTACT:

Regarding the guideline: Nga Y. Nguyen, Center for Biologics Evaluation and Research (HFM–18), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–402–4996.

Regarding ICH: Janet Jenkins-Showalter, Office of Health Affairs (HFY–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0865.

SUPPLEMENTARY INFORMATION: In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In the Federal Register of August 21, 1995 (60 FR 43501), FDA published a draft tripartite guideline entitled ''Quality of Biotechnological Products: Stability Testing of Biotechnological/ Biological Products.'' The notice gave interested persons an opportunity to submit comments by October 5, 1995.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies at the ICH meeting held on November 29, 1995.

The guideline is intended to supplement the tripartite ICH guideline entitled ''Stability Testing of New Drug Substances and Products'' published in the Federal Register of September 22, 1994 (59 FR 48754). Biotechnological/ biological products have distinguishing characteristics to which consideration should be given in any well-defined testing program designed to confirm their stability during the intended storage period. For such products, in which the active components are typically proteins and/or polypeptides, maintenance of molecular conformation and biological activity is dependent on noncovalent as well as covalent forces. The products are particularly sensitive to environmental factors such as temperature changes, oxidation, light, ionic content, shear, and so forth. In order to ensure maintenance of biological activity and to avoid degradation, stringent conditions for their storage are usually necessary. This guideline is intended to assist the applicant in developing appropriate supporting stability data for a biotechnological/biological product.

In the past, guidelines have generally been issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to state procedures or standards of general applicability that are not legal requirements but are acceptable to FDA. The agency is now in the process of revising § 10.90(b). Although this guideline does not create or confer any rights for or on any person, and does not operate to bind FDA, it does represent the agency's current thinking on stability testing of biotechnological/biological products.

As with all of FDA's guidelines, the public is encouraged to submit written comments with new data or other new information pertinent to this guideline. The comments in the docket will be periodically review, and, where appropriate, the guideline will be amended. The public will be notified of any such amendments through a notice in the Federal Register.

Interested persons may, at any time, submit written comments on the final guideline to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The text of the guideline follows:

Quality of Biotechnological Products: Stability Testing of Biotechnological/ Biological Products

1. Preamble

The guidance stated in the ICH harmonized tripartite guideline entitled ''Stability Testing of New Drug Substances and Products'' (issued by ICH on October 27, 1993) applies in general to biotechnological/biological products. However, biotechnological/

biological products have distinguishing characteristics to which consideration should be given in any well-defined testing program designed to confirm their stability during the intended storage period. For such products in which the active components are typically proteins and/or polypeptides, maintenance of molecular conformation and, hence, of biological activity, is dependent on noncovalent as well as covalent forces. The products are particularly sensitive to environmental factors such as temperature changes, oxidation, light, ionic content, and shear. To ensure maintenance of biological activity and to avoid degradation, stringent conditions for their storage are usually necessary.

The evaluation of stability may necessitate complex analytical methodologies. Assays for biological activity, where applicable, should be part of the pivotal stability studies. Appropriate physicochemical, biochemical, and immunochemical methods for the analysis of the molecular entity and the quantitative detection of degradation products should also be part of the stability program whenever purity and molecular characteristics of the product permit use of these methodologies.

With these concerns in mind, the applicant should develop the proper supporting stability data for a biotechnological/biological product and consider many external conditions that can affect the product's potency, purity, and quality. Primary data to support a requested storage period for either drug substance or drug product should be based on long-term, real-time, real-condition stability studies. Thus, the development of a proper long-term stability program becomes critical to the successful development of a commercial product. The purpose of this document is to give guidance to applicants regarding the type of stability studies that should be provided in support of marketing applications. It is understood that during the review and evaluation process, continuing updates of initial stability data may occur.

2. Scope of the Annex

The guidance stated in this annex to ''Stability Testing of New Drug Substances and Products'' applies to well-characterized proteins and polypeptides, their derivatives and products of which they are components, and which are isolated from tissues, body fluids, cell cultures, or produced using recombinant deoxyribonucleic acid (r-DNA) technology. Thus, the document covers the generation and submission of stability data for products such as cytokines (interferons, interleukins, colony-stimulating factors, tumor necrosis factors), erythropoietins, plasminogen activators, blood plasma factors, growth hormones and growth factors, insulins, monoclonal antibodies, and vaccines consisting of well-characterized proteins or polypeptides. In addition, the guidance outlined in the following sections may apply to other types of products, such as conventional vaccines, after consultation with the appropriate regulatory authorities. The document does not cover antibiotics, allergenic extracts, heparins, vitamins, whole blood, or cellular blood components.

3. Terminology

For the basic terms used in this annex, the reader is referred to the ''Glossary'' in ''Stability Testing of New Drug Substances and Products.'' However, because manufacturers of biotechnological/biological products sometimes use traditional terminology, traditional terms are specified in parentheses to assist the reader. A supplemental glossary is also included that explains certain terms used in the production of biotechnological/biological products.

4. Selection of Batches

3.1 Drug Substance (Bulk Material)

Where bulk material is to be stored after manufacture, but before formulation and final manufacturing, stability data should be provided on at least three batches for which manufacture and storage are representative of the manufacturing scale of production. A minimum of 6 months stability data at the time of submission should be submitted in cases where storage periods greater than 6 months are requested. For drug substances with storage periods of less than 6 months, the minimum amount of stability data in the initial submission should be determined on a case-by-case basis. Data from pilot-plant scale batches of drug substance produced at a reduced scale of fermentation and purification may be provided at the time the dossier is submitted to the regulatory agencies with a commitment to place the first three manufacturing scale batches into the long-term stability program after approval.

The quality of the batches of drug substance placed into the stability program should be representative of the quality of the material used in preclinical and clinical studies and of the quality of the material to be made at manufacturing scale. In addition, the drug substance (bulk material) made at pilot-plant scale should be produced by a process and stored under conditions representative of that used for the manufacturing scale. The drug substance entered into the stability program should be stored in containers that properly represent the actual holding containers used during manufacture. Containers of reduced size may be acceptable for drug substance stability testing provided that they are constructed of the same material and use the same type of container/closure system that is intended to be used during manufacture.

3.2 Intermediates

During manufacture of biotechnological/biological products, the quality and control of certain intermediates may be critical to the production of the final product. In general, the manufacturer should identify intermediates and generate in-house data and process limits that assure their stability within the bounds of the developed process. Although the use of pilot-plant scale data is permissible, the manufacturer should establish the suitability of such data using the manufacturing scale process.

3.3 Drug Product (Final Container Product)

Stability information should be provided on at least three batches of final container product representative of that which will be used at manufacturing scale. Where possible, batches of final container product included in stability testing should be derived from different batches of bulk material. A minimum of 6 months data at the time of submission should be submitted in cases where storage periods greater than 6 months are requested. For drug products with storage periods of less than 6 months, the minimum amount of stability data in the initial submission should be determined on a case-by-case basis. Product expiration dating should be based upon the actual data submitted in support of the application. Because dating is based upon the real-time/real-temperature data submitted for review, continuing updates of initial stability data should occur during the review and evaluation process. The quality of the final container product placed on stability studies should be representative of the quality of the material used in the preclinical and clinical studies. Data from pilot-plant scale batches of drug product may be provided at the time the dossier is submitted to the regulatory agencies with a commitment to place the first three manufacturing scale batches into the long-term stability program after approval. Where pilot-plant scale batches were submitted to establish the dating for a product and, in the event that the product produced at manufacturing scale does not meet those long-term stability specifications throughout the dating period or is not representative of the material used in preclinical and clinical studies, the applicant should notify the appropriate regulatory authorities to determine a suitable course of action.

4.4 Sample Selection

Where one product is distributed in batches differing in fill volume (e.g., 1 milliliter (mL), 2 mL, or 10 mL), unitage (e.g., 10 units, 20 units, or 50 units), or mass (e.g., 1 milligram (mg), 2 mg, or 5 mg), samples to be entered into the stability program may be selected on the basis of a matrix system and/or by bracketing.

Matrixing, i.e., the statistical design of a stability study in which different fractions of samples are tested at different sampling points, should only be applied when appropriate documentation is provided that confirms that the stability of the samples tested represents the stability of all samples. The differences in the samples for the same drug product should be identified as, for example, covering different batches, different strengths, different sizes of the same closure, and, possibly, in some cases, different container/closure systems. Matrixing should not be applied to samples with differences that may affect stability, such as different strengths and different containers/closures, where it cannot be confirmed that the products respond similarly under storage conditions.

Where the same strength and exact container/closure system is used for three or more fill contents, the manufacturer may elect to place only the smallest and largest container size into the stability program, i.e., bracketing. The design of a protocol that incorporates bracketing assumes that the stability of the intermediate condition samples are represented by those at the

extremes. In certain cases, data may be needed to demonstrate that all samples are properly represented by data collected for the extremes.

5. Stability-Indicating Profile

On the whole, there is no single stability-indicating assay or parameter that profiles the stability characteristics of a biotechnological/biological product. Consequently, the manufacturer should propose a stability-indicating profile that provides assurance that changes in the identity, purity, and potency of the product will be detected.

At the time of submission, applicants should have validated the methods that comprise the stability-indicating profile, and the data should be available for review. The determination of which tests should be included will be product-specific. The items emphasized in the following subsections are not intended to be all-inclusive, but represent product characteristics that should typically be documented to demonstrate product stability adequately.

5.1 Protocol

The dossier accompanying the application for marketing authorization should include a detailed protocol for the assessment of the stability of both drug substance and drug product in support of the proposed storage conditions and expiration dating periods. The protocol should include all necessary information that demonstrates the stability of the biotechnological/biological product throughout the proposed expiration dating period including, for example, well-defined specifications and test intervals. The statistical methods that should be used are described in the tripartite guideline on stability.

5.2 Potency

When the intended use of a product is linked to a definable and measurable biological activity, testing for potency should be part of the stability studies. For the purpose of stability testing of the products described in this guideline, potency is the specific ability or capacity of a product to achieve its intended effect. It is based on the measurement of some attribute of the product and is determined by a suitable in vivo or in vitro quantitative method. In general, potencies of biotechnological/biological products tested by different laboratories can be compared in a meaningful way only if expressed in relation to that of an appropriate reference material. For that purpose, a reference material calibrated directly or indirectly against the corresponding national or international reference material should be included in the assay.

Potency studies should be performed at appropriate intervals as defined in the stability protocol and the results should be reported in units of biological activity calibrated, whenever possible, against nationally or internationally recognized standards. Where no national or international reference standards exist, the assay results may be reported in in-house derived units using a characterized reference material.

In some biotechnological/biological products, potency is dependent upon the conjugation of the active ingredient(s) to a second moiety or binding to an adjuvant. Dissociation of the active ingredient(s) from the carrier used in conjugates or adjuvants should be examined in real-time/real-temperature studies (including conditions encountered during shipment). The assessment of the stability of such products may be difficult because, in some cases, in vitro tests for biological activity and physicochemical characterization are impractical or provide inaccurate results. Appropriate strategies (e.g., testing the product before conjugation/binding, assessing the release of the active compound from the second moiety, in vivo assays) or the use of an appropriate surrogate test should be considered to overcome the inadequacies of in vitro testing.

5.3 Purity and Molecular Characterization

For the purpose of stability testing of the products described in this guideline, purity is a relative term. Because of the effect of glycosylation, deamidation, or other heterogeneities, the absolute purity of a biotechnological/biological product is extremely difficult to determine. Thus, the purity of a biotechnological/biological product should be typically assessed by more than one method and the purity value derived is method-dependent. For the purpose of stability testing, tests for purity should focus on methods for determination of degradation products.

The degree of purity, as well as the individual and total amounts of degradation products of the biotechnological/biological product entered into the stability studies, should be reported and documented whenever possible. Limits of acceptable degradation should be derived from the analytical profiles of batches of the drug substance and drug product used in the preclinical and clinical studies.

The use of relevant physicochemical, biochemical, and immunochemical analytical methodologies should permit a comprehensive characterization of the drug substance and/or drug product (e.g., molecular size, charge, hydrophobicity) and the accurate detection of degradation changes that may result from deamidation, oxidation, sulfoxidation, aggregation, or fragmentation during storage. As examples, methods that may contribute to this include electrophoresis (SDS–PAGE, immunoelectrophoresis, Western blot, isoelectrofocusing), high-resolution chromatography (e.g., reversed-phase chromatography, gel filtration, ion exchange, affinity chromatography), and peptide mapping.

Wherever significant qualitative or quantitative changes indicative of degradation product formation are detected during long-term, accelerated, and/or stress stability studies, consideration should be given to potential hazards and to the need for characterization and quantification of degradation products within the long-term stability program. Acceptable limits should be proposed and justified, taking into account the levels observed in material used in preclinical and clinical studies.

For substances that cannot be properly characterized or products for which an exact analysis of the purity cannot be determined through routine analytical methods, the applicant should propose and justify alternative testing procedures.

5.4 Other Product Characteristics

The following product characteristics, though not specifically relating to biotechnological/biological products, should be monitored and reported for the drug product in its final container:

Visual appearance of the product (color and opacity for solutions/suspensions; color, texture, and dissolution time for powders), visible particulates in solutions or after the reconstitution of powders or lyophilized cakes, pH, and moisture level of powders and lyophilized products.

Sterility testing or alternatives (e.g., container/closure integrity testing) should be performed at a minimum initially and at the end of the proposed shelf life.

Additives (e.g., stabilizers, preservatives) or excipients may degrade during the dating period of the drug product. If there is any indication during preliminary stability studies that reaction or degradation of such materials adversely affect the quality of the drug product, these items may need to be monitored during the stability program.

The container/closure has the potential to affect the product adversely and should be carefully evaluated (see below).

6. Storage Conditions

6.1 Temperature

Because most finished biotechnological/biological products need precisely defined storage temperatures, the storage conditions for the real-time/real-temperature stability studies may be confined to the proposed storage temperature.

6.2 Humidity

Biotechnological/biological products are generally distributed in containers protecting them against humidity. Therefore, where it can be demonstrated that the proposed containers (and conditions of storage) afford sufficient protection against high and low humidity, stability tests at different relative humidities can usually be omitted. Where humidity-protecting containers are not used, appropriate stability data should be provided.

6.3 Accelerated and Stress Conditions

As previously noted, the expiration dating should be based on real-time/real-temperature data. However, it is strongly suggested that studies be conducted on the drug substance and drug product under accelerated and stress conditions. Studies under accelerated conditions may provide useful support data for establishing the expiration date, provide product stability information or future product development (e.g., preliminary assessment of proposed manufacturing changes such as change in formulation, scale-up), assist in validation of analytical methods for the stability program, or generate information that may help elucidate the degradation profile of the drug substance or drug product. Studies under stress conditions may be useful in determining whether accidental exposures to

conditions other than those proposed (e.g., during transportation) are deleterious to the product and also for evaluating which specific test parameters may be the best indicators of product stability. Studies of the exposure of the drug substance or drug product to extreme conditions may help to reveal patterns of degradation; if so, such changes should be monitored under proposed storage conditions. Although the tripartite guideline on stability describes the conditions of the accelerated and stress study, the applicant should note that those conditions may not be appropriate for biotechnological/biological products. Conditions should be carefully selected on a case-by-case basis.

6.4 Light

Applicants should consult the appropriate regulatory authorities on a case-by-case basis to determine guidance for testing.

6.5 Container/Closure

Changes in the quality of the product may occur due to the interactions between the formulated biotechnological/biological product and container/closure. Where the lack of interactions cannot be excluded in liquid products (other than sealed ampules), stability studies should include samples maintained in the inverted or horizontal position (i.e., in contact with the closure), as well as in the upright position, to determine the effects of the closure on product quality. Data should be supplied for all different container/closure combinations that will be marketed.

In addition to the standard data necessary for a conventional single-use vial, the applicant should demonstrate that the closure used with a multiple-dose vial is capable of withstanding the conditions of repeated insertions and withdrawals so that the product retains its full potency, purity, and quality for the maximum period specified in the instructions-for-use on containers, packages, and/or package inserts. Such labeling should be in accordance with relevant national/regional requirements.

6.6 Stability after Reconstitution of Freeze-Dried Product

The stability of freeze-dried products after their reconstitution should be demonstrated for the conditions and the maximum storage period specified on containers, packages, and/or package inserts. Such labeling should be in accordance with relevant national/regional requirements.

7. Testing Frequency

The shelf lives of biotechnological/biological products may vary from days to several years. Thus, it is difficult to draft uniform guidelines regarding the stability study duration and testing frequency that would be applicable to all types of biotechnological/biological products. With only a few exceptions, however, the shelf lives for existing products and potential future products will be within the range of 0.5 to 5 years. Therefore, the guidance is based upon expected shelf lives in that range. This takes into account the fact that degradation of biotechnological/biological products may not be governed by the same factors during different intervals of a long storage period.

When shelf lives of 1 year or less are proposed, the real-time stability studies should be conducted monthly for the first 3 months and at 3 month intervals thereafter.

For products with proposed shelf lives of greater than 1 year, the studies should be conducted every 3 months during the first year of storage, every 6 months during the second year, and annually thereafter.

While the testing intervals listed above may be appropriate in the preapproval or prelicense stage, reduced testing may be appropriate after approval or licensure where data are available that demonstrate adequate stability. Where data exist that indicate the stability of a product is not compromised, the applicant is encouraged to submit a protocol that supports elimination of specific test intervals (e.g., 9-month testing) for postapproval/postlicensure, long-term studies.

8. Specifications

Although biotechnological/biological products may be subject to significant losses of activity, physicochemical changes, or degradation during storage, international and national regulations have provided little guidance with respect to distinct release and end of shelf life specifications. Recommendations for maximum acceptable losses of activity, limits for physicochemical changes, or degradation during the proposed shelf life have not been developed for individual types or groups of biotechnological/biological products but are considered on a case-by-case basis. Each product should retain its specifications within established limits for safety, purity, and potency throughout its proposed shelf life. These specifications and limits should be derived from all available information using the appropriate statistical methods. The use of different specifications for release and expiration should be supported by sufficient data to demonstrate that the clinical performance is not affected, as discussed in the tripartite guideline on stability.

9. Labeling

For most biotechnological/biological drug substances and drug products, precisely defined storage temperatures are recommended. Specific recommendations should be stated, particularly for drug substances and drug products that cannot tolerate freezing. These conditions, and where appropriate, recommendations for protection against light and/or humidity, should appear on containers, packages, and/or package inserts. Such labeling should be in accordance with relevant national and regional requirements.

10. Glossary

Conjugated Product

A conjugated product is made up of an active ingredient (e.g., peptide, carbohydrate) bound covalently or noncovalently to a carrier (e.g., protein, peptide, inorganic mineral) with the objective of improving the efficacy or stability of the product.

Degradation Product

A molecule resulting from a change in the drug substance (bulk material) brought about over time. For the purpose of stability testing of the products described in this guideline, such changes could occur as a result of processing or storage (e.g., by deamidation, oxidation, aggregation, proteolysis). For biotechnological/biological products, some degradation products may be active.

Impurity

Any component of the drug substance (bulk material) or drug product (final container product) that is not the chemical entity defined as the drug substance, an excipient, or other additives to the drug product.

Intermediate

For biotechnological/biological products, a material produced during a manufacturing process that is not the drug substance or the drug product but for which manufacture is critical to the successful production of the drug substance or the drug product. Generally, an intermediate will be quantifiable and specifications will be established to determine the successful completion of the manufacturing step before continuation of the manufacturing process. This includes material that may undergo further molecular modification or be held for an extended period before further processing.

Manufacturing Scale Production

Manufacture at the scale typically encountered in a facility intended for product production for marketing.

Pilot-Plant Scale

The production of the drug substance or drug product by a procedure fully representative of and simulating that to be applied at manufacturing scale. The methods of cell expansion, harvest, and product purification should be identical except for the scale of production.

Dated: July 1, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–17471 Filed 7–9–96; 8:45 am]

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federal register

Wednesday
July 10, 1996

Part VII

Department of Housing and Urban Development

Public and Indian Housing Drug Elimination Program Funding Availability, Fiscal Year 1996; Amendment and Reopening of Application Period; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4003–N–02]

Office of the Assistant Secretary for Public and Indian Housing; Public and Indian Housing Drug Elimination Program Notice of Funding Availability—FY 1996; Amendment and reopening of application period

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 1996; Amendment and Reopening of Application Period.

SUMMARY: On April 8, 1996 (61 FR 15674), HUD published a notice announcing the availability of fiscal year (FY) 1996 funding for its Public and Indian Housing Drug Elimination Program. This notice, published in today's Federal Register makes two amendments to the April 8, 1996 NOFA, and reopens the application period for a period of 30 days. This notice amends the April 8, 1996 NOFA to provide for the final FY 1996 funding amount. This notice also amends the FY 1996 NOFA to revise the grant award limit for the largest category of housing authorities (50,000 units or more). For the convenience of the reader, the entire NOFA is being republished.

Note: All eligible housing authorities are invited to submit applications under this NOFA.

Housing authorities whose applications were submitted by the application deadline (June 14, 1996) under the April 8, 1996 NOFA are not required to resubmit applications under this amended NOFA. However, a housing authority whose application was timely filed under the April 8, 1996 NOFA, may submit an amended application or a replacement application during the 30-day application period. If submitting an amended or replacement application, the housing authority must clearly identify that its previous application filed under the April 8, 1996 NOFA is being amended or replaced in its entirety by the new submission.

Housing authorities whose applications were not filed by the June 14, 1996 deadline under the April 8, 1996 NOFA are considered timely filed under this NOFA, and need not reapply under this NOFA.

Housing authorities whose applications were timely filed under the April 8, 1996 but rejected will be notified of the rejection and may reapply under this NOFA published in today's Federal Register.

Again, all eligible housing authorities are eligible to apply under this NOFA.

This amended NOFA provides for HUD's final FY 1996 funding amount ($259,000,487) under the Public and Indian Housing Drug Elimination Program (PHDEP) for use in eliminating drug-related crime and other criminal activities associated with drug-related problems. Funded programs must be part of a comprehensive plan for addressing the problem of drug-related crime and other criminal activities associated with drug-related problems.

In the body of this document is information concerning the purpose of the NOFA, applicant eligibility, available amounts, selection criteria, financial requirements, management, and application processing, including how to apply, how selections will be made, and how applicants will be notified of results. HEREAFTER, the term housing authority (HA) shall include public housing agencies (PHAs) and Indian housing authorities (IHAs).

DATES: Applications must be received at the local HUD Field Office on or before August 9, 1996 AT 3:00 PM, LOCAL TIME. THIS APPLICATION DEADLINE IS FIRM AS TO DATE AND HOUR. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by any unanticipated or delivery-related problems. A FAX is not acceptable.

ADDRESSES: (a) APPLICATION KIT: An application kit may be obtained, and assistance provided, from the local HUD Field Office with delegated public housing responsibilities over an applying public housing authority, or from the Area Offices of Native American Programs (AONAP) having jurisdiction over an Indian housing authority making an application, or by calling HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578–3472. The application kit contains information on all exhibits and certifications required under this NOFA.

(b) APPLICATION SUBMISSION: An applicant may submit only one application per housing authority under each Notice of Funding Availability (NOFA). Joint applications ARE NOT PERMITTED under this program with the following EXCEPTION: HAs under a single administration (such as HAs managing another HA under contract or HAs sharing a common executive director) may submit a single application, even though each HA has its own operating budget. Applications (original and two identical copies of the original application) must be received by the deadline at the local HUD Field Office with responsibilities over the applying public housing authorities, Attention: Director, Office of Public Housing or, in the case of Indian housing authorities, at the local HUD AONAP (with jurisdiction over the applying Indian housing authorities, as appropriate) Attention: Administrator, AONAP. A complete listing of these offices is provided in Appendix ''A'' of this NOFA. It is not sufficient for an application to bear a postage date within the submission time period. Applications submitted by facsimile are not acceptable. APPLICATIONS RECEIVED AFTER THE DEADLINE DATE OF AUGUST 9, 1996, AT 3:00 PM, LOCAL TIME, WILL NOT BE CONSIDERED.

FOR FURTHER INFORMATION CONTACT: For questions concerning the Public Housing Drug Elimination Program (PHDEP) contact: the local HUD Field Office, Director, Office of Public Housing (Appendix ''A'' of this NOFA), HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578–3472 or Malcolm E. (Mike) Main, Crime Prevention and Security Division, Office of Community Relations and Involvement, Office of Public and Indian Housing, Room 4112, telephone (202) 708–1197, ext. 4232.

For questions concerning Native Americans programs contact: the local HUD Field Office Administrator, AONAP (Appendix ''A'' of this NOFA), HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578–3472 or Tracy Outlaw, Office of Native American Programs, Room B–133, telephone (202) 755–0088.

For questions concerning the Assisted Housing Drug Elimination Program (AHDEP) contact: Michael E. Diggs, Office of Multifamily Housing Programs, Office of Housing, Room 6130, telephone (202) 708–0614, ext. 2514.

The address for the above Headquarters persons is: Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Hearing-or-speech impaired persons may call (800) 877–8339. (Federal Information Relay Service TTY.) Except for the ''800'' number, these telephone numbers are not toll-free.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The OMB control number, when assigned, will be announced by separate notice in the Federal Register.

Changes to the April 8, 1996 NOFA

Final Funding Amount. On April 8, 1996 (61 FR 15674), HUD published a NOFA announcing the approximate FY 1996 funding for the Public and Indian Housing Drug Elimination Program (PHDEP). At the time of publication of the April 8, 1996 NOFA, Congress had not yet enacted a FY 1996 appropriation for HUD. Accordingly, the April 8, 1996 NOFA set forth HUD's estimate of the FY 1996 funding that the Congress would make available. HUD published the NOFA in order to give potential applicants adequate time to prepare applications.

On April 26, 1996, the President signed the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104–134) (''FY 1996 Appropriations Act''). The amount available (to remain available until expended) for funding under the FY 1996 PHDEP NOFA is $259,000,487. The FY 1996 Appropriations Act appropriated $290 million for the Drug Elimination Program. Of the total $290 million appropriated, $1.5 million will fund drug information clearinghouse services; $10 million will fund drug elimination technical assistance, contracts and other assistance training, program assessments, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training); $2.5 million shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of HUD; and $17,343,750 is for funding the Assisted Housing Drug Elimination Program.

No FY 1996 Funding for the Youth Sports Program. As stated in a notice published by HUD on June 12, 1996 (61 FR 29884), HUD is not funding the Youth Sports Program for FY 1996. However, following an appeal from the Lexington-Fayette Urban County Housing Authority for reconsideration of its FY 1994 Youth Sports Program NOFA score, HUD has determined that this application qualified for funding. Because all FY 1994 and FY 1995 funds have already been awarded, HUD has decided to correct this error by awarding the Lexington-Fayette Urban County Housing Authority $125,000 of FY 1996 funds. In addition, $469,237 of carryover/recovery program funds will be made available under the April 8, 1996 NOFA. Accordingly, the total FY 1996 funding available under the April 1996 PHDEP NOFA is $259,000,487.

Revision to the Maximum Grant Award Amount for the Largest Category of HAs. This NOFA revises the grant amount cap for the largest category of HAs (50,000 units or more). The cap is increased from $25,000,000 to $35,000,000 as a matter of allocational equity. This change will permit an HA with a high number of units to compete for an amount that more fairly represents its share of public housing unit responsibility.

The entire NOFA, as amended by the changes discussed above, is set forth below.

I. Purpose and Substantive Description

(a) Authority

These grants are authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et seq.*), as amended by section 581 of the National Affordable Housing Act of 1990 (NAHA), approved November 28, 1990, Pub. L. 101–625, and section 161 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102–550, approved October 28, 1992), and the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104–134, approved April 26, 1996).

(b) Allocation Amounts

(1) Federal Fiscal Year 1996 Funding. The amount available, to remain available until expended, for funding under this NOFA in FY 1996 is $259,000,487.

(2) Maximum Grant Award Amounts. HUD is distributing grant funds under this NOFA on a national competition basis. Maximum grant award amounts are computed on a sliding scale, using an overall maximum cap, depending upon the number of public housing agency (PHA) or Indian housing authority (IHA) units. The unit count includes rental, Turnkey III Homeownership, Mutual Help Homeownership and Section 23 leased housing bond-financed projects. Units in the Turnkey III Homeownership, Mutual Help Homeownership and Section 23 bond-financed programs are counted IF they have not been conveyed. Eligible projects must be covered by an annual contributions contract (ACC) or annual operating agreement (AOA) during the period of the grant award.

(i) Public housing agencies.

(A) PHA-Owned Rental Housing Program. In accordance with Notice 94–66 (PHA), Low Rent Public Housing Program—Streamlined Operating Budget and Financial Reporting Procedures, PHAs with fiscal years beginning January 1, 1995 and after, ARE NOT REQUIRED to submit an Operating Budget (Form HUD–52564) IF they have been determined, by HUD, to be High or Standard performers under Public Housing Management Assessment Program (PHMAP) and HAVE NOT FAILED the PHMAP financial indicators. Those requesting subsidy must, however, submit Form HUD–52723, Calculation of Performance Funding System (PFS) Operating Subsidy and units are in the header (which is the top of the form).

(B) PHAs (rental program) that are NOT REQUIRED to submit a budget under the PHMAP criteria in Section I.(b)(2)(ii)(A), above, of this NOFA AND are not requesting operating subsidy ARE NOT REQUIRED to submit Form HUD–52723. Unit counts MUST be confirmed with the local Field Office prior to submission of the PHDEP application.

(C) For PHA-Owned Turnkey III Homeownership Program and Section 23 Leased Housing Programs, PHAs ARE REQUIRED to submit Form HUD–52564, in accordance with Notice PIH 94–66 (PHA), and units in the header (which is the top of the form).

(D) For purposes of this NOFA, PHAs ARE REQUIRED to validate their unit counts with the local Field Office as of April 1, 1996. Units identified after this date will not be accepted.

(ii) Indian housing authorities.

(A) As of January 1, 1995 Indian housing authorities ARE NOT REQUIRED to submit Form HUD–52564, UNLESS a corrective action order has been issued in accordance with Notice PIH 94–72 (IHA) extended by Notice PIH 95–65.

(B) For purposes of this NOFA, Indian housing authorities ARE REQUIRED to validate their unit counts with the local AONAP, prior to submission of the PHDEP application, to ensure the unit count matches the data in the Management Information Retrieval System (MIRS) for units in management as of April 1, 1996. Units identified after this date will not be accepted.

(iii) The amount computed in this way MUST be compared with the dollar amount requested in the PHA/IHA application to make certain the amount requested does not exceed the maximum grant award. BASED UPON THE REQUIREMENTS OF SECTIONS I.(B)(2)(i) THROUGH (iii) OF THIS NOFA, APPLICANTS THAT REQUEST FUNDING THAT EXCEEDS THE ESTIMATED MAXIMUM GRANT AWARD AMOUNT PERMITTED WILL BE REJECTED AND WILL NOT BE ELIGIBLE FOR ANY FUNDING.

Amendments to the PHDEP made by the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), permit grants, under certain conditions as given in Section (c)(9) of this NOFA, below, to be used to eliminate drug-related crime and other criminal activities associated with drug-related crime in housing owned by PHAs that is not housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted. Where an application is submitted for this category of housing, the amount of eligible funding will be determined on the same per-unit basis as for federally assisted housing units, above.

The maximum grant awards are estimated to be as follows, although, as discussed below, in Section I.(b)(4) of this NOFA (Reduction of Requested Grant Amounts and Special Conditions), the Department may adjust the amount of any grant award. These estimates of the maximum grant awards are based on the amount of funds available in FY 1995. The maximum grant awards may be further adjusted based on the enacted 1996 appropriation.

(i) For housing authorities with 1–499 units: The maximum grant award is either a maximum grant award cap of $500.00 per unit, or a TOTAL MINIMUM grant award of $50,000, WHICHEVER IS GREATER;

(ii) For housing authorities with 500–1,249 units: The maximum grant award is either a maximum grant award cap of $300.00 per unit, or a TOTAL MINIMUM grant award of $250,000, WHICHEVER IS GREATER;

(iii) For housing authorities with 1,250–49,999 units: The maximum grant award is either a maximum grant award cap of $250.00 per unit, or a TOTAL MINIMUM grant award of $375,000 WHICHEVER IS GREATER;

(iv) For housing authorities with 50,000 or more units: The maximum grant award is a maximum cap of $200.00 per unit OR A TOTAL MAXIMUM GRANT AWARD OF $35 MILLION.

An applicant shall not apply for more funding than is permitted in accordance with the estimated maximum grant award amount as described above. Any application requesting funding that exceeds the estimated maximum grant award amount permitted will be rejected and will not be eligible for any funding UNLESS A COMPUTATIONAL ERROR WAS INVOLVED IN THE FUNDING REQUEST. Section IV of this NOFA provides guidance regarding application curable and noncurable deficiencies.

Such a computational error will be considered a curable deficiency in the application. Section III.(d) (Checklist of Application Requirements) of this NOFA requires applicants to compute the maximum grant award amount for which they are eligible. In accordance with Sections I.(b)(2)(i) through (iii) of this NOFA, applicants are required to confirm the unit count with the local HUD Field Office and/or AONAP prior to submission of the application. The amount computed in this way must be compared with the dollar amount requested in the application to make certain the amount requested does not exceed the maximum grant award.

(3) Reallocation. All awards will be made to fund fully an application, except as provided in Section I.(b)(4) of this NOFA (Reduction of Requested Grant Amounts and Special Conditions) below.

(4) Reduction of Requested Grant Amounts and Special Conditions. HUD may approve an application for an amount lower than the amount requested, withhold funds after approval, and/or the grantee will be required to comply with special conditions added to the grant agreement, in accordance with 24 CFR 85.12 (PHAs), and 24 CFR 950.135 (IHAs) as applicable, and the requirements of this NOFA, or where:

(i) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(ii) The application does not otherwise meet applicable cost limitations established for the program;

(iii) The applicant has requested an ineligible activity;

(iv) Insufficient amounts remain in that funding round to fund the full amount requested in the application and HUD determines that partial funding is a viable option;

(v) The applicant fails to implement the program in its plan and/or fails to submit required reports;

(vi) The applicant has demonstrated an inability to manage HUD grants, particularly PHDEP grants; or

(vii) For any other reason where good cause exists.

(c) Eligibility

Funding under this NOFA is available only for HAs. Although section 161 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) makes public housing resident management corporations (RMCs) eligible for PHDEP funding, the FY 1996 Appropriations Act limited the funds appropriated ''for grants to public and Indian housing agencies.'' Because RMCs, unlike IHAs, constitute a separate entity from PHAs under the authorizing statute, no funds are appropriated for RMCs. However, RMCs may continue to receive funding from housing authority grantees, as sub-grantees, to develop security and drug abuse prevention programs involving site residents as they have in the past. The Department has determined that the term ''in or around'' means within, or adjacent to, the physical boundaries of a public or Indian housing development. This effect of this definition is appropriate to make certain that program funds and program activities are targeted to benefit, as directly as possible, public and Indian housing developments, the intended beneficiaries of the program under the authorizing statute. An application for funding under this program may be for one or more of the eligible activities. The following is a listing of eligible activities under this program and guidance as to their parameters:

(1) Employment of Security Guard Personnel. Employment of security personnel IS PERMITTED under this section. Employment of contracted security personnel is divided into two categories: contracted security personnel services and equipment for and employment of HA police departments.

(i) CONTRACTED SECURITY GUARD PERSONNEL SERVICES. Contracting for or direct HA employment of security personnel services in HAs/development(s) IS PERMITTED under this program. Contracting for security personnel services is defined as a competitive process in which individual companies and/or individuals participate.

(A) Contracted security personnel funded by this program must perform services not usually performed by local law enforcement agencies on a routine basis, such as, patrolling inside buildings, providing personnel services at building entrances to check for proper identification or patrolling and checking car parking lots for appropriate parking decals.

(B) Contracted security personnel funded by this program must meet and demonstrate compliance with all relevant Federal, Tribal, State or local government insurance, licensing, certification, training, bonding, or other similar requirements relating to security services.

(C) The HA, the cooperating local law enforcement agency, and the provider (contractor) of the security personnel services are required to enter into and execute a security personnel service contract that includes (but is not limited to) the following:

(*1*) The activities to be performed by security personnel employed by the contractor; the scope of authority, written policies, procedures, and practices that will govern security personnel performance (i.e., a Policy Manual as described in Section I.(c)) of this NOFA; and how the security personnel contractor shall coordinate activities with the local law enforcement agency;

(*2*) The types of activities that the approved security personnel contractor(s) are expressly prohibited from undertaking.

(D) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the HA has executed a contract for security personnel services.

(E) Security personnel services funded under this program shall be guided by a contract for services that includes a policy manual (see below) that regulates, directs, controls, and monitors the conduct and activities of its personnel. The HA shall ensure all contracted security personnel are trained at a minimum in the areas described in this section.

(*1*) An up-to-date policy manual, which contains the security personnel contractor's policies, procedures, and general orders that regulate conduct and describe in detail how jobs are to be performed, must exist before a contract for services can be executed.

(*2*) Areas that MUST BE COVERED IN THE CONTRACTOR'S SECURITY PERSONNEL MANUAL INCLUDE BUT ARE NOT LIMITED TO: use of force, resident contacts, enforcement of HA rules, response criteria to calls, pursuits, arrest procedures, reporting of crimes and workload, feedback procedures to victims, citizens' complaint procedures, internal affairs investigations, towing of vehicles, authorized weapons and other equipment, radio procedures internally and with local police, training requirements, patrol procedures, scheduling of meetings with residents, reports to be completed, record keeping and position descriptions on all personnel, post assignments, monitoring and self evaluation program.

(F) The security personnel contractor shall complete a daily activity form/incident complaint report for the HA. The contractor shall use a HA approved activity form for the collection, analysis and reporting of these activities by personnel funded under this section. Computers, software, and associated equipment ARE PERMITTED as eligible items in support of crime workload data collection activities to support the HA's crime prevention and security mission.

(ii) EQUIPMENT FOR AND EMPLOYMENT OF PERSONNEL FOR HOUSING AUTHORITY POLICE DEPARTMENTS. Funding for equipment and employment of HA police department personnel IS PERMITTED by HAs that already have their own public housing authority police department. The below listed eleven (11) HAs have public housing police departments:

Baltimore Housing Authority and Community Development, Baltimore, MD
Boston Housing Authority, Boston, MA
Buffalo Housing Authority, Buffalo, NY
Chicago Housing Authority, Chicago, IL
Cuyahoga Metropolitan Housing Authority, Cleveland, OH
Housing Authority of the City of Los Angeles, Los Angeles, CA
Housing Authority of the City of Oakland, Oakland, CA
Philadelphia Housing Authority, Philadelphia, PA
Housing Authority of the City of Pittsburgh, Pittsburgh, PA
Waterbury Housing Authority, Waterbury, CT
Virgin Islands Housing Authority, Virgin Islands

(A) On September 22, 1995, the Department issued Notice PIH 95–58 (Guidelines for Creating, Implementing and Managing Public Housing Authority Police Departments in Public Housing Authorities). This Notice identifies the prerequisites for creating public housing police departments and provides guidance regarding technical assistance to HAs to assist in making decisions regarding public housing security, analysis of security needs and performance measures.

(B) HAs that have established their own public housing authority police departments, but are not included on this list, may file a request to be recognized as a HA police department by contacting Malcolm E. (Mike) Main of the Crime Prevention and Security Division (CPSD), Office of Community Relations and Involvement (OCRI), Public and Indian Housing, Department of Housing and Urban Development, Room 4112, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–1197, ext 4232. THIS REQUEST MUST BE APPROVED PRIOR TO THE SUBMISSION OF THE FY 1996 PHDEP APPLICATION. Hearing-or-speech impaired persons may call (800) 877–8339. (Federal Information Relay Service TTY.) Except for the ''800'' number, this telephone number is not toll-free.

(C) An applicant seeking funding for this activity must describe the current level of local law enforcement agency baseline services being provided to the HA/development(s) proposed for assistance. The baseline services are defined as ordinary and routine services provided to the residents as a part of the overall city and county-wide deployment of police resources, to respond to crime and other public safety incidents, including 911 communications, processing calls for service, routine patrol, police officer response to calls for service and investigative follow-up of criminal activity.

(D) Public housing authority police departments funded by this program must meet, and demonstrate compliance with, all relevant Federal, State, Tribal or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(E) Before approval of the grant agreement (Form HUD–1044), and funding by HUD, the applicant and the cooperating local law enforcement agency are required to enter into and execute a law enforcement service agreement, in addition to the HA's cooperation agreement, between the HA and the local law enforcement agency, that describes the following:

(*1*) The activities to be performed by the public housing authority police department, their scope of authority, established policies, procedures, and practices that will govern their performance (i.e., a public housing police department policy manual as described in Section I.(c) of this NOFA), and how they will coordinate their activities with the Federal, State, Tribal, and local law enforcement agencies;

(*2*) The types of activities that the public housing authority police departments are expressly prohibited from undertaking.

(F) Public housing authority police departments funded under this program shall be guided by an up-to-date policy manual (see paragraph (*1*) below) that regulates, directs, and controls the conduct and activities of its personnel.

All HA police officers must be trained at a minimum in the areas described in paragraph (*2*), below.

(*1*) An up-to-date public housing police department policy manual, which contains the policies, procedures, and general orders that regulate conduct and describe in detail how jobs are to be performed must exist prior to execution of the grant agreement. Applicants must submit a plan and timetable for the implementation of training for staff.

(*2*) Areas that MUST BE COVERED IN THE PUBLIC HOUSING POLICE DEPARTMENT MANUAL INCLUDE BUT ARE NOT LIMITED TO: use of force, resident contacts, enforcement of HA rules, response criteria to calls, pursuits, arrest procedures, prisoner transport procedures, reporting of crimes and workload, feedback procedures to victims, citizens complaint procedures, internal affairs investigations, towing of vehicles, authorized weapons and other equipment, radio procedures internally and with local police, training requirements, patrol procedures, scheduling of meetings with residents, reports to be completed, record keeping, evidence and drug seizures, position descriptions on every class of personnel, post and assignments, and integration of HA police and security personnel with local police as part of the HA's comprehensive security and safety strategy.

(G) Public housing authority police departments shall collect information on drug-related crime and other criminal activities as defined by the Uniform Crime Reporting (UCR) system (any Part I or Part II crimes that occur). For purposes of this section, HA police departments shall establish, implement and maintain a system of records management that ensures confidentially of criminal records and information. A HA approved daily activity/incident complaint form must be used for the collection, analysis, workload, response to service calls, reporting of activities/crime by officers within the HA/development(s) funded under this section. Computers, software, and associated equipment ARE PERMITTED AS ELIGIBLE ITEMS in support of the HA crime and workload data collection activities to support the overall HA's comprehensive crime prevention, security and safety mission.

(H) Applicants for funding of HA public housing authority police department officers must have car-to-car (or other vehicles) and portable-to-portable radio communications links between public housing authority police officers and local law enforcement officers to assure a coordinated and safe response to crimes or calls for services. The use of scanners (radio monitors) is not sufficient to meet the requirements of this section. Applicants that do not have such links must submit a plan and timetable for the implementation of such communications links.

(I) Public housing authority police departments funded under this program that are not employing a community policing concept must submit a plan and timetable for the implementation of community policing. An HA funded under the FY 1994/1995 PHDEP for public housing police departments should demonstrate in its plan what progress has been made in implementing its community policing program. The Department will monitor results of the HA's plan and timetable.

(*1*) Community policing has a variety of definitions; however, for the purposes of this program, it is defined as follows: Community policing is a method of providing law enforcement services that stresses a partnership among residents, police, schools, churches, government services, the private sector, and other local, State, Tribal, and Federal law enforcement agencies to prevent crime by addressing the conditions and problems that lead to crime and the fear of crime.

(*2*) This method of policing involves a philosophy of proactive measures, such as foot patrols, bicycle patrols and citizen contacts. This concept empowers police officers at the beat and zone level and residents in neighborhoods in an effort to: reduce crime and fear of crime; assure the maintenance of order; provide referrals of residents, victims, and the homeless to social services and government agencies; assure feedback of police actions to victims of crime; and promote a law enforcement value system on the needs and rights of residents.

(J) HA police departments funded under this program that are not nationally or State accredited must submit a plan and timetable for such accreditation. HAs may use either their State accreditation program, if one exists, or the Commission on Accreditation for Law Enforcement Agencies (CALEA) for this purpose.

(*1*) The law enforcement community developed a body of standards in 1981 against which law enforcement agencies could be evaluated. While some States have their own law enforcement accreditation program, the nationwide accreditation program is managed by the CALEA, which is located in Fairfax, VA. The purpose of accreditation is to reduce liability exposure of agencies and personnel, and to assure that law enforcement agencies meet a uniform body of standards.

(*2*) The accreditation concept emphasizes a voluntary, self-motivated approach by which organizations seek to achieve and maintain objectively verified high quality operations through periodic evaluations conducted by an independent, non-governmental body that has established standards for its ''clientele''. In simple terms, ''to accredit'' means to recognize or vouch for an agency as conforming to a body of standards related to a specific discipline—in this instance, law enforcement.

(*3*) The process for CALEA consists of formal application, mutual aid contract, an in-depth self-assessment, an on-site assessment by Commission-selected practitioner assessors from outside the State of the requesting agency, and final Commission review and decision. Self-assessment enables an agency to establish proofs of compliance with standards specific to the agency to review its organization, management, operations, and administrative activities to determine if it believes it meets the requirements. Certain standards are mandatory based on health, life, safety, and importance to the community and the agency.

(*4*) Use of grant funds for public housing police department accreditation activities IS PERMITTED. HAs under Section I.(c)(1)(ii) of this NOFA (public housing police departments) ARE PERMITTED to hire a public housing police department accreditation specialist to manage the accreditation program. HA police departments must submit a plan and timetable in order to be funded for this activity. Any public housing police department funded under the FY 1994/1995 PHDEP should demonstrate in its plan what progress has been made in implementing its accreditation program. The Department will monitor outcomes of the HA's plan and timetable.

(*5*) FUNDING IS PERMITTED. HAs that have been identified by HUD in Section I.(c)(1)(ii), above, of this NOFA as having authorized public housing police departments ARE PERMITTED to use PHDEP funds to purchase or lease any law enforcement clothing or equipment, such as, vehicles, uniforms, ammunition, firearms/weapons, police vehicles; including cars, vans, buses, and protective vests, or any other supportive equipment, etc. that supports the HA's crime prevention and security mission. HAs NOT IDENTIFIED by HUD in Section I.(c)(1)(ii), above, of this NOFA as having an authorized public housing police department ARE NOT PERMITTED to use PHDEP funds to

directly purchase such clothing or equipment for use by local police departments.

(K) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee has met all the above requirements.

(L) In order to assist HAs to develop and administer relevant, fair, and productive law enforcement service contracts with local police departments for the delivery of effective security services to the HA/residents, a sample contract for law enforcement services is provided with the application kit. A sample contract may be obtained by calling HUD's Drug Information and Strategy Clearinghouse, telephone: 1–800–578–3472.

(2) REIMBURSEMENT OF LOCAL LAW ENFORCEMENT AGENCIES FOR ADDITIONAL SECURITY AND PROTECTIVE SERVICES.

(i) For HAs THAT DO NOT HAVE an authorized public housing police department as defined in Section I.(c)(1)(ii) of this NOFA, additional security and protective services ARE PERMITTED under this program but must be over and above the local police department's current level of baseline services. Local police department baseline services are defined as ordinary and routine services provided to residents as a part of the overall, city and county-wide deployment of police resources, to respond to crime and other public safety incidents, including 911 communications, processing calls for service, routine patrol, police officer response to calls for service and investigative follow-up of criminal activity.

(ii) An applicant seeking funding for this activity must first define the current local police department's level of baseline services to the HA/residents (which should be the same city/county-wide) to include the number of officers and equipment and the actual percent of their time assigned to the HA/development(s) proposed for funding and then demonstrate in its plan to what extent the funded activity will represent an increase over and above these baseline services.

(iii) Reimbursement of local law enforcement agencies for additional protective services for communications and security equipment to improve collection, analysis, and use of information about drug-related crime and other criminal activities associated with drug-related problems in HAs/development(s), such as surveillance equipment (e.g., Closed Circuit Television (CCTV), software, cameras, monitors, components and supporting equipment), computers accessing national, Tribal, State or local government security networks and databases, facsimile machines, telephone equipment, bicycles, and motor scooters is permitted IF USED EXCLUSIVELY for the HA/development's crime prevention and comprehensive security efforts, AND in connection with the establishment of a law enforcement substation/presence on the funded premises or scattered site developments of the HA. The reimbursement shall be provided in accordance with a contractual agreement between the grantee and the local law enforcement agency.

(iv) The local law enforcement agency shall collect police officer activity (not just hours of work) information for the HA. The agency must use a HA approved activity form for the collection, analysis and reporting of activities by officers funded under this section. Reimbursement of local law enforcement agencies for additional protective services for computers, software, and associated equipment ARE PERMITTED AS ELIGIBLE ITEMS in support of HA crime and workload data collection activities to support its comprehensive crime prevention, security and safety mission.

(v) FUNDING THAT IS NOT PERMITTED. HAs not identified by HUD in Section I.(c)(1)(ii) of this NOFA as having an authorized public housing police department ARE NOT PERMITTED to use PHDEP funds to directly purchase or lease any military or law enforcement clothing or equipment, such as vehicles, uniforms, ammunition, firearms/weapons, military or police vehicles; including cars, vans, buses, protective vests, and any other supportive equipment, etc.

(vi) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee and the local law enforcement agency execute a contract for the additional law enforcement services.

(vii) In order to assist HAs to develop and administer relevant, fair, and productive protective services or law enforcement contracts with local police departments for the delivery of effective services to HAs and residents, a sample contract for law enforcement services is provided with the application kit. A sample contract may be obtained by calling HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578–3472.

(viii) The Department ENCOURAGES local community collaborations, between HAs and local police departments, regarding elimination of drug-related crime and other criminal activities associated with drug-related problems to improve safety and security for residents in HAs. This strategy should include implementation of community policing programs. For additional background on community policing, see the discussion at Section I.(c) of this NOFA.

(ix) The Department ENCOURAGES HAs to work closely with local police departments to permit the admission to public housing of police officers and other security personnel, whose visible presence may serve as a deterrent to drug-related crime and other criminal activities associated with drug-related problems. Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1) permits HAs to allow police officers and other security personnel not otherwise eligible for occupancy to reside in public or Indian housing dwelling units under a plan that will increase security for residents while minimizing both the reduction of available dwelling units and loss of HA income. HUD's final rule implementing section 519 was published on August 2, 1994 (59 FR 39402). For assistance regarding this program contact the local HUD Field Office or AONAP.

(3) Physical Improvements to Enhance Security.

(i) Physical improvements that are specifically designed to enhance security ARE PERMITTED under this program. These improvements may include (but are not limited to) the installation of barriers, lighting systems, fences, surveillance equipment (e.g., Closed Circuit Television (CCTV), speed bumps, software, fax, cameras, monitors, components and supporting equipment etc.) bolts, locks; the landscaping or reconfiguration of common areas so as to discourage drug-related crime and other criminal activities associated with drug-related problems in the HA and development(s) proposed for funding.

(ii) An activity that is funded under any other HUD program, such as the modernization program at 24 CFR part 968, shall not also be funded by this program.

(iii) FUNDING IS NOT PERMITTED for physical improvements that involve the demolition of any units in a development.

(iv) FUNDING IS NOT PERMITTED for any physical improvements that would result in the displacement of persons.

(v) FUNDING IS NOT PERMITTED for the acquisition of real property.

(vi) All physical improvements must also be accessible to persons with

disabilities. For example, some types of locks, buzzer systems, doors, etc., are not accessible to persons with limited strength, mobility, or to persons who are hearing impaired. All physical improvements must meet the accessibility requirements of 24 CFR part 8.

(4) Employment of Investigators.

(i) Employment of and equipment for one or more individuals IS PERMITTED under this program to:

(A) Investigate drug-related crime and other criminal activities associated with drug-related problems ''in or around'' the real property comprising any HA/development(s); and

(B) Provide evidence relating to any such crime in any administrative or judicial proceedings.

(ii) HAs that employ investigators funded by this program must meet and demonstrate compliance with all relevant Federal, Tribal, State or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(iii) The HA (Grantee), and cooperating local law enforcement agency are required to enter into and execute a written agreement that describes the following:

(A) The nature of the activities to be performed by the HA investigators, their scope of authority, reports to be completed, established policies, procedures, and practices that will govern their performance (i.e., a Policy Manual as described in Section I.(c)(1)(ii) of this NOFA) and how HA investigators will coordinate their activities with the local, State, Tribal, and Federal law enforcement agencies; and

(B) The types of activities that the HA investigators are expressly prohibited from undertaking.

(iv) Under this section, reimbursable costs associated with the investigation of drug-related crime and other criminal activities associated with drug-related problems (e.g., travel directly related to the investigator's activities, or costs associated with the investigator's testimony at judicial or administrative proceedings) may only be those incurred by the investigator.

(v) HA investigators funded under this program shall be guided by a policy manual that regulates, directs, and controls their conduct and activities. All HA investigators must be trained at a minimum in the areas described below in paragraph (B) of this section.

(A) An up-to-date policy manual, which contains the policies, procedures, and general orders that regulate conduct and describe in detail must exist prior to execution of this agreement.

(B) Areas that MUST BE COVERED IN THE MANUAL INCLUDE BUT ARE NOT LIMITED TO: use of force, resident contacts, enforcement of HA rules, response criteria to calls, pursuits, arrest procedures, reporting of crimes and workload, feedback procedures to victims, citizens complaint procedures, internal affairs investigations, towing of vehicles, authorized weapons and other equipment, radio procedures internally and with local police, training requirements, patrol procedures, scheduling of meetings with residents, daily activity reports to be completed, record keeping and position descriptions on every class of personnel, post and assignments.

(vi) HA investigator(s) shall report on drug-related crime and other criminal activities associated with drug-related problems in the HA/developments. HAs shall establish, implement and maintain a system of records management that ensures confidentiality of criminal records and information. HA approved activity forms must be used for the collection, analysis and reporting of activities by HA investigators funded under this section. Computers, software, and associated equipment ARE ELIGIBLE ITEMS in support of HA crime and workload data collection activity and its crime prevention and security mission.

(vii) FUNDING IS PERMITTED for HAs to use PHDEP funds for investigator activities to purchase or lease any law enforcement clothing or equipment, such as vehicles, uniforms, ammunition, firearms/weapons, or vehicles; including cars, vans, buses, protective vests, and any other supportive equipment, etc., to support the mission of the HA's investigator activities.

(viii) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee has met all the above requirements.

(5) Voluntary Tenant Patrols. Active voluntary tenant patrols activities to include purchase of uniforms, equipment and related training ARE PERMITTED under this section. For the purposes of this section, the elimination of drug-related crime and other criminal activities associated with drug-related problems within the HA/developments requires the active involvement and commitment of residents and their organizations.

(i) The provision of training and equipment (including all season uniforms and equipment) for use by active voluntary tenant patrols acting in cooperation with officials of local law enforcement agencies IS PERMITTED under this program. Members must be volunteers and must be tenants/residents of the HA/development(s). Voluntary tenant patrols established under this program are expected to patrol in the HA/development(s) proposed for assistance, and to report illegal activities to appropriate HA staff, and local, State, Tribal, and Federal law enforcement agencies, as appropriate. HAs are required to obtain liability insurance to protect themselves and the members of the voluntary tenant patrol against potential liability for the activities of the patrol under this program. The cost of this insurance is an eligible program expense.

(ii) The HA (Grantee) and cooperating local law enforcement agency, and the members of the voluntary tenant patrol are required, prior to expending any grant funds, to enter into and execute a written HA/local police department agreement that describes the following:

(A) The nature of the activities to be performed by the voluntary tenant patrol, the patrol's scope of authority, assignment, the established policies, procedures, and practices that will govern the voluntary tenant patrol's performance and how the patrol will coordinate its activities with the local law enforcement agency;

(B) The types of activities that a voluntary tenant patrol is expressly prohibited from undertaking including, but not limited to, the carrying or use of firearms or other weapons, nightstick, clubs, handcuffs, or mace in the course of their duties under this program;

(C) The initial and follow-up voluntary tenant patrol training the members receive from the local law enforcement agency (training by the local law enforcement agency is required before putting the voluntary tenant patrol into effect); and

(D) Voluntary tenant patrol members must be advised that they may be subject to individual or collective liability for any actions undertaken outside the scope of their authority and that such acts are not covered under a HA's liability insurance.

(iii) Uniforms, communication and related equipment eligible for funding under this program shall be reasonable, necessary, justified and related to the operation of the voluntary tenant patrol and that is otherwise permissible under local, State, Tribal, or Federal law.

(iv) Under this program, bicycles, motor scooters, all season uniforms and associated equipment (voluntary tenant patrol uniforms and equipment must be identified with specific HA/development identification/markings) to be used, exclusively, by the members of

the HA/development(s) voluntary tenant patrol ARE ELIGIBLE ITEMS.

(v) PHDEP grant funds may not be used for any type of financial compensation, such as any full-time wages or salaries for voluntary tenant patrol participants. Funding for HA personnel or resident(s) to be hired to coordinate this activity IS PERMITTED.

(6) Programs (Drug Prevention, Intervention and Drug Treatment) to Reduce the Use of Illegal Drugs. Programs that eliminate the use and distribution of illegal drugs ''in or around'' the premises of the HA/development(s), including drug abuse prevention, intervention, referral and treatment programs, ARE PERMITTED under this program. For purposes of this section, the goals of this program are best served by focusing resources directly upon HA resident/families. The program should facilitate drug prevention, intervention and treatment efforts, to include outreach to community resources and youth activities, and facilitate bringing these resources onto the premises, or providing resident referrals to treatment programs or transportation to out-patient treatment programs away from the premises. FUNDING IS PERMITTED for reasonable, necessary and justified purchasing or leasing of vehicles (whichever can be documented as the most cost effective) for grant administration, resident youth, adult education and training activities directly related to ''programs to reduce the use of illegal drugs'' under this section. Alcohol-related activities/programs ARE NOT ELIGIBLE for funding under this program. FUNDING IS PERMITTED for reasonable, necessary and justified program costs, such as meals, beverages and transportation, incurred only for training and education activities directly related to ''drug prevention programs to reduce/eliminate the use of illegal drugs.'' Activities that should be included in these programs are:

(i) DRUG CRIME PREVENTION. Drug crime prevention programs that will be considered for funding under this part must provide a comprehensive drug prevention approach for the HA/residents that will address the individual resident and his or her relationship to family, peers, and the community. Prevention programs must include activities designed to identify and change the factors present in HAs that lead to drug-related crime and other criminal activities associated with drug-related problems, and thereby lower the risk of drug usage. Many components of a comprehensive approach, such as refusal and restraint skills training programs or drug-related family counseling, may already be available in the community of the applicant's housing developments, and the applicant must act to bring those available program components onto the premises.

(A) DRUG EDUCATION OPPORTUNITIES. The causes and effects of illegal drug usage must be discussed in a formal setting to provide both young people and adults the working knowledge and skills they need to make informed decisions to confront the potential and immediate dangers of illegal drugs. Grantees may contract (in accordance with 24 CFR 85.36) with professionals to provide appropriate training or workshops. The professionals contracted to provide these services shall be required to base their services upon the needs assessment and program plan of the grantee. These educational opportunities may be a part of resident meetings, youth activities, or other gatherings of public and Indian housing residents.

(B) FAMILY AND OTHER SUPPORT SERVICES. For purposes of this section, the term ''supportive services'' means new or significantly expanded services to provide HA families with access to educational and employment opportunities such as, child care; employment training; literacy training; computer skills training; remedial education; drug abuse counseling; assistance in the attainment of certification of high school equivalency; and other appropriate services. In addition, drug and other prevention programs must demonstrate that they will provide directly or otherwise make available services designed to distribute drug education information, to foster effective parenting skills, and to provide referrals for treatment and other available support services in the development or the community for HA families.

(C) YOUTH SERVICES. Drug and other crime prevention programs must demonstrate that they have included groups composed of young people as a part of their prevention programs. These groups must be coordinated by adults with the active participation of youth to organize youth leadership, sports, recreational, cultural and other activities involving HA youth. The dissemination of drug education information, the development of peer leadership skills and other drug prevention activities must be a component of youth services.

(D) ECONOMIC AND EDUCATIONAL OPPORTUNITIES FOR RESIDENTS AND YOUTH. Prevention programs must demonstrate a capacity to provide HA/development(s) residents the opportunities for interaction with or referral to established higher education or vocational institutions with the goal of developing or building on the residents' skills to pursue educational, vocational and economic goals. The program must also demonstrate the ability to provide HA residents the opportunity to interact with private sector businesses in their immediate community for the same desired goals.

(ii) INTERVENTION. The aim of intervention is to identify HA resident drug users and assist them in modifying their behavior and in obtaining early treatment, if necessary. The applicant must establish a program with the goal of preventing drug-related crime and other criminal activities associated with drug-related problems once detected.

(iii) DRUG TREATMENT.

(A) Treatment funded under this program shall be ''in or around'' the premises of the HA/development(s) proposed for funding. The Department has determined that the term ''in or around'' means within, or adjacent to, the physical boundaries of a public or Indian housing development. The intent of this definition is to make certain that program funds and program activities are targeted to benefit, as directly as possible, public and Indian housing developments, the intended beneficiaries of the program under the authorizing statute. The goals of this program are best served by focusing its resources directly upon HAs/development(s).

(B) Funds awarded under this program shall be targeted towards the development and implementation of drug referral treatment services and long range aftercare, or the improvement of, or expansion of such program services for HA residents.

(C) Each proposed drug program must address but is not limited to the following goals:

(*1*) Increase resident accessibility to drug treatment services;

(*2*) Decrease drug-related crime and other criminal activity associated with drug-related problems ''in or around'' the HA/development(s) by reducing illicit drug use among residents; and

(*3*) Provide services designed for youth and/or maternal drug abusers, e.g., prenatal and postpartum care, specialized counseling in women's issues, parenting classes, or other drug supportive services.

(D) Approaches that have proven effective with similar populations will be considered for funding. Programs should meet the following criteria:

(*1*) Applicants may provide the service of formal referral arrangements to other treatment programs where the resident is able to obtain treatment costs from sources other than this program.

(*2*) Provide family and collateral counseling.

(*3*) Provide linkages to educational and vocational counseling.

(*4*) Provide coordination of services from/to appropriate Tribal or local drug agencies, HIV-related service agencies, and mental health and public health programs.

(E) Applicants must demonstrate a working partnership with the Single State Agency or current Tribal or State license provider or authority with drug/prevention program coordination responsibilities to coordinate, develop and implement the drug treatment proposal.

(F) The Single State Agency or authority with drug/prevention program coordination responsibilities must certify that the drug/prevention treatment proposal is consistent with the State treatment plan; and that the treatment service meets all local and State licensing requirements.

(G) FUNDING IS NOT PERMITTED for treatment of residents at any in-patient medical treatment program and facility.

(H) FUNDING IS NOT PERMITTED for detoxification procedures, short term or long term, designed to reduce or eliminate the presence of toxic substances in the body tissues of a patient.

(I) FUNDING IS NOT PERMITTED for maintenance drug programs. Maintenance drugs are medications that are prescribed regularly for a short/long period of supportive therapy (e.g. methadone maintenance), rather than for immediate control of a disorder.

(7) Resident Management Corporations (RMCs), Resident Councils (RCs), and Resident Organizations (ROs). Funding under this program IS PERMITTED for HAs to contract with RMCs and incorporated RCs and ROs to develop security and drug abuse prevention programs involving site residents. Such programs may include (but are not limited to) voluntary tenant patrol activities, drug education, drug intervention, youth programs, referral, and outreach efforts. For the purposes of this section, the elimination of drug-related crime and other criminal activities associated with drug-related problems within HAs/developments requires the active involvement and commitment of public housing residents and their organizations. To enhance the ability of HAs to combat drug-related crime and other criminal activity associated with drug-related problems within their developments, Resident Councils (RCs), Resident Management Corporations (RMCs), and Resident Organizations (ROs) will be permitted to undertake management functions specified in this part, notwithstanding the otherwise applicable requirements of 24 CFR parts 950 and 964. In order to implement the activity, the HA must enter into a sub-contract with the RMC/RC/RO setting forth the amount of funds, applicable terms, conditions, financial controls, payment mechanism, schedule, and special conditions, including sanctions for violation of the agreement. Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee has met all the above requirements.

(8) Program Performance. HUD will evaluate an applicant's performance under any previous Drug Elimination Program grants. Subject to evaluation and review are the applicant's financial and program performance; reporting and special condition compliance; accomplishment of stated goals and objectives under the previous grant; and program adjustments made in response to previous ineffective performance. If the evaluation discloses a pattern under past grants of ineffective performance with no corrective measures attempted, it will result in a deduction of points from the current application. Since this is a competitive program, HUD does not guarantee continued funding of any previously funded Drug Elimination Program grant.

(9) PHA-Owned Housing. Funding may be used for the activities described in Sections I.(c)(1) through (7) (eligible activities) of this NOFA, to eliminate drug-related crime and other criminal activities associated with drug-related problems in housing owned by public housing agencies that is not public housing that is assisted under the United States Housing Act of 1937 and is not otherwise federally assisted (for example, housing that receives tenant subsidies under Section 8 is federally assisted and would not qualify, but housing that receives only State, Tribal or local assistance would qualify), but only if they meet all of the following:

(i) The housing is located in a high intensity drug trafficking area designated pursuant to section 1005 of the Anti-Drug Abuse Act of 1988; and

(ii) The PHA owning the housing demonstrates, on the basis of information submitted in accordance with the requirements of Sections I.(d)(1), below, of this NOFA, that drug-related crime and other criminal activities associated with drug-related problems at the housing has a detrimental affect on or about the housing.

The High Intensity Drug Trafficking Areas (HIDTA) are areas identified as having the most critical drug trafficking problems that adversely impact the rest of the country. These areas are designed as HIDTA by the Director, Office of National Drug Control Policy pursuant to the Anti-Drug Abuse Act of 1988. As of February 1996 the following areas were confirmed by the Office of National Drug Control Policy Office, as designated high intensity drug trafficking areas:

—Washington, DC—Baltimore, MD which includes: Washington, DC, Alexandria, Arlington County (Cty), Fairfax Cty, Montgomery Cty, Prince George's Cty, Charles Cty, Anne Arundel Cty, Howard Cty, Baltimore Cty, and Baltimore, MD.

—New York City (and a surrounding area that includes Nassau Cty, Suffolk County, and Westchester Cty, New York, and all municipalities therein; and Union Cty, Hudson Cty, and Essex Cty, New Jersey, and all municipalities therein).

—Los Angeles (and a surrounding area that includes Los Angeles Cty, Orange Cty, Riverside Cty, and San Bernadino Cty, and all municipalities therein).

—Miami (and a surrounding area that includes Broward Cty, Dade County, and Monroe Cty, and all municipalities therein).

—Houston (and a surrounding area that includes Harris Cty, Galveston Cty, and all municipalities therein).

—The Southwest Border (and adjacent areas that include San Diego and Imperial Cty, California, and all municipalities therein; Yuma Cty, Maricopa Cty, Pinal Cty, Pima Cty, Santa Cruz Cty, and Cochise Cty, Arizona, and all municipalities therein; Hidalgo Cty, Grant County, Luna County, Dona Ana Cty, Eddy Cty, Lea Cty, and Otero Cty, New Mexico, and all municipalities therein; El Paso Cty, Hudspeth Cty, Culberson Cty, Jeff Davis Cty, Presidio County, Brewster Cty, Pecos Cty, Terrell Cty, Crockett Cty, Val Verde Cty, Kinney Cty, Maverick Cty, Zavala Cty, Dimmit Cty, La Salle Cty, Webb County, Zapata County, Jim Hogg County, Starr County, Hildago Cty, Willacy Cty, and Cameron Cty, Texas, and all municipalities therein).

—U. S. Virgin Islands and Puerto Rico.

For further information on high intensity drug trafficking areas contact Rich Yamamoto, at the Office of

National Drug Control Policy (ONDCP), Executive Office of the President, Washington, DC 20500. He may be reached on (202) 395–6755.

(10) Ineligible Activities. PHDEP funding IS NOT PERMITTED for any of the activities listed below, UNLESS OTHERWISE SPECIFIED IN THIS NOFA.

(i) FUNDING IS NOT PERMITTED under this NOFA for costs incurred before the effective date of the grant agreement (Form HUD–1044), including, but not limited to, consultant fees related to the development of an application or the actual writing of the application.

(ii) FUNDING IS NOT PERMITTED under this NOFA for the purchase of controlled substances for any purpose. Controlled substance shall have the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802).

(iii) FUNDING IS NOT PERMITTED under this NOFA for compensating informants, including confidential informants.

(iv) FUNDING IS NOT PERMITTED under this NOFA for the direct purchase of any law enforcement or military clothing or equipment, including cars, vans, buses, and motorcycles etc. Exceptions are set forth in Section I.(c) of this NOFA.

(v) FUNDING IS NOT PERMITTED under this NOFA for any wages or salaries for voluntary tenant patrol participants. HAs ARE PERMITTED to fund HA/resident coordinators to be hired for this activity.

(vi) FUNDING IS NOT PERMITTED under this NOFA for the costs of leasing, acquiring, or constructing any facility space in a building or unit.

(vii) FUNDING IS NOT PERMITTED under this NOFA for organized fund raising, advertising, financial campaigns, endowment drives, solicitation of gifts and bequests, rallies, marches, community celebrations and similar expenses.

(viii) FUNDING IS NOT PERMITTED under this NOFA for the costs of entertainment, amusements, or social activities and for the expenses of items such as meals, beverages, lodgings, rentals, transportation, and gratuities related to these ineligible activities. However, under Section I.(c)(6) of this NOFA, funding IS PERMITTED for reasonable, necessary and justified program costs, such as meals, beverages and transportation, incurred only for training, and education activities directly related to ''drug prevention programs.''

(ix) FUNDING IS NOT PERMITTED under this NOFA for the costs (court costs, attorneys fees, etc.) related to screening or evicting residents for drug-related crime and other criminal activities associated with drug-related problems. However, HA investigators funded under this program may participate in judicial and administrative proceedings as provided in Section I.(c)(4) (Employment of Investigators) of this NOFA.

(x) Although participation in activities with Federal drug interdiction or drug enforcement agencies is encouraged, the transfer of PHDEP grant funds to any Federal agency IS NOT PERMITTED under this NOFA.

(xi) Alcohol-related activities and programs ARE NOT ELIGIBLE for funding under this program. Controlled substance shall have the meaning provided in Section 102 of the Controlled Substance Act (21 U.S.C. 802). Since this definition of controlled substance does not include alcohol, alcohol-related activities are not eligible.

(xii) FUNDING IS NOT PERMITTED under this NOFA for establishing councils, resident associations, resident organizations, and resident corporations since HUD funds these activities under a separate NOFA.

(xiii) Indirect costs as defined in OMB Circular A–87 ARE NOT PERMITTED under this program. Only direct costs are permitted.

(xiv) FUNDING IS NOT PERMITTED under this NOFA for any cash awards.

(xv) Grant funds under this NOFA SHALL NOT BE USED to supplant existing positions or programs.

(d) Selection Criteria

HUD will review each application that it determines meets the requirements of this NOFA and evaluate it by assigning points in accordance with the selection criteria. An application for funding under this program may be for one or more eligible activities.

An applicant may submit only one application under each Notice of Funding Availability (NOFA). Joint applications ARE NOT PERMITTED under this program with the following EXCEPTION: HAs under a single administration (such as HAs managing another HA under contract or HAs sharing a common executive director) may submit a single application, even through each HA has its own operating budget.

The number of points that an application receives will depend on the extent to which the application is responsive to the information requested in the selection criteria. An application must receive a score of at least 70 points out of the maximum of 100 points that may be awarded under this competition to be eligible for funding.

After applications have been scored, Headquarters will rank the applications on a national basis. Awards will be made in ranked order until all funds are expended. HUD will select the highest ranking applications that can be fully funded. Applications with tie scores will be selected in accordance with the procedures in Section I.(e) (Ranking Factors). The terms ''housing'' and ''development(s)'' as used in the application selection criteria and submission requirements may include, as appropriate, housing described in Section I.(c)(9) (PHA-Owned Housing), above, of this NOFA. Each application submitted for a grant under this NOFA will be evaluated on the basis of the following selection criteria:

(1) *First Criterion:* The Extent of The Drug-Related Crime Associated With Drug-Related Crime Problems in the Applicant's Development or Developments Proposed for Assistance. (MAXIMUM POINTS: 40) To permit HUD to make an evaluation on the basis of this criterion, an application must include a description of the extent and nature of drug-related crime and other criminal activities associated with drug-related problems, ''in or around'' the HA/development(s) proposed for funding. An applicant must explain, in the application, in what way a problem claimed to be associated with drug-related crime and other criminal activities associated with drug-related problems is a result of drug-related crime and those other criminal activities. The description should provide the following information:

(i) OBJECTIVE DATA. The best available objective data on the nature, source, and frequency of the problem of drug-related crime and other criminal activities associated with drug-related problems. This data may include (but not necessarily be limited to):

(A) The nature and frequency of drug-related crime and other criminal activities associated with drug-related problems as reflected by crime statistics and other data from Federal, State, Tribal, or local law enforcement agencies.

(B) Information from records on the types and sources of drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for assistance.

(C) Descriptive data as to the types of offenders committing drug-related crime and other criminal activities associated with drug-related problems in the applicant's HA/development(s) (e.g., age, residence, etc.).

(D) The number of lease terminations or evictions for drug-related crime or arrests and other criminal activities associated with drug-related problems.

(E) The number of emergency room admissions for drug use or that result from drug-related crime and other criminal activities associated with drug-related problems. Such information may be obtained from police departments and/or fire departments, emergency medical services agencies and hospitals.

(F) The number of police calls for service from HAs (not just drug-related crime) such as resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

(G) The number of residents placed in treatment for drug-related substance abuse, the number of residents that successfully completed treatment, and number of residents that successfully completed short or long range after-care treatment for substance abuse.

(H) Where appropriate, the statistics should be reported both in real numbers and as an annual percentage of the residents in each development (e.g., 20 arrests in a two-year for distribution of heroin in a development with 100 residents reflects a 20% occurrence rate). The data should cover the most recent two-year period. If the data from the most recent two-year period is not used, an explanation must be provided. To the extent feasible, the data provided should be compared with data from a prior two year period to show whether the current data reflects a percentage increase or decrease in drug-related crime and other criminal activities associated with drug-related problems during that prior period of time within HAs.

(I) A reduction in drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) where previous PHDEP grants have been in effect will not be considered a disadvantage to the applicant.

(J) If funding is being sought for housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted, the application must demonstrate that the housing is located in a high intensity drug trafficking area designated pursuant to section 1005 of the Anti-Drug Abuse Act of 1988, and the application must demonstrate that drug-related activity and other criminal activities associated with drug-related problems at the housing has a detrimental affect on or about the real property comprising the public or other federally assisted low-income housing. For the purposes of this NOFA ''in or around'' means: on the premises or immediately adjacent to the premises of the real property comprising the public or other Federally-assisted housing.

(ii) OTHER DATA on the extent of drug-related crime and other criminal activities associated with drug-related problems. To the extent that objective data as described above may not be available, or to complement that data, the assessment may use data from other sources that have a direct bearing on drug-related crime and other criminal activities associated with drug-related problems in the developments proposed for assistance under this program. However, if other relevant information is to be used in place of, rather than to complement, objective data, the application must indicate the reasons why objective data could not be obtained and what efforts were made to obtain it. Examples of these data include (but are not necessarily limited to):

(A) Resident and staff surveys on drug-related crime and other criminal activities associated with drug-related problems or on-site reviews to determine drug activity; and local government or scholarly studies or other research in the past year that analyze drug activity in the targeted developments.

(B) Vandalism cost, to include elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime and other criminal activities associated with drug-related problems.

(C) Information from schools, health service providers, residents and Federal, State, and Tribal officials, and the opinions and observations of individuals having direct knowledge of drug-related crime and other criminal activities associated with drug-related problems concerning the nature and frequency of these problems in the developments proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, drug treatment or counseling professionals, or other social service providers.)

(D) The school dropout rate and level of absenteeism for youth that the applicant can relate to drug-related crime and other criminal activities associated with drug-related problems. If crime or other statistics are not available at the development or precinct level the applicant may use other reliable, objective data.

(iii) In awarding points, HUD will evaluate the extent to which the applicant has provided the above data that reflects drug-related crime and other criminal activities associated with drug-related problems, both in terms of the frequency and nature of the drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for funding as reflected by information submitted under paragraphs (1)(i) (objective data), and (ii) (other data) of this section; and the extent to which such data reflects an increase in drug-related crime and other criminal activities associated with drug-related problems over a period of two year(s) in the HA/development(s) proposed for assistance. (MAXIMUM POINTS UNDER PARAGRAPHS (i) AND (ii) OF THIS SECTION: 15)

(iv) In awarding points, HUD will evaluate the extent to which the applicant has analyzed the data compiled under paragraphs (1) (i) and (ii) of this section, and has clearly articulated its needs, performance measurements, and strategies for reducing drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for assistance. (MAXIMUM POINTS: 5)

(v) In awarding points, HUD will evaluate and assign points according to the extent and availability of standardized data on the following specific Part I crime activities as defined by the Uniform Crime Reporting (UCR) system: (1) Criminal homicide, (2) forcible rape, (3) robbery, and (4) aggravated assault. This data must cover both the frequency and nature of the crime in the HA/development(s) proposed for assistance. The community data will be taken from current Uniform Crime Reports (UCRs) of the U.S. Department of Justice (FBI crime data) and will be at the HA/city/county level, when available. The crime data and the point values will be computed by HUD. (MAXIMUM TOTAL POINTS: 10)

(vi) In awarding points, HUD will evaluate and assign points according to the extent and availability of standardized data on the Part II crime activity of drug abuse violations [State, Tribal and local offenses relating to the unlawful possession, sale, use, growing, and manufacturing of narcotic drugs], as defined by the Uniform Crime Reporting (UCR) system. This data must cover both the frequency and nature of the crime in the HA/development(s) proposed for assistance. The community data will be taken from current Uniform

Crime Reports (UCRs) of the U.S. Department of Justice (FBI crime data) and will be at the HA/city/county level, when available. The crime data and the point values will be computed by HUD. (MAXIMUM POINTS: 10)

(2) *Second Criterion:* The Quality of the Plan To Address the Crime Problem in the Public or Indian Housing Developments Proposed for Assistance, Including the Extent to Which the Plan Includes Initiatives that Can Be Sustained Over a Period of Several Years. (MAXIMUM POINTS: 35) In assessing this criterion, HUD will consider the following factors:

(i) To permit HUD to make an evaluation on the basis of this criterion, an application must include the applicant's plan for addressing drug-related crime and other criminal activities associated with drug-related problems. This means a narrative description of the applicant's activities for addressing (solutions/prevention) drug-related crime and other criminal activities associated with drug-related problems in each of the developments proposed for assistance under this part must be included in the application. The activities eligible for funding under this program are listed in Section I.(c) of this NOFA, above, although the applicant's plan must include all of the activities that will be undertaken to address the problem, whether or not they are funded under this program. If the same activities are proposed for all of the developments that will be covered by the plan, the activities do not need to be described separately for each development. Where different activities are proposed for different developments, these activities and the developments where they will take place must be separately described.

The description of the plan in the application must include (but not necessarily be limited to) the following information:

(A) A narrative describing each activity proposed for PHDEP funding in the applicant's plan, any additional relevant activities being undertaken by the applicant (e.g., a drug treatment program for residents funded by an agency other than HUD), and how all of these activities interrelate. The applicant should specifically address whether it plans to implement a comprehensive strategy relating to illegal drug activities, drug-related crime and other criminal activities associated with drug-related problems. The strategy must include (as applicable) management practices, enforcement/law enforcement techniques (such as community policing), and a combination of drug abuse prevention, intervention, referral, and treatment programs. In addition, the applicant must indicate how its proposed activities will complement, and be coordinated with, current activities.

(B) If grant amounts are to be used for contracting for/or employment of security guard personnel services in HAs/development(s), the application must describe how the requirements of Section I.(c)(1)(i) (Employment of Security Personnel) of this NOFA will be met.

(C) If grant amounts are to be used for HA police department equipment and personnel, the application must describe how the requirements of Section I.(c)(1)(ii) (Housing Authority Police Departments) of this NOFA will be met.

(D) If grant amounts are to be used for reimbursement of local law enforcement agencies for additional security and protective services, the application must describe how the requirements of Section I.(c)(2) (Reimbursement of Local Law Enforcement Agencies) of this NOFA will be met.

(E) If grant amounts are to be used for physical improvements in HA/developments proposed for funding under Section I.(c)(3) (Physical Improvements) of this NOFA, the application must describe how these improvements will be coordinated with the applicant's modernization program, if any, under 24 CFR part 950, subpart I, or 24 CFR part 968.

(F) If grant amounts are to be used for employment of investigators, the application must describe how the requirements of Section I.(c)(4) (Employment of Investigators) of the NOFA will be met.

(G) If grant amounts are to be used for voluntary tenant patrols, the application must describe how the requirements of Section I.(c)(5) (Voluntary Tenant Patrol) of this NOFA will be met.

(H) If grant amounts are to be used for a ''Program to reduce illegal drugs'' i.e.; prevention, intervention or treatment programs to eliminate the use of illegal drugs ''in or around'' the premises of the HA/development(s) as provided in Section I.(c)(6) of this NOFA, the application must discuss the nature of the program, how the program represents a prevention or intervention strategy, and how the program will further the HA's strategy to eliminate drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for assistance in the plan, a description of how funding decisions were reached (specifically how costs were determined for each element of each activity in the same format as shown in the application kit) and financial and other resources (including funding under this program, and from other resources) that may reasonably be expected to be available to carry out each activity.

(I) Implementation timetable that includes tasks, deadlines, budget cost, expected outcomes, desired results, and persons responsible for implementing (beginning, achieving identified milestones, and completing) each activity in the plan.

(J) The resources that the applicant may reasonably expect to be available at the end of the grant term to continue the plan, and how they will be allocated to plan activities that can be sustained over a period of years.

(K) A discussion of how the applicant's plan will serve to provide training and employment or business opportunities for lower income persons and businesses located in, or substantially owned by persons residing within the area of the section 3 covered project (as defined in 24 CFR part 135) in accordance with 24 CFR 761.40 and 24 CFR part 5, subpart A. HAs are encouraged to hire qualified residents in all positions.

(L) Program evaluation. The plan must specifically demonstrate how the activities funded under this program will be evaluated by the applicant, so that the program's progress can be measured. Performance measurements must be developed to demonstrate the relationship between the extent of the crime detailed in Selection Criterion 1, Section I(d)(1) of this NOFA, and the comprehensive crime reduction/elimination described in the implementation of the plan. The evaluation shall also be used to modify activities to make them more successful or to identify unsuccessful strategies. The evaluation must identify the types of information the applicant will use to measure the plan's success (e.g. tracking changes in identified crime statistics); and indicate the method the applicant will use to gather and analyze this information.

(ii) In assessing this criterion, HUD will consider the quality and thoroughness of an applicant's plan in terms of the information requested in Section I.(d)(2)(i), ''Quality of the plan,'' of this NOFA, including the extent to which:

(A) The applicant's plan clearly describes the activities that are being proposed by the applicant, including those activities to be funded under this program and those to be funded from other sources, and indicates how these proposed activities provide for a

comprehensive approach to reduce/eliminate drug-related crime and other criminal activities associated with drug-related problems (as described under selection criterion 1, Section I.(d)(1), ''The extent of the drug-related crime associated with drug-related crime problems'' of this NOFA, above) in the HA/development(s) proposed for funding. (MAXIMUM POINTS: 10)

(B) The applicant's plan provides a budget narrative with supporting documentation (specifically how costs were determined for each element of each activity in the same format as shown in the application kit) for each activity and describes the financial and other resources (under this program and other sources) that may reasonably be expected to be available to carry out each activity. (MAXIMUM POINTS: 5)

(C) The applicant's plan is realistic in terms of time, personnel, and other resources, considering the applicant's timetable for beginning and completing each component of the plan and the amount of funding requested under this program and other identified resources available to the applicant. (MAXIMUM POINTS: 2)

(D) As described in the plan, other entities (e.g., Tribal, local and State governments and community organizations) are involved in planning and carrying out the applicant's plan. (MAXIMUM POINTS: 2)

(E) The plan includes activities that can be sustained over a period of years and identifies resources that the applicant may reasonably expect to be available for the continuation of the activities at the end of the grant term. (MAXIMUM POINTS: 2)

(F) The applicant's plan will serve to provide training and employment or business opportunities for lower income persons and businesses located in, or substantially owned by persons residing within the area of the section 3 covered project (as defined in 24 CFR part 135) in accordance with 24 CFR 761.40 and 24 CFR part 5, subpart A. (MAXIMUM POINTS: 2)

(G) The applicant's plan contains a clear description of its process to collect, maintain and analyze specific drug-related crime and other criminal activities associated with drug-related problems and workload as defined by the Uniform Crime Reporting (UCR) system in specific Part I/II crimes as detailed in selection criterion 1, Sections I.(d)(1)(v) and (vi) of this NOFA, as well as other police workload data to include all calls for service on the HA/development(s) proposed for funding. (MAXIMUM POINTS: 5)

(H) The applicant's plan includes an evaluation process with specific performance measurements that demonstrate results relative to crime workload detailed in Selection Criterion 1, Section I.(d)(1) of this NOFA, in the HA/development(s) proposed for funding. (MAXIMUM POINTS: 7)

(3) *Third Criterion:* The Capability of the Applicant to Carry Out the Plan. (MAXIMUM POINTS: 15) In assessing this criterion, HUD will consider the following factors:

(i) The extent of the applicant's successful and effective administrative capability to manage its HA, as measured by its performance with respect to operative HUD requirements under the ACC or ACA and the Public Housing Management Assessment Program at 24 CFR part 901. In evaluating administrative capability under this factor, HUD will also consider, and the application must include in the form of a narrative discussion, the following information:

(A) Whether there are any unresolved findings from prior HUD reports (e.g., performance or finance), reviews or audits undertaken by HUD, the Office of the Inspector General, the General Accounting Office, or independent public accountants;

(B) Whether the applicant is operating under court order. (MAXIMUM POINTS UNDER PARAGRAPH (3)(I) (A) AND (B) OF THIS SECTION: 2)

(ii) The application must demonstrate, as authorized by applicable local, State, Tribal, and Federal law, the extent to which the applicant has formed a collaboration with the local, State, Tribal, and Federal law enforcement officials and courts to gain access regarding the criminal conviction records of applicants for, or tenants of, HAs regarding applicant screening, lease enforcement, and eviction. The application must demonstrate the extent to which the applicant has implemented effective screening procedures to determine an individual's suitability for public housing (consistent with the requirements of 42 U.S.C. 3604(f), 24 CFR 100.202, 29 U.S.C. 794 and 24 CFR 8.4 which deal with individuals with disabilities); implemented a plan to reduce vacancies; implemented eviction and lease enforcement procedures in accordance with 24 CFR part 966, subpart B, 25 CFR 950.340 and Section 503 of NAHA; or undertaken other management actions to eliminate drug-related crime and other criminal activities associated with drug-related problems in its developments. (MAXIMUM POINTS: 2)

(iii) The application must identify the applicant's participation in HUD grant programs (such as CGP, CIAP, youth sports, child care, resident management, PHDEP, HOPE VI, Tenant Opportunities Program (TOP), Family Investment Centers (FIC) grants, etc.) within the preceding three years, and discuss the degree of the applicant's success in implementing and managing these grant programs. (MAXIMUM POINTS: 4)

(iv) The local HUD Field Office/AONAP shall evaluate the extent of the applicant's success or failure in implementing and managing an effective program under previous PHDEP grants and/or other grants (preceding three years). This evaluation will be based upon (but not limited to) HUD's Line of Credit Control System (LOCCS) reports, PHDEP and/or other HUD program performance and financial reports, audits, and HUD reviews. (MAXIMUM POINTS: 7)

(4) *Fourth Criterion:* The Extent to Which Tenants, the Local Government and the Local Community Support and Participate in the Design and Implementation of the Activities Proposed to be Funded under the Application. (MAXIMUM POINTS: 10) In assessing this criterion, HUD will consider the following factors:

(i) The application must include a discussion of the extent to which community representatives and Tribal, local, State and Federal government officials are actively involved in the design and implementation of the applicant's plan, as evidenced by descriptions of planning meetings held with community representatives and local government officials, letters of commitment to provide funding, staff, or in-kind resources, or written comments on the applicant's planned activities. (MAXIMUM POINTS: 3)

(ii) The application must discuss the extent to which the relevant governmental jurisdiction has met its law enforcement obligations under the Cooperation Agreement with the applicant (as required by the grantee's Annual Contributions Contract with HUD). The application must also include a certification by the Chief Executive Officer (CEO) of a State or a unit of general local government in which the developments proposed for assistance are located that the locality is meeting its obligations under the Cooperation Agreement with the HA, particularly with regard to the current level of baseline law enforcement services. If the jurisdiction is not meeting its obligations under the Cooperation Agreement, the CEO should identify any special circumstances relating to its failure to do so. Whether or not a locality is meeting its obligations under the Cooperation Agreement with the applicant, the applicant must describe the current

level of baseline law enforcement services being provided to the HA/development(s) proposed for assistance. (MAXIMUM POINTS: 3)

(iii) The extent to which HA/development residents, and an RMC, RC or RO, where they exist, are involved in the planning and development of the grant application and plan strategy, and support and participate in the design and implementation of the activities proposed to be funded under the application. The application must include a summary of written resident and resident organization meetings, with supporting documentation that addresses (but is not limited to) subject matter, names of residents on committees, copies of resident surveys and evaluations etc., as required by 24 CFR 761.25, and the applicant's response to and action on these comments. If there are no resident or resident organization comments, the applicant must provide an explanation of the steps taken to encourage participation, even though they were not successful. (MAXIMUM POINTS: 2)

(iv) The extent to which the applicant is already undertaking, or has undertaken, participation in local, State, Tribal or Federal anti-drug related crime efforts, such as Operation Weed and Seed, and Operation Safe Home, and/or has successfully coordinated its law enforcement activities with local, State, Tribal or Federal law enforcement agencies. (MAXIMUM POINTS: 2)

(e) Ranking Factors

(1) Each application for a grant award that is submitted in a timely manner to the local HUD Field Office with delegated public housing responsibilities or, in the case of IHAs, to the appropriate AONAP, that otherwise meets the requirements of this NOFA, will be evaluated in accordance with the selection criteria specified above.

(2) An application must receive a score of AT LEAST 70 POINTS OUT OF THE MAXIMUM OF 100 POINTS that may be awarded under this competition to be eligible for funding.

(3) After applications have been scored, Headquarters will rank the applications on a national basis.

(4) In the event that two eligible applications receive the same score, and both cannot be funded because of insufficient funds, the application with the highest score in SELECTION CRITERION 3 ''THE CAPABILITY OF THE APPLICANT TO CARRY OUT THE PLAN'' will be selected. If Selection Criterion 3 is scored identically for both applications, the scores in Selection Criteria 1, 2, and 4 will be compared in this order, one at a time, until one application scores higher in one of the factors and is selected. If the applications score identically in all factors, the application that requests less funding will be selected.

(5) All awards will be made to fund fully an application, except as provided in Section I.(b)(4) of this NOFA (Reduction of Requested Grant Amounts and Special Conditions).

(f) General Grant Requirements

(1) Each grantee is responsible for ensuring that grant funds are administered in accordance with the requirements of 24 CFR part 761, any specific Notices of Funding Availability (NOFAs) issued for these programs, 24 CFR part 85 (as applicable), applicable laws and regulations, applicable OMB circulars, HUD fiscal and audit controls, grant agreements, grant special conditions, the grantee's approved budget (SF–424A), and supporting budget narrative, plan, and activity timetable.

(2) Applicability of OMB Circulars and HUD fiscal and audit controls. The policies, guidelines, and requirements of this NOFA, 24 CFR part 761, 24 CFR part 85, 24 CFR part 84, and OMB Circular A–87 apply to the acceptance and use of assistance by grantees under this program; and OMB Circular Nos. A–110 and A–122 apply to the acceptance and use of assistance by private nonprofit organizations (including RMCs, RCs and ROs). In addition, grantees and sub-grantees must comply with fiscal and audit controls and reporting requirements prescribed by HUD, including the system and audit requirements under the Single Audit Act, OMB Circular No. A–128 and HUD's implementing regulations at 24 CFR part 44; and OMB Circular No. A–133.

(3) Cost Principles. Specific guidance in this NOFA, 24 CFR part 761, 24 CFR part 85, 24 CFR part 84, OMB Circular A–87, other applicable OMB cost principles, HUD program regulations, Notices, HUD Handbooks, and the terms of grant/special conditions and subgrant agreements will be followed in determining the reasonableness and allocability of costs. All costs must be reasonable, necessary and justified with cost analysis. PHDEP Funds must be disbursed by the grantee within SEVEN CALENDAR DAYS AFTER RECEIPT OF DRAWDOWN. Grant funds must be used only for Drug Elimination Program purposes. Direct costs are those that can be identified specifically with a particular activity or function in this NOFA and cost objectives in OMB Circular A–87. Indirect cost ARE NOT PERMITTED in this program. Administrative requirements for the Public Housing Drug Elimination Program grants will be in accordance with 24 CFR part 85. Acquisition of property or services shall be in accordance with 24 CFR 85.36. All equipment acquisitions will remain the property of the grantee in accordance with 24 CFR 85.32. ONAP procurement standards are in 24 CFR part 950.

(4) Grant Staff Personnel.

(i) All persons or entities compensated by the grantee for services provided under a PHDEP grant must meet all applicable personnel or procurement requirements and shall be required as a condition of employment to meet all relevant State, local and Tribal government, insurance, training, licensing, or other similar standards and requirements.

(ii) Compensation for personnel relative to grant administrative support (including supervisory personnel, such as a grant administrator(s), public housing police department accreditation specialist under Section I.(c)(1)(ii) of this NOFA, drug/sports/voluntary tenant patrol program coordinators, and support staff (such as counselors and clerical staff) hired for grant activities IS PERMITTED and may include wages, salaries, and fringe benefits.

(iii) All grant personnel must be necessary, reasonable and justified. Job descriptions must be provided, in the application, for all grant personnel. Excessive staffing IS NOT PERMITTED.

(iv) HA staff responsible for management/coordination of PHDEP programs shall be compensated with grant funds only for work performed directly for PHDEP grant-related activities and shall document the time and activity involved in accordance with 24 CFR 85.20.

(5) Grant Agreement. After an application has been approved, HUD and the applicant shall enter into a grant agreement (Form HUD–1044) setting forth the amount of the grant and its applicable terms, conditions, financial controls, payment mechanism, schedule, and special conditions, including sanctions for violation of the agreement. The grant agreement will be effective upon execution of Form HUD–1044 by the Director, Office of Public Housing or Administrator, AONAP.

(6) Term of Grant Agreement. Terms of the grant agreement may not exceed 24 months, unless an extension (Form HUD–1044) is approved by the local HUD Field Office or AONAP. Any funds not expended at the end of the grant term shall be remitted to HUD. Once the award is executed, HUD Field Offices or AONAP, using Form HUD–1044, may

approve a PHDEP grant extension for any project up to and including a maximum period of 6 months beyond the original grant agreement. Grantees desiring an extension beyond 6 months must make a request through the local HUD Field Office or AONAP to the Assistant Secretary for Public and Indian Housing (ATTN: Office of Community Relations and Involvement, Crime Prevention and Security Division) for a waiver of 24 CFR part 761. Any funds not expended at the end of the grant term, unless an extension has been approved, shall be remitted to HUD.

(7) Grant extension. Local HUD Field Offices or AONAP may grant an extension of the grant term in response to a written request for an extension stating the need for the extension and indicating the additional time required. Local HUD Field Offices or AONAP will not consider requests for retroactive extension of program periods. HUD will permit only one extension. Local HUD Field Offices or AONAP will only consider extensions if the grantee meets the extension criteria of paragraph (b)(3) of this section at the time the grantee submits for approval the request for the extension. The maximum extension allowable for any PHDEP grant period is 6 months.

(i) Receipt. The request must be received by the local HUD Field Office or AONAP prior to the termination of the grant, and requires approval by the local HUD Office or AONAP with jurisdiction over the grantee.

(ii) Extension criteria. The following criteria must be met by the grantee when submitting a request to extend the expenditure deadline for a program or set of programs.

(iii) Performance and Financial Status Reports. There must be on file with the local HUD Field Office or AONAP current and acceptable Performance and Financial Status Reports, SF–269As.

(iv) Grant agreement special conditions. The grantee must have satisfied all grant agreement special conditions except those conditions that the grantee must fulfill in the remaining period of the grant. This also includes the performance and resolution of audit findings in a timely manner.

(v) Justification. The grantee must submit a narrative justification with the program extension request. The justification must provide complete details, including the circumstances that require the proposed extension, and an explanation of the impact of denying the request.

(vi) HUD action. The local HUD Field Office or AONAP will attempt to take action on any proposed extension request within 15 days after receipt of the request.

(8) Duplication of funds. To prevent duplicate funding of any activity, the grantee must establish controls to assure that an activity or program that is funded by other HUD programs, or programs of other Federal agencies, shall not also be funded by the Drug Elimination Program. The grantee must establish an auditable system to provide adequate accountability for funds that it has been awarded. The grantee is responsible for ensuring that there is no duplication of funds.

(9) Insurance. Each grantee shall obtain adequate insurance coverage to protect itself against any potential liability arising out of the eligible activities under this part. In particular, applicants shall assess their potential liability arising out of the employment or contracting of security personnel, law enforcement personnel, investigators, and drug treatment providers, and the establishment of voluntary tenant patrols; evaluate the qualifications and training of the individuals or firms undertaking these functions; and consider any limitations on liability under Tribal, State, or local law. Grantees shall obtain liability insurance to protect the members of the voluntary tenant patrol against potential liability as a result of the patrol's activities under § 761.15(b)(5). Voluntary tenant patrol liability insurance costs are eligible program expenses. Subgrantees shall obtain their own liability insurance.

(10) Failure to implement program(s). If the grant plan, approved budget, and timetable, as described in the approved application, are not operational within 90 days of the grant agreement date, the grantee must report by letter to the local HUD Field Office or the local AONAP the steps being taken to initiate the plan and timetable, the reason for the delay, and the expected starting date. Any timetable revisions that resulted from the delay must be included. The local HUD Field Office or AONAP will determine if the delay is acceptable, approve/disapprove the revised plan and timetable, and take any additional appropriate action.

(11) Sanctions. (1) HUD may impose sanctions if the grantee:

(i) Is not complying with the requirements of this part or of other applicable Federal law;

(ii) Fails to make satisfactory progress toward its drug elimination goals, as specified in its plan and as reflected in its performance and financial status reports;

(iii) Does not establish procedures that will minimize the time elapsing between drawdowns and disbursements;

(iv) Does not adhere to grant agreement requirements or special conditions;

(v) Proposes substantial plan changes to the extent that, if originally submitted, the applications would not have been selected for funding;

(vi) Engages in the improper award or administration of grant subcontracts;

(vii) Does not submit reports; or

(viii) Files a false certification.

(12) HUD may impose the following sanctions:

(i) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee;

(ii) Disallow all or part of the cost of the activity or action not in compliance;

(iii) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program;

(iv) Require that some or all of the grant amounts be remitted to HUD;

(v) Condition a future grant and elect not to provide future grant funds to the grantee until appropriate actions are taken to ensure compliance;

(vi) Withhold further awards for the program; or

(vii) Take other remedies that may be legally available.

(g) Periodic Reports

In accordance with 24 CFR part 85, grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity of the grant or sub-grant.

(1) Semiannual grant performance status reporting requirements. Grantees are required to provide the local HUD Field Office or AONAP with a semiannual performance report that evaluates the grantee's overall performance against its plan. This report shall include in summary form (but is not limited to) the following: any change or lack of change in crime statistics or other indicators drawn from the applicant's plan assessment (such as vandalism, etc.) and an explanation of any difference; successful completion of any of the strategy components identified in the applicant's plan; a discussion of any problems encountered in implementing the plan and how they were addressed; an evaluation of whether the rate of progress meets expectations; a discussion of the grantee's efforts in encouraging resident

participation; a description of any other programs that may have been initiated, expanded or deleted as a result of the plan, with an identification of the resources and the number of people involved in the programs and their relation to the plan.

(2) Semiannual grant financial status reporting requirements. The grantee shall submit a semiannual financial status report to the local HUD Field Office or AONAP. The grantee shall use the SF–269A to report the status of funds for nonconstruction programs. The grantee shall use SF–269A, Block 12, ''Remarks,'' to report on the status of programs, functions, or activities within the program.

(3) Semiannual grant performance and financial status reporting period and due dates. The semiannual performance and financial status report shall cover the periods ending June 30 and December 31, and must be submitted to the local HUD Field Office or AONAP by July 30 and January 31 of each year.

(4) Final grant performance status report. Grantees are required to provide the local HUD Field Office or AONAP with a final cumulative performance report that evaluates the grantee's overall performance against its plan. This report shall include in summary form (but is not limited to) the following:

(i) Any change or lack of change in crime statistics or other indicators drawn from the applicant's plan assessment (such as vandalism, etc.) and an explanation of any difference;

(ii) Successful completion of any of the strategy components identified in the applicant's plan;

(iii) A discussion of any problems encountered in implementing the plan and how they were addressed;

(iv) An evaluation of whether the rate of progress meets expectations;

(v) A discussion of the grantee's efforts in encouraging resident participation; and

(vi) A description of any other programs that may have been initiated, expanded or deleted as a result of the plan, with an identification of the resources and the number of people involved in the programs and their relation to the plan.

(5) Final financial status report (SF–269A). The final report will be a cumulative summary of expenditures to date and must indicate the exact balance of unexpended funds. The grantee shall remit all Drug Elimination Program funds, including any unexpended funds, owed to HUD within 90 days after the termination of the grant agreement.

(6) Final grant performance status report and financial status report (SF–269A) reporting period. The final performance and financial status report shall cover the period from the date of the grant agreement, to include any extensions, to the termination date of the grant agreement. The report is due to the local HUD Field Office or AONAP within 90 days after the termination of the grant agreement.

(7) Report submission. The grantee shall submit all required reports to the local HUD Field Office or AONAP as required.

II. Application Process

(a) APPLICATION KIT: An application kit may be obtained, and assistance provided, from the local HUD Field Office with delegated public housing responsibilities over an applying public housing agency, or from the AONAP having jurisdiction over the Indian housing authority making an application, or by calling HUD's Community Relations and Involvement Clearinghouse, telephone (800) 578–3472. The application kit contains information on all exhibits and certifications required under this NOFA.

(b) APPLICATION SUBMISSION: Applications are due on or before August 9, 1996, AT 3:00 PM, LOCAL TIME. Applications (original and two identical copies of the original application) must be received by the deadline at the local HUD Field Office or AONAP with responsibilities over the applying public housing authorities. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

Applications (original and two identical copies of the original application) must be physically received by the deadline at the local HUD Field Office with delegated public housing responsibilities. Attention: Director, Office of Public Housing, or, in the case of IHAs, to the local HUD AONAP. Attention: Administrator, AONAP, as appropriate. It is not sufficient for an application to bear a postage date within the submission time period. Applications submitted by facsimile are not acceptable. APPLICATIONS RECEIVED AFTER AUGUST 9, 1996, AT 3:00 PM, LOCAL TIME, WILL NOT BE CONSIDERED.

III. Checklist of Application Submission Requirements

To qualify for a grant under this program, the application submitted to HUD shall include, in addition to those requirements listed under Section I.(d) (Selection Criteria) of this NOFA, including the plan to address the problem of drug-related crime and other criminal activities associated with drug-related problems in the developments proposed for funding, at least the following items:

(a) Applicant Grant Data Form. The applicant must complete the form for HUD's application database entry. The form, with example, is provided in the application kit.

(b) Application for Federal Assistance, Standard Form SF–424. The SF–424 is the face sheet for the application. The applicant must complete and sign the form. The form, with example, is provided in the application kit.

(c) Standard Form SF–424A Budget Information (non-construction programs), with attached budget narrative(s) with supporting justification and documentation (specifically showing how costs were determined for each element of each activity in the same format as shown in the application kit). The SF–424A, with attached budget narrative, must be completed and the applicant must describe each major activity proposed for funding, e.g., employment of security personnel (contracted security personnel services and housing authority police departments), reimbursement of local law enforcement services, physical improvements, employment of investigators, voluntary tenant (resident) patrols, programs to reduce the use of drugs i.e. drug prevention, intervention, and treatment programs. The form, with example, is provided in the application kit.

(d) Applicants must verify their unit count with the local HUD Field Office/AONAP prior to submitting the application. In accordance with Sections I.(b)(2)(i) through (iii) of this NOFA, applicants must compute the maximum grant award amount for which they are eligible (eligible dollar amount per unit × (times) number of units and compare it with the dollar amount requested in the application to make certain the amount requested does not exceed the permitted maximum grant award.

(e) Standard Form SF–424B, Assurances, (non-construction programs) for pre-award assurances. The applicant must complete and sign the

form. The form and example are provided in the application kit.

(f) Certifications. Applications must include the following certifications (certifications are provided in the application kit):

(1) A certification that the applicant will maintain a drug-free workplace in accordance with the requirements of the Drug-Free Workplace Act of 1988, 24 CFR part 24, subpart F. (Applicants may submit a copy of their most recent drug-free workplace certification, which must be dated within the past year.)

(2) A certification and disclosure in accordance with the requirements of section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities generally prohibit recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. INDIAN HOUSING AUTHORITIES ESTABLISHED BY AN INDIAN TRIBE AS A RESULT OF THE EXERCISE OF THEIR SOVEREIGN POWER ARE EXCLUDED FROM COVERAGE, BUT INDIAN HAs ESTABLISHED UNDER STATE LAW ARE NOT EXCLUDED FROM COVERAGE.

(3) If applying for drug treatment program funding, a certification by the applicant that the applicant has notified and consulted with the relevant local Tribal commission, Single State Agency or other local authority with drug program coordination responsibilities concerning its application; and that the proposed drug prevention/treatment program has been reviewed by the relevant local Tribal commission, Single State Agency or other local authority and is consistent with the Tribal or State treatment plan.

(4) A certification (provided in the application kit) by the Chief Executive Officer (CEO) of a State, Tribe, or a unit of general local government in which the developments proposed for assistance are located that:

(i) Grant funds provided under this program will not substitute for activities currently being undertaken on behalf of the applicant by the jurisdiction to address drug-related crime and other criminal activities associated with drug-related problems;

(ii) Any reimbursement of local law enforcement agencies for additional security and protective services to be provided under Section I.(c)(2) of this NOFA meets the requirements of that section.

(5) A certification, (An example is provided in the application kit), from the chief of the local law enforcement agency:

(i) *If* the application is for employment of security services, that the law enforcement agency has entered into, or will enter into, an agreement with the applicant and the provider of the security services in accordance with the requirements of Section I.(c)(1) (Employment of security personnel) of this NOFA;

(ii) *If* the application is for employment of investigators, that the law enforcement agency has entered into, or will enter into, an agreement with the applicant and the investigators, in accordance with the requirements of Section I.(c)(4) (Employment of investigators) of this NOFA;

(iii) *If* the application is for voluntary tenant (resident) patrol funding, that the law enforcement agency has entered into, or will enter into, an agreement with the applicant and the voluntary tenant patrol, in accordance with the requirements of Section I.(c)(5) (voluntary tenant (resident) patrol) of this NOFA.

(6) A certification (An example is provided in the application kit) by the RMC, RC or RO, or other involved resident group where an RMC, RC or RO does not exist, that the residents participated in the preparation of the grant application with the applicant, and that the applicant's description of the activities and program evaluation that the resident group will implement under the program is accurate and complete.

(g) HUD Form 2880, Applicant Disclosures. The form, with example, is provided in the application kit.

IV. Corrections to Deficient Applications

(a) HUD will notify an applicant, in writing, of any curable technical deficiencies in the application. The applicant must submit corrections in accordance with the information specified in HUD's letter within 14 calendar days from the date of HUD's letter notifying the applicant of any such deficiency.

(b) Curable technical deficiencies relate to items that:

(i) Are not necessary for HUD review under selection criteria/ranking factors; and

(ii) Would not improve the quality of the applicant's program proposal.

(c) An example of a curable technical deficiency would be the failure of an applicant to submit a required assurance, budget narrative, certification, applicant data form, summaries of written resident comments, incomplete forms such as the SF–424 or lack of required signatures, appendixes and documentation referenced in the application or a computational error based on the use of an incorrect number(s) such as incorrect unit counts. These items are discussed in the application kit and samples, as appropriate, are provided.

(d) An example of a non-curable defect or deficiency would be a missing SF–424A (Budget Information).

V. Other Matters

(a) NONDISCRIMINATION AND EQUAL OPPORTUNITY. The following nondiscrimination and equal opportunity requirements apply:

(1) The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3600–20 (Fair Housing Act) and implementing regulations issued at subchapter A of title 24 of the Code of Federal Regulations, as amended by 54 FR 3232 (published January 23, 1989); Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR part 107; and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR part l;

(2) The Indian Civil Rights Act (ICRA) (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301–1303) provides, among other things, that ''no Indian tribe in exercising powers of self-government shall * * * deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.'' The Indian Civil Rights Act applies to any Tribe, band, or other group of Indians subject to the jurisdiction of the United States in the exercise of recognized powers of self-government. The ICRA is applicable in all cases where an IHA has been established by exercise of Tribal powers of self-government.

(3) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;

(4) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR Chapter 60;

(5) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, recipients must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(b) ENVIRONMENTAL IMPACT. Grants under this program are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA) in accordance with 24 CFR 50.20(p). However, prior to an award of grant funds, HUD will perform an environmental review to the extent required by HUD's environmental regulations at 24 CFR part 50, including the applicable related authorities at 24 CFR 50.4.

(c) FEDERALISM IMPACT. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government and, therefore, the provisions of this NOFA do not have ''Federalism implications'' within the meaning of the Order. The NOFA implements a program that encourages housing authorities to develop a plan for addressing the problem of drug-related crime and other criminal activities associated with drug-related problems, and makes available grants to housing authorities to help them carry out their plans. As such, the program would help housing authorities combat serious drug-related crime problems in their developments, thereby strengthening their role as instrumentalities of the States. In addition, further review under the Order is unnecessary, since the NOFA generally tracks the statute and involves little implementing discretion.

(d) FAMILY IMPACT. The General Counsel, as the Designated Official for Executive Order 12606, The Family, has determined that the provisions of this NOFA have the potential for a positive, although indirect, impact on family formation, maintenance and general well-being within the meaning of the Order. This NOFA would implement a program that would encourage HAs to develop a plan for addressing the problem of drug-related crime and other criminal activities associated with drug-related problems, and to make available grants to help housing authorities to carry out this plan. As such, the program is intended to improve the quality of life of public and Indian housing development residents, including families, by reducing the incidence of drug-related crime.

(e) SECTION 102 HUD REFORM ACT—DOCUMENTATION AND PUBLIC ACCESS REQUIREMENTS; APPLICANT/RECIPIENT DISCLOSURES.

DOCUMENTATION AND PUBLIC ACCESS. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 24 CFR 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these requirements.)

DISCLOSURES. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

(f) SECTION 103 HUD REFORM ACT. HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel or Headquarters Counsel for the program to which the question pertains.

(g) SECTION 112 HUD REFORM ACT. Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the Federal Register on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

(h) PROHIBITION AGAINST LOBBYING ACTIVITIES. The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (The ''Byrd Amendment'') and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the

recipient has made an acceptable certification regarding lobbying.

Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance. Indian Housing Authorities established by an Indian Tribe as a result of the exercise of their sovereign power are excluded from coverage, but has established under State law are not excluded from coverage.

Authority: Sec. 5127, Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 *et seq.*); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: July 3, 1996.

Kevin E. Marchman,

Acting Assistant Secretary for Public and Indian Housing.

Appendix A: Local HUD Office Addresses and Phone Numbers

HUD—New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Massachusetts State Office

Office of Public Housing, DHUD—Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 553, Boston, MA 02222–1092, (617) 565–5196, TTY Number: (617) 565–5453, Office hours: 8:30am–5:00pm local time

Connecticut State Office

Office of Public Housing, DHUD—Connecticut State Office, 330 Main Street, Hartford, Connecticut 06106–1860, (860) 240–4522, TTY Number: (203) 240–4665, Office hours: 8:00am–4:30pm local time

New Hampshire State Office

Office of Public Housing, DHUD—New Hampshire State Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518, Office hours: 8:00am–4:30pm local time

Rhode Island State Office

Office of Public Housing, DHUD—Rhode Island State Office, 10 Weybosset Street, Sixth Floor, Providence, Rhode Island 02903–2808, (401) 528–5351, TTY Number: (401) 528–5364, Office hours: 8:00am–4:30pm local time

HUD—New York, New Jersey

New York State Office

Office of Public Housing, DHUD—New York State Office, 26 Federal Plaza, Suite 3237, New York, New York 10278–0068, (212) 264–6500, TTY Number: (212) 264–0927, Office hours: 8:30am–5:00pm local time

Buffalo State Office

Office of Public Housing, DHUD—Buffalo State Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, New York 14203–1780, (551) 846–5755, TTY Number: (716) 551–5787, Office hours: 8:00am–4:30pm local time

New Jersey State Office

Office of Public Housing, DHUD—New Jersey State Office, One Newark Center—12th Floor, Newark, New Jersey 07102–5260, (201) 622–7900, TTY Number: (201) 645–6649, Office hours: 8:30am–5:00pm local time

HUD—Midatlantic: Pennsylvania, District of Columbia, Maryland, Delaware, Virginia, West Virginia

Pennsylvania State Office

Office of Public Housing, DHUD—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107–3390, (215) 597–2560, TTY Number: (215) 597–5564, Office hours: 8:00am–4:30pm local time

District of Columbia Office (Washington, D.C.)

Office of Public Housing, DHUD—District of Columbia Office, 820 First Street N.E., Washington, D.C. 20002–4502, (202) 275–9200, TTY Number: (202) 275–0967, Office hours: 8:00am–4:30pm local time

Maryland State Office

Office of Public Housing, DHUD—Maryland State Office, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, Maryland 21201–2505, (401) 962–2520, TTY Number: (410) 962–0106, Office hours: 8:00am—4:30pm local time

Pittsburgh Area Office

Office of Public Housing, DHUD—Pittsburgh Area Office, 339 Sixth Avenue, Sixth floor, Pittsburgh, Pennsylvania 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747, Office hours: 8:00am—4:30pm local time

Virginia State Office

Office of Public Housing, DHUD—Virginia State Office, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, Virginia 23230–0331, (804) 278–4507, TTY Number: (804) 278–4501, Office hours: 8:00am–4:30pm local time

West Virginia State Office

Office of Public Housing, DHUD—West Virginia State Office, 405 Capitol Street, Suite 708, Charleston, West Virginia 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332, Office hours: 8:00am–4:30pm local time

HUD—Southeast: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Caribbean, Virgin Islands

Georgia State Office

Office of Public Housing, DHUD—Georgia State Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303–3388, (404) 331–5136, TTY Number: (404) 730–2654, Office hours: 8:00am–4:30pm local time

Alabama State Office

Office of Public Housing, DHUD—Alabama State Office, 600 Beacon Parkway West, Suite 300, Birmingham, Alabama 35209–3144, (205) 290–7601, TTY Number: (205) 290–7624, Office hours: 8:00am–4:30pm local time

Kentucky State Office

Office of Public Housing, DHUD—Kentucky State Office, 601 West Broadway, P.O. Box 1044, Louisville, Kentucky 40201–1044, (502) 582–6161, TTY Number: (502) 582–5139

Mississippi State Office

Office of Public Housing, DHUD—Mississippi State Office, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, Mississippi 39269–1096, (601) 975–4746, TTY Number: (601) 975–4717, Office hours: 8:00am–4:45pm local time

North Carolina State Office

Office of Public Housing, DHUD—North Carolina State Office, 2306 West Meadowview Road, Greensboro, North Carolina 27407–3707, (919) 547–4000, TTY Number: 919–547–4055, Office hours: 8:00am–4:45pm local time

Caribbean Office

Office of Public Housing,DHUD—Caribbean Office, New San Office Building, 159 Carlos East Chardon Avenue, Room 305, San Juan, Puerto Rico 00918–1804, (809) 766–6121, TTY Number: Number not available, Office hours: 8:00am–4:30pm local time

South Carolina State Office

Office of Public Housing, DHUD—South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, South Carolina 29201–2480, (803) 765–5831, TTY Number: Number not available, Office hours: 8:00am–4:45pm local time

Tennessee State Office

Office of Public Housing, DHUD—Tennessee State Office, John J. Duncan Federal Building, 710 Locust Street, S.W., Third Floor, Knoxville, Tennessee 37902–2526, (423) 545–4389, TTY Number: (615) 545–4379, Office hours: 7:30am–4:15pm local time

Nashville, Tennessee Area Office

Office of Public Housing, DHUD—Tennessee Area Office, 251 Cumberland Bend Drive, Suite 200, Nashville, Tennessee 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886, Office hours: 7:45am–4:15pm local time

Florida Area Office

Office of Public Housing, DHUD—Florida Area Office, Southern Bell Towers, 301 West Bay Street, Suite 2200, Jacksonville, Florida 32202–5121, (904) 232–2626, TTY Number: (904) 232–2357, Office hours: 7:45am–4:30pm local time

HUD—Midwest: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Illinois State Office

Office of Public Housing, DHUD—Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–7143, Office hours: 8:15am–4:45pm local time

Michigan State Office

Office of Public Housing, DHUD—Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226–2592, (313) 226–6880, TTY Number: (313) 226–7812, Office hours: 8:00am–4:30pm local time

Indiana State Office

Office of Public Housing, DHUD—Indiana State Office, 151 North Delaware Street, Suite 1200, Indianapolis, Indiana 46204–2526, (317) 226–6303, TTY Number: (317)226–7081, Office hours: 8:00am–4:45pm local time

Grand Rapids, Michigan Area Office

Office of Public Housing, DHUD—Grand Rapids Area Office, Trade Center Building, 50 Louis, N.W., Grand Rapids, Michigan 49503–2648, (616) 456–2127, TTY Number: Number not available, Office hours: 8:00am–4:45pm local time

Minnesota State Office

Office of Public Housing, DHUD—Minnesota State Office, Bridge Place Building, 220 South Second Street, Minneapolis, Minnesota 55401–2195 (612) 370–3000, TTY Number: (612) 370–3186, Office hours: 8:00am–4:30pm local time

Cincinnati, Ohio Area Office

Office of Public Housing, DHUD—Cincinnati Area Office, 525 Vine Street, Suite 700, Cincinnati, Ohio 45202–3188, (513) 684–2884, TTY Number: (513) 684–6180, Office hours: 8:00am–4:45pm local time

Cleveland, Ohio Area Office

Office of Public Housing, DHUD—Cleveland Area Office, Renaissance Building, 1350 Euclid Avenue, 500, Cleveland, Ohio 44115–1815, (216) 522–4065, TTY Number: Number not available, Office hours: 8:00am–4:40pm local time

Ohio State Office

Office of Public Housing, DHUD—Ohio State Office, 200 North High Street, Columbus, Ohio 43215–2499, (614) 469–5737, TTY Number: Number not available, Office hours: 8:30am–4:45pm local time

Wisconsin State Office

Office of Public Housing, DHUD—Wisconsin State Office, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, Wisconsin 53203–2289, (414) 291–3214, TTY Number: Number not available, Office hours: 8:00am–4:30pm local time

HUD—Southwest: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Texas State Office

Office of Public Housing, DHUD—Texas State Office, 1600 Throckmorton Street, Room 304, P.O. Box 2905, Fort Worth, Texas 76113–2905, (817) 885–5934, TTY Number: (817) 885–5447, Office hours: 8:00am–4:30pm local time

Houston, Texas Area Office

Office of Public Housing, DHUD—Houston Area Office, Norfolk Tower, 2211 Norfolk, Suite 200, Houston, Texas 77098–4096, (713) 834–3235, TTY Number: Number not available, Office hours: 7:45am–4:30pm local time

San Antonio, Texas Area Office

Office of Public Housing, DHUD—San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, Texas 78207–4563, (512) 229–6783, TTY Number: (512) 229–6783, Office hours: 8:00am–4:30pm local time

Arkansas State Office

Office of Public Housing, DHUD—Arkansas State Office, TCBY Tower, 425 West Capitol Avenue, Room 900, Little Rock, Arkansas 72201–3488, (501) 324–5935, TTY Number: (501) 324–5931, Office hours: 8:00am–4:30pm local time

Louisiana State Office

Office of Public Housing, DHUD—Louisiana State Office, 501 Magazine Street, Ninth Floor, New Orleans, Louisiana 70130, (504) 589–7251, TTY Number: Number not available, Office hours: 8:00am–4:30pm local time

Oklahoma State Office

Office of Public Housing, DHUD—Oklahoma State Office, 500 West Main Street, Oklahoma City, Oklahoma 73102, (504) 589–7233, TTY Number: None, Office hours: 8:00am–4:30pm local time

New Mexico State Office

Office of Public Housing, DHUD—New Mexico State Office, 625 Truman Street N.E., Albuquerque, NM 87110–6472, (505) 262–6463, TTY Number: (505) 262–6463, Office hours: 7:45am–4:30pm local time

Great Plains: Iowa, Kansas, Missouri, Nebraska

Kansas/Missouri State Office

Office of Public Housing, DHUD—Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, Kansas 66101–2406, (913) 551–5488, TTY Number: (913) 551–5815, Office hours: 8:00am–4:30pm local time

Nebraska State Office

Office of Public Housing, DHUD—Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, Nebraska 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183, Office hours: 8:00am–4:30pm local time

St. Louis, Missouri Area Office

Office of Public Housing, DHUD—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, Missouri 63103–2836, (314) 539–6503, TTY Number: (314) 539–6331, Office hours: 8:00am–4:30pm local time

Iowa State Office

Office of Public Housing, DHUD—Iowa State Office, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728, Office hours: 8:00am–4:30pm local time

HUD—Rocky Mountains: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Colorado State Office

Office of Public Housing, DHUD—Colorado State Office, First Interstate Tower North, 633 17th Street, Denver, CO 80202–3607, (303) 672–5376, TTY Number: (303) 672–5248, Office hours: 8:00am–4:30pm local time

HUD—Pacific/Hawaii: Arizona, California, Hawaii, Nevada, Guam, American Samoa

California State Office

Office of Public Housing, DHUD—California State Office, Philip Burton Federal Building/Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102–3448, (415) 436–6532, TTY Number: (415) 436–6594, Office hours: 8:15am–4:45pm local time

Los Angeles, California Area Office

Office of Public Housing, DHUD—Los Angeles Area Office, 1615 West Olympic Boulevard, Los Angeles, California 90015–3801, (213) 251–7122, TTY Number: (213) 251–7038, Office hours: 8:00am–4:30pm local time

Sacramento, California Area Office

Office of Public Housing, DHUD—Sacramento Area Office, 777 12th Avenue, Suite 200, P.O. Box 1978, Sacramento, California 95814–1997, (916) 498–5270, TTY Number: (916) 498–5220, Office hours: 8:00am–4:30pm local time

Arizona State Office

Office of Public Housing, DHUD—Arizona State Office, Two Arizona Center, 400 North 5th Street, Suite 1600, Phoenix, Arizona 85004–2361, (602) 261–4434, TTY Number: (602) 379–4461, Office hours: 8:00am–4:30pm local time

HUD—Northwest/Alaska: Alaska, Idaho, Oregon, Washington

Washington State Office

Office of Public Housing, DHUD—Washington State Office, Seattle Federal Office Building, 909 First Avenue, Suite 200, Seattle, WA 98104–1000, (206) 220–5292, TTY Number: (206) 220–5185, Office hours: 8:00am–4:30pm local time

Oregon State Office

Office of Public Housing, DHUD—Oregon State Office, 520 Southwest Sixth Avenue,

Portland, Oregon 97203–1596, (503) 326–2561, TTY Number: (503) 326–3656, Office hours: 8:00am–4:30pm local time

DHUD AREA OFFICES OF NATIVE AMERICAN PROGRAMS

Eastern/Woodlands—Tribes and IHAs: East of the Mississippi River, Including All of Minnesota and Iowa

Eastern/Woodlands HUD Area Office of Native American Programs

Eastern/Woodlands Office of Native American Programs, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Room 2400, Chicago, IL 60604, (312) 353–1282 or (800) 735–3239, TTY Number: (312) 886–3741 or (800) 927–9275, Office hours: 8:15am–4:45pm local time

Southern Plains—Tribes and IHAs: Louisiana, Missouri, Kansas, Oklahoma, and Texas, except for Isleta Del Sur in Texas

DHUD Area Office of Native American Programs

Southern Plains Office of Native American Programs, 500 West Main Street, Oklahoma City, Oklahoma 73102, (405) 553–7428, TTY Number: (405) 231–4891 or (405) 231–4181, Office hours: 8:00am–4:30pm local time

Northern Plains—Tribes and IHAS: Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming

DHUD Area Office of Native American Programs

Northern Plains Office of Native American Programs, First Interstate Tower North, 633 17th Street, 14th Floor, Denver, CO 80202–3607, (303) 672–5462, TTY Number: (303) 844–6158, Office hours: 8:00am–4:30pm local time

Southwest—Tribes and IHAS: Arizona, California, New Mexico, Nevada, and Isleta Del Sur in Texas

DHUD Area Office of Native American Programs

Southwest Office of Native American Programs, Two Arizona Center, 400 North 5th Street, Suite 1650, Phoenix, Arizona 85004–2361, (602) 379–4156, TTY Number: (602) 379–4461, Office hours: 8:15am–4:45pm local time

or

Albuquerque Office of Native American Programs, Albuquerque Plaza, 201 3rd Street, NW, Suite 1830, Albuquerque, New Mexico 87102–3368, (505) 766–1372, TTY Number: None available, Office hours: 7:45am–4:30pm local time

or

Northern California Office of Native American Programs, 450 Golden Gate Avenue, 8th Floor, Box 36003, San Francisco, CA 94102–3448, (415) 436–8121, TTY Number: (415) 556–8357

Northwest—Tribes and IHAs: Idaho, Oregon, and Washington

DHUD Area Office of Native American Programs

Northwest Office of Native American Programs, Seattle Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, (206) 220–5270, TTY Number: (206) 220–5185, Office hours: 8:00am–4:30pm local time

Alaska—Tribes and IHAs: Alaska

DHUD Area Office of Native American Programs

Alaska Office of Native American Programs, University Plaza Building, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508–4399, (907) 271–4633, TTY Number: (907) 271–4328

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The items 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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Pacific Halibut Commission, International:

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Cable television systems--

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Oxytetracycline injection; published 7-10-96

GRAS or prior-sanctioned ingredients:

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Coast Guard

Regattas and marine parades:

Events requiring permits, written notices, or neither; identification

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TRANSPORTATION DEPARTMENT

Equal Access to Justice Act; implementation; CFR part removed; Federal regulatory reform; published 6-10-96

Procedural regulations:

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Federal Aviation Administration

Airworthiness directives:

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Hazelnuts grown in Oregon and Washington; comments due by 7-15-96; published 6-13-96

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ARMS CONTROL AND DISARMAMENT AGENCY

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Fishery conservation and management:

Atlantic surf clam and ocean quahog; comments due by 7-19-96; published 6-20-96

Gulf of Mexico and South Atlantic coastal migratory pelagic resources; comments due by 7-18-96; published 7-3-96

Ocean salmon off coasts of Washington, Oregon, and California; comments due by 7-15-96; published 7-5-96

Pacific Coast groundfish; comments due by 7-16-96; published 7-5-96

Puerto Rico and U.S. Virgin Islands reef fish; comments due by 7-15-96; published 6-17-96

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