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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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Title 3—

The President

Executive Order 13011 of July 16, 1996

Federal Information Technology

A Government that works better and costs less requires efficient and effective information systems. The Paperwork Reduction Act of 1995 and the Information Technology Management Reform Act of 1996 provide the opportunity to improve significantly the way the Federal Government acquires and manages information technology. Agencies now have the clear authority and responsibility to make measurable improvements in mission performance and service delivery to the public through the strategic application of information technology. A coordinated approach that builds on existing structures and successful practices is needed to provide maximum benefit across the Federal Government from this technology.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* It shall be the policy of the United States Government that executive agencies shall: (a) significantly improve the management of their information systems, including the acquisition of information technology, by implementing the relevant provisions of the Paperwork Reduction Act of 1995 (Public Law 104–13), the Information Technology Management Reform Act of 1996 (Division E of Public Law 104–106) (''Information Technology Act''), and the Government Performance and Results Act of 1993 (Public Law 103–62);

(b) refocus information technology management to support directly their strategic missions, implement an investment review process that drives budget formulation and execution for information systems, and rethink and restructure the way they perform their functions before investing in information technology to support that work;

(c) establish clear accountability for information resources management activities by creating agency Chief Information Officers (CIOs) with the visibility and management responsibilities necessary to advise the agency head on the design, development, and implementation of those information systems. These responsibilities include: (1) participating in the investment review process for information systems; (2) monitoring and evaluating the performance of those information systems on the basis of applicable performance measures; and, (3) as necessary, advising the agency head to modify or terminate those systems;

(d) cooperate in the use of information technology to improve the productivity of Federal programs and to promote a coordinated, interoperable, secure, and shared Governmentwide infrastructure that is provided and supported by a diversity of private sector suppliers and a well-trained corps of information technology professionals; and

(e) establish an interagency support structure that builds on existing successful interagency efforts and shall provide expertise and advice to agencies; expand the skill and career development opportunities of information technology professionals; improve the management and use of information technology within and among agencies by developing information technology procedures and standards and by identifying and sharing experiences, ideas, and promising practices; and provide innovative, multi-disciplinary, project-specific support to agencies to enhance interoperability, minimize unnecessary duplication of effort, and capitalize on agency successes.

Sec. 2. *Responsibilities of Agency Heads.* The head of each executive agency shall: (a) effectively use information technology to improve mission performance and service to the public;

(b) strengthen the quality of decisions about the employment of information resources to meet mission needs through integrated analysis, planning, budgeting, and evaluation processes, including:

(1) determining, before making investments in new information systems, whether the Government should be performing the function, if the private sector or another agency should support the function, and if the function needs to be or has been appropriately redesigned to improve its efficiency;

(2) establishing mission-based performance measures for information systems investments, aligned with agency performance plans prepared pursuant to the Government Performance and Results Act of 1993 (Public Law 103–62);

(3) establishing agency-wide and project-level management structures and processes responsible and accountable for managing, selecting, controlling, and evaluating investments in information systems, with authority for terminating information systems when appropriate;

(4) supporting appropriate training of personnel; and

(5) seeking the advice of, participating in, and supporting the interagency support structure set forth in this order;

(c) select CIOs with the experience and skills necessary to accomplish the duties set out in law and policy, including this order, and involve the CIO at the highest level of the agency in the processes and decisions set out in this section;

(d) ensure that the information security policies, procedures, and practices of the executive agency are adequate;

(e) where appropriate, and in accordance with the Federal Acquisition Regulation and guidance to be issued by the Office of Management and Budget (OMB), structure major information systems investments into manageable projects as narrow in scope and brief in duration as practicable, consistent with the Information Technology Act, to reduce risk, promote flexibility and interoperability, increase accountability, and better correlate mission need with current technology and market conditions; and

(f) to the extent permitted by law, enter into a contract that provides for multiagency acquisitions of information technology as an executive agent for the Government, if and in the manner that the Director of OMB considers it advantageous to do so.

Sec. 3. *Chief Information Officers Council.* (a) *Purpose and Functions.* A Chief Information Officers Council (''CIO Council'') is established as the principal interagency forum to improve agency practices on such matters as the design, modernization, use, sharing, and performance of agency information resources. The Council shall:

(1) develop recommendations for overall Federal information technology management policy, procedures, and standards;

(2) share experiences, ideas, and promising practices, including work process redesign and the development of performance measures, to improve the management of information resources;

(3) identify opportunities, make recommendations for, and sponsor cooperation in using information resources;

(4) assess and address the hiring, training, classification, and professional development needs of the Federal Government with respect to information resources management;

(5) make recommendations and provide advice to appropriate executive agencies and organizations, including advice to OMB on the Governmentwide strategic plan required by the Paperwork Reduction Act of 1995; and

(6) seek the views of the Chief Financial Officers Council, Government Information Technology Services Board, Information Technology Resources Board, Federal Procurement Council, industry, academia, and State and local governments on matters of concern to the Council as appropriate.

(b) *Membership.* The CIO Council shall be composed of the CIOs and Deputy CIOs of the following executive agencies plus two representatives from other agencies:

1. Department of State;
2. Department of the Treasury;
3. Department of Defense;
4. Department of Justice;
5. Department of the Interior;
6. Department of Agriculture;
7. Department of Commerce;
8. Department of Labor;
9. Department of Health and Human Services;
10. Department of Housing and Urban Development;
11. Department of Transportation;
12. Department of Energy;
13. Department of Education;
14. Department of Veterans Affairs;
15. Environmental Protection Agency;
16. Federal Emergency Management Agency;
17. Central Intelligence Agency;
18. Small Business Administration;
19. Social Security Administration;
20. Department of the Army;
21. Department of the Navy;
22. Department of the Air Force;
23. National Aeronautics and Space Administration;
24. Agency for International Development;
25. General Services Administration;
26. National Science Foundation;
27. Nuclear Regulatory Commission; and
28. Office of Personnel Management.

The Administrator of the Office of Information and Regulatory Affairs of OMB, the Controller of the Office of Federal Financial Management of OMB, the Administrator of the Office of Federal Procurement Policy of OMB, a Senior Representative of the Office of Science and Technology Policy, the Chair of the Government Information Technology Services Board, and the Chair of the Information Technology Resources Board shall also be members. The CIO Council shall be chaired by the Deputy Director for Management of OMB. The Vice Chair, elected by the CIO Council on a rotating basis, shall be an agency CIO.

Sec. 4. *Government Information Technology Services Board.*

(a) *Purpose and Functions.* A Government Information Technology Services Board (''Services Board'') is established to ensure continued implementation of the information technology recommendations of the National Performance

Review and to identify and promote the development of innovative technologies, standards, and practices among agencies and State and local governments and the private sector. It shall seek the views of experts from industry, academia, and State and local governments on matters of concern to the Services Board as appropriate. The Services Board shall also make recommendations to the agencies, the CIO Council, OMB, and others as appropriate, and assist in the following:

(1) creating opportunities for cross-agency cooperation and intergovernmental approaches in using information resources to support common operational areas and to develop and provide shared governmentwide infrastructure services;

(2) developing shared governmentwide information infrastructure services to be used for innovative, multiagency information technology projects;

(3) creating and utilizing affinity groups for particular business or technology areas; and

(4) developing with the National Institute of Standards and Technology and with established standards bodies, standards and guidelines pertaining to Federal information systems, consistent with the limitations contained in the Computer Security Act of 1987 (40 U.S.C. 759 note), as amended by the Information Technology Act.

(b) *Membership.* The Services Board shall be composed of individuals from agencies based on their proven expertise or accomplishments in fields necessary to achieve its goals. Major government mission areas such as electronic benefits, electronic commerce, law enforcement, environmental protection, national defense, and health care may be represented on the Services Board to provide a program operations perspective. Initial selection of members will be made by OMB in consultation with other agencies as appropriate. The CIO Council may nominate two members. The Services Board shall recommend new members to OMB for consideration. The Chair will be elected by the Services Board.

Sec. 5. *Information Technology Resources Board.*

(a) *Purpose and Functions.* An Information Technology Resources Board (''Resources Board'') is established to provide independent assessments to assist in the development, acquisition, and management of selected major information systems and to provide recommendations to agency heads and OMB as appropriate. The Resources Board shall:

(1) review, at the request of an agency and OMB, specific information systems proposed or under development and make recommendations to the agency and OMB regarding the status of systems or next steps;

(2) publicize lessons learned and promising practices based on information systems reviewed by the Board; and

(3) seek the views of experts from industry, academia, and State and local governments on matters of concern to the Resources Board, as appropriate.

(b) *Membership.* The Resources Board shall be composed of individuals from executive branch agencies based on their knowledge of information technology, program, or acquisition management within Federal agencies. Selection of members shall be made by OMB in consultation with other agencies as appropriate. The Chair will be elected by the Resources Board. The Resources Board may call upon the department or agency whose project is being reviewed, or any other department or agency to provide knowledgeable representative(s) to the Board whose guidance and expertise will assist in focusing on the primary issue(s) presented by a specific system.

Sec. 6. *Office of Management and Budget.* The Director of OMB shall:

(1) evaluate agency information resources management practices and, as part of the budget process, analyze, track and evaluate the risks and results of all major capital investments for information systems;

(2) notify an agency if it believes that a major information system requires outside assistance;

(3) provide guidance on the implementation of this order and on the management of information resources to the executive agencies and to the Boards established by this order; and

(4) evaluate the effectiveness of the management structure set out in this order after 3 years and make recommendations for any appropriate changes.

Sec. 7. *General Services Administration.* Under the direction of OMB, the Administrator of General Services shall:

(1) continue to manage the FTS2000 program and coordinate the follow-on to that program, on behalf of and with the advice of customer agencies;

(2) develop, maintain, and disseminate for the use of the Federal community, as requested by OMB or the agencies, recommended methods and strategies for the development and acquisition of information technology;

(3) conduct and manage outreach programs in cooperation with agency managers;

(4) be a focal point for liaison on information resources management, including Federal information technology, with State and local governments, and with nongovernmental international organizations subject to prior consultation with the Secretary of State to ensure such liaison would be consistent with and support overall United States foreign policy objectives;

(5) support the activities of the Secretary of State for liaison, consultation, and negotiation with intergovernmental organizations in information resources management matters;

(6) assist OMB, as requested, in evaluating agencies' performance-based management tracking systems and agencies' achievement of cost, schedule, and performance goals; and

(7) provide support and assistance to the interagency groups established in this order.

Sec. 8. *Department of Commerce.* The Secretary of Commerce shall carry out the standards responsibilities under the Computer Security Act of 1987, as amended by the Information Technology Act, taking into consideration the recommendations of the agencies, the CIO Council, and the Services Board.

Sec. 9. *Department of State.* (a) The Secretary of State shall be responsible for liaison, consultation, and negotiation with foreign governments and intergovernmental organizations on all matters related to information resources management, including Federal information technology. The Secretary shall further ensure, in consultation with the Secretary of Commerce, that the United States is represented in the development of international standards and recommendations affecting information technology. In the exercise of these responsibilities, the Secretary shall consult, as appropriate, with affected domestic agencies, organizations, and other members of the public.

(b) The Secretary of State shall advise the Director on the development of United States positions and policies on international information policy and technology issues affecting Federal Government activities and the development of international information technology standards.

Sec. 10. *Definitions.* (a) ''Executive agency'' has the meaning given to that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(b) ''Information Technology'' has the meaning given that term in section 5002 of the Information Technology Act.

(c) ''Information resources'' has the meaning given that term in section 3502(6) of title 44, United States Code.

(d) ''Information resources management'' has the meaning given that term in section 3502(7) of title 44, United States Code.

(e) ''Information system'' has the meaning given that term in section 3502(8) of title 44, United States Code.

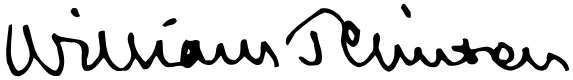
(f) ''Affinity group'' means any interagency group focussed on a business or technology area with common information technology or customer requirements. The functions of an affinity group can include identifying common program goals and requirements; identifying opportunities for sharing information to improve quality and effectiveness; reducing costs and burden on the public; and recommending protocols and other standards, including security standards, to the National Institute of Standards and Technology for Governmentwide applicability, for action in accordance with the Computer Security Act of 1987, as amended by the Information Technology Act.

(g) ''National security system'' means any telecommunications or information system operated by the United States Government, the function, operation, or use of which (1) involves intelligence activities; (2) involves cryptologic activities related to national security; (3) involves command and control of military forces; (4) involves equipment that is an integral part of a weapon or weapons system; or (5) is critical to the direct fulfillment of military or intelligence missions, but excluding any system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

Sec. 11. *Applicability to National Security Systems.*

The heads of executive agencies shall apply the policies and procedures established in this order to national security systems in a manner consistent with the applicability and related limitations regarding such systems set out in the Information Technology Act.

Sec. 12. *Judicial Review.* Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,
July 16, 1996.

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV–95–326]

United States Standards for Grades of Frozen Green and Frozen Wax Beans

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: In response to a petition from the National Food Processors Association (NFPA), the United States Department of Agriculture (USDA) is revising the United States Standards for Grades of frozen green and frozen wax beans. The revision changes the U.S. grade standards for frozen green and frozen wax beans by providing for the ''individual attributes'' procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects), establishing AQL's and acceptance numbers based on a specified sample size of 13 sample units, and making minor editorial changes.

EFFECTIVE DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090–6456, Telephone (202) 720–4693.

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

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*), the Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the changes to the standards are made to reflect current marketing practices. In addition, under the Agricultural Marketing Act of 1946, the use of these standards is voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

Agencies periodically review existing regulations. An objective of the regulatory review is to ensure that the grade standards are serving their intended purpose, the language is clear, and the standards are consistent with AMS policy and authority.

USDA received a petition from the National Food Processors Association (NFPA), requesting that the U.S. grade standards for frozen green beans be revised. NFPA is a trade association representing over 450 food industry companies.

NFPA's grade standards review subcommittee is responsible for reviewing the existing U.S. grade standards for canned and frozen fruits and vegetables to ascertain whether the standards remain current and reflect processing and marketing practices. Based on the subcommittee's recommendation, NFPA requested that the U.S. grade standards for frozen green beans, which are currently based on ''full attributes,'' where defects are grouped into four categories (minor, major, severe, and critical) with acceptable quality levels (AQL's) for each grouping, be revised.

Their recommendation was to convert the U.S. grade standards to statistically-based individual attributes grade standards, similar to the revised U.S. grade standards for canned green and wax beans (58 FR 4295, January 14, 1993) where each defect has its own AQL. Canned green beans and frozen green beans standards would be similar in design and format.

The proposal was based on discussion drafts provided to the industry in December 1993, March 1994, and April 1994 through their major trade associations, the American Frozen Food Institute (AFFI) and NFPA. The drafts incorporated a grading system where individual tolerances were assigned to each individual defect. The proposal provided statistically derived acceptable quality levels (AQL's) based on the tolerances in the current standards (except some tolerances were changed to be similar to the tolerances in canned green beans). The proposal also included minor editorial changes and provides a uniform format consistent with recent revisions of other U.S. grade standards. The format is designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables have been incorporated to assure a better understanding and uniform application of the standards. USDA believes that this proposed rule would facilitate trade between processors and buyers and improve the marketing of frozen green beans.

Proposed Rule

The proposal to revise the U.S. Standards for Grades of frozen green and frozen wax beans was published in the Federal Register on February 15, 1995, (60 FR 8573) with a sixty-day comment period. The comment period closed on April 17, 1995. USDA received one comment from the National Food Processor's Association (NFPA), one comment from Lakeside Foods, Incorporated, Manitowoc, Wisconsin, one comment from the American Frozen Food Institute, and one comment from Twin City Foods, Incorporated, Stanwood, Washington.

NFPA represents the $400 billion food processing industry on scientific and public policy involving issues of food safety, nutrition, and regulatory and consumer affairs. Most of their members are in the canning industry, while many members operate both canning and freezing facilities. NFPA's review of the proposed rule generally agreed with the rule but pointed out four areas where the grade standards for frozen green and frozen wax beans were not consistent with the grade standards for canned green and canned wax beans. NFPA urged that these differences be closely examined and that USDA promulgate

grade standards that are consistent with, as much as possible, the canned green and wax beans grade standards. The first point NFPA raised was the definition of ''Short piece'' in whole style is 44 mm (1.75 in) in the proposal and the same definition in the canned green and wax beans is 32 mm (1.25 in). The second point was the AQL for Extraneous Vegetable Material in Grade A in the proposal was 0.162 and that the AQL in the canned green and wax beans standards for the same quality factor and grade was 0.40. The lower the AQL, the more restrictive the tolerance is for the defect. The third point raised was the AQL for stems in Grade A Whole and Cut styles is 0.58 in the proposal and the AQL in the canned green beans standards for the same factors is 1.50. And the fourth point raised by NFPA was that the AQL for ''Mechanical damage'' in Grade A in Whole style is 2.60 for frozen green and wax beans and is 4.0 in the canned green beans standards. Lakeside Foods basically cited the same four points in their comment, believing that USDA ''misunderstands'' the industry's request that these grade standards be similar for both canned and frozen green beans, whenever possible. Lakeside Foods believed these differences will have an unjustified economic impact on the frozen green and wax bean industry.

The American Frozen Food Institute, representing its 560 member companies and accounting for over 90 percent of frozen food production in the United States, also commented on the proposal. AFFI's Western Technical Advisory Committee includes almost all frozen green and wax bean processors in the United States. The comment supported the proposed revision since most frozen green and wax bean processors' recommendations were incorporated into the proposal. The Institute argued however, that ''small pieces'' should be a classified defect instead of a prerequisite as specified in the proposal citing that if a ''small piece'' continues to be included as a prerequisite, the potential exists for one failing sample unit to down-grade an entire lot, resulting in an inappropriate rejection of the overall quality of the lot.

Twin City Foods, Incorporated, also commented on the proposal, opposing the increased sample unit sizes as more time-consuming when grading, and opposing ''small pieces and odd cuts'' in lengthwise style only, being considered as a Prerequisite quality factor. In their comment, Twin City Foods compared the sample unit sizes in the existing frozen green and wax bean grade standards (250 g, 100 units, 200 units) with the sample sizes in the proposal (500 g, 400 units). As stated in their comment, ''One of the operational requirements of Twin City Foods, Inc. is to have each tote bin of product be USDA Grade Certifiable (in our plants processing under Continuous U.S.D.A. Inspection). In order to establish a grade, the U.S.D.A. must grade a minimum of three samples per Lot, or in this case, per tote bin. When we are processing green beans, we fill a tote bin (1450 lbs for cut green beans, 900 lbs. for sliced lengthwise, and 800 lbs. for whole beans) about every 5 minutes. With the defect grading sample size twice as large for cut and sliced lengthwise green beans, and four times larger for whole green beans, accurate grade checks could not be completed in time.'' Twin City Foods also opposed ''small pieces and odd cuts'' in lengthwise style only, being categorized as a Prerequisite quality factor in the proposal, agreed with AFFI that ''small pieces and odd cuts'' in lengthwise style only should be a Classified quality factor, and the AQL/Tolerance for this factor should be in terms of weight, not count.

The published proposal incorporated the positions of both canning and freezing segments of the green and wax bean industry. With regard to NFPA's comments, USDA agrees in principle that AQL's and tolerances found in the frozen green and wax bean standards should be consistent with the canned green and wax beans standards ''whenever possible.'' In practice there will reasonably be certain differences. For each point raised by NFPA, which note instances where the tolerances for defects in the grade standards for canned green and wax beans and the proposed grade standards for frozen green and wax beans differ, USDA has received comments from AFFI which support making these specific changes in the tolerances. AFFI, in these specific instances, is favoring tighter tolerances for frozen green and wax beans than those for the same defects in the canned green beans. This is consistent with the position of the frozen food industry has taken in the past relative to developing and revising grade standards.

Taking all the comments into account, USDA believes that effective marketing of frozen bean and wax beans will be best served by incorporating the provisions with respect the sample sizes set forth in the proposed rule.

USDA agrees with AFFI's comment to make ''small pieces'' a classified defect with an AQL to represent overall lot quality for small pieces and has incorporated this change in the final rule. In addition to this change, USDA makes ''small pieces and odd cuts'' in French Style only a classified defect with an AQL to represent overall lot quality in this rule as well.

Regarding the comment from Twin City Foods, Incorporated, they have adopted a sampling rate that is higher than USDA minimum sampling rates. For most of the industry, which tends to use USDA minimum sampling rates, the increased sample unit sizes would have minimal impact while the impact would be greater on the operations of a frozen processor with higher sampling rates. Nonetheless, for most processors, the proposed change would be beneficial to the industry as a whole, and accordingly, it has been included in the final rule.

USDA found, upon additional review, that definitions for ''flavor and odor'' were different in the current grade standards for canned and frozen green and wax beans. USDA believes commodity graders and the industry will apply the standards more uniformly if flavor and odor definitions are similar for both commodities. USDA is removing ''fairly good flavor and odor'' from the definitions of terms to make the terms similar for both agricultural products.

Accordingly, based on all the information collected and to promote efficient marketing of this product, USDA revises the United States Standards for Grades of Frozen Green and Frozen Wax Beans.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, 7 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 is revised to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. In part 52, Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans is revised to read as follows:

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Sec.
52.2321 Product description.
52.2322 Styles.
52.2323 Types.
52.2324 Kinds of pack.
52.2325 Definitions of terms.
52.2326 Grades.
52.2327 Factors of quality.
52.2328 Allowances for defects.

52.2329 Sample size.
52.2330 Quality requirements criteria.

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

§ 52.2321 Product description.

Frozen green beans and *frozen wax beans,* hereinafter called *frozen beans,* means the frozen product prepared from the clean, sound, succulent pods of the bean plant. The pods are stemmed, washed, blanched, sorted, and properly drained. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2322 Styles.

(a) *Whole* means frozen beans consisting of whole pods, which after removal of either or both ends, are not less than 44 mm (1.75 in) in length.

(b) *Cut or cuts* means frozen beans consisting of pods that are cut transversely into pieces less than 70 mm (2.75 in) but not less than 19 mm (0.75 in) in length.

(c) *Short cut or short cuts* means frozen beans consisting of pieces of pods of which 75 percent or more are less than 19 mm (0.75 in) in length and not more than 1 percent are more than 32 mm (1.25 in) in length.

(d) *Mixed* means a mixture of two or more of the following styles of frozen beans: whole, cut, or short cut.

(e) *Sliced lengthwise, or French style* means frozen green beans consisting of pods that are sliced lengthwise.

§ 52.2323 Types.

The type of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The types of frozen beans are described as *round type* and *Romano or Italian type.*

(a) *Round type* means frozen beans having a width not greater than 1½ times the thickness of the beans.

(b) *Romano or Italian type* means frozen beans having a width greater than 1½ times the thickness of the beans.

§ 52.2324 Kinds of pack.

The kind of pack of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The kinds of pack of frozen beans are described as *regular process, extended blanch process,* and *special pack.*

(a) *Regular process* means the frozen beans are processed in such a manner that the brightness is not affected by the process.

(b) *Extended blanch process* means the frozen beans are intentionally processed in such a manner that the brightness is affected by the process.

(c) *Special pack* means the frozen bean pack intentionally contains beans of two or more varietal characteristics (such as a mixture of green and wax beans).

§ 52.2325 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) Blemish—(1) *Minor blemish* means any unit which is affected by scars, pathological injury, insect injury or other means in which the aggregate area affected exceeds the area of a circle 3 mm (0.125 in) in diameter or the appearance or eating quality of the unit is slightly affected.

(2) *Major blemish* means any unit which is affected or damaged by discoloration or any other means to the extent that the appearance or eating quality of the unit is more than slightly affected.

(3) *Total blemish* means the total of the major and minor blemishes.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is affected by dullness. (Applies to *regular process* only).

(1) Grade A: Not affected.

(2) Grade B: Slightly affected.

(3) Grade C: Materially affected.

(4) Substandard: Seriously affected.

(d) *Character—(1) Round type—Green Beans*—(i) *Good character* means the pods are full fleshed; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods have not entirely lost their fleshy structure; after cooking, the pods are fairly tender and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for *fairly good character.*

(2) *Round type—Wax Beans*—(i) *Good character* means the pods are full fleshed and may show slight breakdown of the flesh between seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy and may show substantial breakdown of the flesh between the seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods may show total breakdown of the flesh between the seed cavities with no definite seed pocket, but still retain flesh on the inside pod wall; after cooking, the pods are fairly tender and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for *fairly good character.*

(3) *Romano or Italian type*—(i) *Good character* means the pods have a full inner membrane, typical of the variety and are tender after cooking.

(ii) *Reasonably good character* means the pods have a reasonably well developed inner membrane and are reasonably tender after cooking.

(iii) *Fairly good character* means the pods may lack an inner membrane; and are fairly tender after cooking.

(iv) *Poor character* means the beans fail the requirements for *fairly good character.*

(e) *Color defective* means a unit that varies markedly from the color that is normally expected for the variety and grade.

(f) *Defect* means any nonconformance of a unit of product from a specified requirement of a single quality characteristic.

(g) *Extraneous vegetable material (EVM)* means harmless vegetable material (other than the bean pods) including, but not limited to, stalk, vine material, [vine material with stem(s) attached], leaves of the bean plant, and leaves or portions of other harmless plants.

(h) *Fiber*—(1) *Edible fiber* means fiber developed in the wall of the bean pod that, after cooking, is noticeable upon chewing, but can be consumed with the rest of the bean material without objection.

(2) *Inedible fiber* means fiber developed in the wall of the bean pod that, after cooking, is objectionable upon chewing and tends to separate from the rest of the bean material.

(i) *Flavor and odor. Good flavor and odor* means the product, after cooking, has a characteristic green bean or wax bean flavor and odor typical of the varietal type and is free from objectionable flavors and odors.

(j) *Mechanical damage* means a unit, in all styles except French, that is broken or split into two parts (equals 1 defect), is crushed, or is damaged by mechanical means to such an extent that the appearance is seriously affected; and for whole and cut styles has very ragged edges that are greater than 8 mm (5/16 in).

(k) *Short piece* means a unit in cut style, that is less than 13 mm (0.50 in) in length, and a unit in whole style that is less than 44 mm (1.75 in) in length, measured along the longest dimension parallel to the bean suture line.

(l) *Single sample unit* means the amount of product specified (500 grams for French style and 400 units for all other styles) to be used for unofficial inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers.

(m) *Sloughing* means the separation of the outer surface layer of tissue from the pod.

(n) *Small pieces and odd cuts,* in French style only, mean pieces of pod less than 19 mm (0.75 in) in length or pieces of pod not conforming to the normal appearance of a sliced lengthwise bean unit.

(o) *Stem* means any part or portion (loose or attached) of the hard or tough fibrous material that attaches the bean pod to the vine.

(p) *Tolerance* means the percentage of defective units allowed for each quality factor for a specified sample size.

(q) *Unit* means a bean pod or any individual portion thereof.

§ 52.2326 Grades.

(a) *U.S. Grade A* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except special packs);

(ii) Have a good flavor and odor;

(iii)Have a good overall brightness that is not affected by dullness (regular process only); and

(iv) Are not materially affected by sloughing.

(2) Is within the limits for defects as specified in Section 52.2328, as applicable for the style.

(b) *U.S. Grade B* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except special packs);

(ii) Have a good flavor and odor;

(iii) Have a reasonably good overall brightness (regular process only); and

(iv) Are not materially affected by sloughing.

(2) Is within the limits for defects as specified in Section 52.2328, as applicable for the style.

(c) *U.S. Grade C* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

(i) Have similar varietal characteristics (except special packs);

(ii) Have a good flavor and odor;

(iii) Have a fairly good overall brightness (regular process only); and

(iv) Are not seriously affected by sloughing.

(2) Is within the limits for defects as specified in Section 52.2328, as applicable for the style.

(d) *Substandard* is the quality of frozen beans that fail the requirements of U.S. Grade C.

§ 52.2327 Factors of quality.

The grade of frozen beans is based on requirements for the following quality factors:

(a) *Prerequisite quality factors.* (1) Varietal characteristics (except special packs);

(2) Flavor and odor;

(3) Brightness (regular process only); and

(4) Sloughing.

(b) *Classified quality factors.* (1) Extraneous vegetable material (EVM);

(2) Stems;

(3) Major blemishes;

(4) Total blemishes;

(5) Mechanical damage;

(6) Short pieces (Cut, Whole Style);

(7) Small pieces and odd cuts (French Style);

(8) Color defectives;

(9) Character;

(10) Inedible fiber; and

(11) Edible fiber.

§ 52.2328 Allowances for defects.

TABLE I—PREREQUISITE FACTORS FOR FROZEN GREEN BEANS AND WAX BEANS [1]

Factors	Grade A	Grade B	Grade C
Varietal characteristics	Similar	Similar	Similar.
Flavor and odor	Good	Good	Good.
Brightness	Good	Reasonably good	Fairly good.
Sloughing	Not materially affected	Not materially affected	Not seriously affected.

[1] Determined container-by-container.

TABLE II.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE A)

Sample Units × Sample Unit Size			1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
Units of Product			[1] 400	[2] 600	1200	2400	5200	8400	11600
TOL	AQL [3]	Quality factors	Acceptance numbers						
0.25	0.162	Extraneous Vegetable Material	2	2	4	7	13	19	26
0.75	0.58	Stems	5	6	11	20	39	60	81
1.25	1.02	Major Blemishes	7	10	18	33	65	101	136
3.75	3.30	Total Blemishes (Major + Minor)	19	27	50	94	193	304	415
3.00	2.60	Mechanical Damage	16	22	40	75	154	242	330
20.00	19.10	Short Pieces, Whole Style	89	130	251	490	1040	1664	2285
8.50	7.90	Short Pieces, Cut Style	41	59	111	212	444	706	966
1.75	1.48	Edible Fiber	10	14	25	45	91	142	193
0.10	0.05	Inedible Fiber	1	1	2	3	5	7	10
5.50	5.00	Color Defectives	27	39	73	138	286	454	620
10.75	10.10	Character—"B"	50	72	138	266	561	894	1225
1.25	1.02	Character—"C"	7	10	18	33	65	101	136
0.10	0.05	Character—"SStd"	1	1	2	3	5	7	10

[1] For unofficial samples. [2] For use with small container sizes only. [3] AQL calculated from tolerance (TOL) at 5200.

TABLE IIA.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE B)

Sample Units × Sample Unit Size			1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
Units of Product			[1] 400	[2] 600	1200	2400	5200	8400	11600
TOL	AQL [3]	Quality factors	Acceptance numbers						
.50	0.366	Extraneous Vegetable Material	3	4	8	13	26	40	53
1.50	1.25	Stems	8	12	21	39	78	122	165
2.50	2.17	Major Blemishes	13	19	34	64	130	204	278
6.75	6.20	Total Blemishes (Major + Minor)	33	47	88	169	352	559	763
6.00	5.50	Mechanical Damage	30	42	79	151	314	498	680
N/A	N/A	Short Pieces, Whole Style	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12.50	11.80	Short Pieces, Cut Style	58	84	160	309	652	1040	1426
4.50	4.00	Edible Fiber	22	32	59	112	232	366	500
1.50	1.25	Inedible Fiber	8	12	21	39	78	122	165
10.75	10.10	Color Defectives	50	72	138	266	561	894	1225
N/A	N/A	Character— ''B''	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10.75	10.10	Character— ''C''	50	72	138	266	561	894	1225
1.25	1.02	Character— ''SStd''	7	10	18	33	65	101	136

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 5200.

TABLE IIB.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE C)

Sample Units × Sample Unit Size			1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
Units of Product			[1] 400	[2] 600	1200	2400	5200	8400	11600
TOL	AQL [3]	Quality factors	Acceptance numbers						
1.00	0.80	Extraneous Vegetable Material	6	8	15	26	52	80	108
3.00	2.60	Stems	16	22	40	75	154	242	330
3.75	3.30	Major Blemishes	19	27	50	94	193	304	415
12.75	12.00	Total Blemishes (Major + Minor)	58	85	162	314	663	1057	1449
10.75	10.10	Mechanical Damage	50	72	138	266	561	894	1225
N/A	N/A	Short Pieces, Whole Style	N/A	N/A	N/A	N/A	N/A	N/A	N/A
18.25	17.40	Short Pieces, Cut Style	82	119	230	448	950	1519	2085
8.50	7.90	Edible Fiber	41	59	111	212	444	706	966
3.75	3.30	Inedible Fiber	19	27	50	94	193	304	415
17.75	16.90	Color Defectives	80	116	224	435	923	1476	2027
N/A	N/A	Character—''B''	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Character—''C''	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10.75	10.10	Character—''SStd''	50	72	138	266	561	894	1225

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 5200.

TABLE III.—ACCEPTANCE NUMBERS FOR SHORT CUT, AND MIXED CUT STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE A)

Sample Units × Sample Unit Size			1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
Units of Product			[1] 400	[2] 600	1200	2400	5200	8400	11600
TOL	AQL [3]	Quality factors	Acceptance numbers						
0.25	0.162	Extraneous Vegetable Material	2	2	4	7	13	19	26
0.75	0.58	Stems	5	6	11	20	39	60	81
1.25	1.02	Major Blemishes	7	10	18	33	65	101	136
3.75	3.30	Total Blemishes (Major + Minor)	19	27	50	94	193	304	415
3.00	2.60	Mechanical Damage	16	22	40	75	154	242	330
1.75	1.48	Edible Fiber	10	14	25	45	91	142	193
0.10	0.05	Inedible Fiber	1	1	2	3	5	7	10
5.50	5.00	Color Defectives	27	39	73	138	286	454	620
10.75	10.10	Character—''B''	50	72	138	266	561	894	1225
1.25	1.02	Character—''C''	7	10	18	33	65	101	136

0.10	0.05	Character—"SStd"	1	1	2	3	5	7	10

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 5200.

TABLE IIIa—ACCEPTANCE NUMBERS FOR SHORT CUT, AND MIXED CUT STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE B)

Sample Units × Sample Unit Size	1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
Units of Product	[1] 400	[2] 600	1200	2400	5200	8400	11600

TOL	AQL [3]	Quality factors	Acceptance numbers						
0.50	0.366	Extraneous Vegetable Material	3	4	8	13	26	40	53
1.50	1.25	Stems	8	12	21	39	78	122	165
2.50	2.17	Major Blemishes	13	19	34	64	130	204	278
6.75	6.20	Total Blemishes (Major + Minor)	33	47	88	169	352	559	763
6.00	5.50	Mechanical Damage	30	42	79	151	314	498	680
4.50	4.00	Edible Fiber	22	32	59	112	232	366	500
1.50	1.25	Inedible Fiber	8	12	21	39	78	122	165
10.75	10.10	Color Defectives	50	72	138	266	561	894	1225
N/A	N/A	Character—"B"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10.75	10.10	Character—"C"	50	72	138	266	561	894	1225
1.25	1.02	Character—"SStd"	7	10	18	33	65	101	136

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 5200.

TABLE IIIB.—ACCEPTANCE NUMBERS FOR SHORT CUT, AND MIXED CUT STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE C)

Sample Units × Sample Unit Size	1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
Units of Product	[1] 400	[2] 600	1200	2400	5200	8400	11600

TOL	AQL [3]	Quality factors	Acceptance numbers						
1.00	0.80	Extraneous Vegetable Material	6	8	15	26	52	80	108
3.00	2.60	Stems	16	22	40	75	154	242	330
3.75	3.30	Major Blemishes	19	27	50	94	193	304	415
8.50	7.90	Total Blemishes (Major + Minor)	41	59	111	212	444	706	966
10.75	10.10	Mechanical Damage	50	72	138	266	561	894	1225
8.50	7.90	Edible Fiber	41	59	111	212	444	706	966
3.75	3.30	Inedible Fiber	19	27	50	94	193	304	415
17.75	16.90	Color Defectives	80	116	224	435	923	1476	2027
N/A	N/A	Character—"B"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Character—"C"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10.725	10.10	Character—"SStd"	50	72	138	266	561	894	1225

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 5200.

TABLE IV—ACCEPTANCE NUMBERS FOR FRENCH STYLE FROZEN GREEN BEANS AND WAX BEANS GRADE A

Sample Units × Sample Unit Size	1×200×2.5	1.5×200×2.5	3×200×2.5	6×200×2.5	13×200×2.5	21×200×.5	29×00×.5
Grams of Product	[1] 500	[2] 750	1500	3000	6500	10500	14500

TOL	AQL [3]	Quality factors	Acceptance numbers						
0.25	0.153	Extraneous Vegetable Material (No. of Pieces)	1	1	2	4	7	10	14
0.75	0.541	Stems (No. of stems)	3	4	6	11	20	30	41
1.25	0.961	Major Blemishes (Grams)	10	15	25	43	83	128	170
2.50	2.05	Total Blemishes [(Grams) Major + Minor]	18	25	45	83	163	253	343
10.0	9.0	Small pieces & odd cuts (Grams)	63	88	165	313	648	1025	1400

5.50	4.80	Color Defectives (Grams)	38	50	95	175	358	563	765
N/A	N/A	Character—"B" (Grams)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6.75	6.00	Character—"C" (Grams)	45	63	115	215	440	695	945
1.75	1.40	Character—'SStd" (Grams)	13	18	33	58	115	178	240

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 2600.

TABLE IVA.—ACCEPTANCE NUMBERS FOR FRENCH STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE B)

Sample Units × Sample Unit Size	1×200×2.5	1.5×200×2.5	3×200×2.5	6×200×2.5	13×200×2.5	21×200×2.5	29×200×2.5
Grams of Product	[1] 500	[2] 750	1500	3000	6500	10500	14500

TOL	AQL [3]	Quality factors	Acceptance numbers						
0.50	0.325	Extraneous Vegetable Material (No. of Pieces)	2	2	4	7	13	20	26
1.50	1.16	Stems (No. of stems)	5	6	11	20	39	60	81
2.50	2.05	Major Blemishes (Grams)	18	25	45	83	163	253	343
3.75	53.20	Total Blemishes [(Grams) Major + Minor]	25	38	65	120	245	383	520
15.0	13.9	Small pieces & odd cuts (Grams)	90	128	243	465	978	1553	2125
10.75	9.80	Color Defectives (Grams)	68	95	178	338	703	1113	1520
N/A	N/A	Character—"B"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
20.00	18.80	Character—"C" (Grams)	118	168	320	620	1305	2078	2848
5.50	4.80	Character—"SStd" (Grams)	38	50	95	175	358	563	765

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 2600.

TABLE IVB.—ACCEPTANCE NUMBERS FOR FRENCH STYLE FROZEN GREEN BEANS AND WAX BEANS (GRADE C)

Sample Units × Sample Unit Size	1×200×2.5	1.5×200×2.5	3×200×2.5	6×200×2.5	13×200×2.5	21×200×2.5	29×200×2.5
Grams of Product	[1] 500	[2] 750	1500	3000	6500	10500	14500

TOL	AQL [3]	Quality factors	Acceptance numbers						
1.00	0.733	Extraneous Vegetable Material (No. of Pieces)	3	4	8	13	26	40	53
3.00	2.50	Stems (No. of stems)	8	12	21	39	78	122	165
3.75	3.20	Major Blemishes (Grams)	25	38	65	120	245	383	520
10.75	9.80	Total Blemishes [(Grams)Major + Minor]	68	95	178	338	703	1113	1520
20.0	18.8	Small pieces & odd cuts (Grams)	118	168	320	620	1305	2078	2848
17.75	16.60	Color Defectives (Grams)	105	150	285	550	1158	1843	2523
N/A	N/A	Character—"B" (Grams)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Character—"C" (Grams)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12.50	11.50	Character—"SStd" (Grams)	75	108	205	390	813	1293	1768

[1] For unofficial samples.
[2] For use with small container sizes only.
[3] AQL calculated from tolerance (TOL) at 2600.

§ 52.2329 Sample size.

The sample size used to determine whether the requirements of these standards are met shall be as specified in the sampling plans and procedures contained in §§ 52.1 through 52.83.

§ 52.2330 Quality requirement criteria.

(a) *Lot inspection.* A lot of frozen beans is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2326 and § 52.2328, Table I, are met; and

(2) None of the allowances for the individual quality factors specified in Tables II, IIa, IIb, III, IIIa, IIIb, IV, IVa, and IVb of § 52.2328, as applicable for the style, are exceeded.

(b) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisites requirements specified in § 52.2326 and § 52.2328, Table I, are met; and

(2) The Acceptable Quality Levels in Tables II, IIa, IIb, III, IIIa, IIIb, IV, IVa, and IVb of § 52.2328, as applicable for the style, are not exceeded.

Dated: July 11, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–18176 Filed 7–18–96; 8:45 am]

BILLING CODE 3410–02–P

Food and Consumer Service

7 CFR Parts 210 and 225

RIN 0584–AC04

Removal of the ''Cheese Alternate Products'' Specifications From the National School Lunch Program

AGENCY: Food and Consumer Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule eliminates the specifications governing the use of ''Cheese Alternate Products'' in the National School Lunch Program (NSLP). The removal of these specifications should enable the food industry more freedom to produce cheese substitute products for use in the NSLP while maintaining program nutrition standards through reliance on existing Food and Drug Administration rules.

EFFECTIVE DATE: July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Marion Hinners, (703) 305–2556.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). The Administrator of the Food and Consumer Service has determined that this final rule will not have a significant economic impact on a substantial number of small entities. There are currently fewer than ten companies participating in the Child Nutrition Programs (CNPs) affected by this regulation. In addition, the removal of this regulation is expected to reduce the regulatory burden on all companies producing a cheese alternate type product and allow the use of a wider variety of products than currently can be used in the CNPs.

Category of Federal Domestic Assistance

The National School Lunch Program and the Summer Food Service Program for Children are listed in the Catalog of Federal Domestic Assistance under No. 10.555 and 10.559, respectively, and are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR part 3015, subpart V and final rule related notice at 48 FR 29112, June 24, 1983.)

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies which conflict with its provisions or would otherwise impede its full implementation. This final rule is not intended to have retroactive effect unless specified in the Effective Date section of this preamble. Prior to any judicial challenge to the provisions of this final rule or the application of the provisions, all applicable administrative procedures must be exhausted.

Information Collection

This final rule contains no new information collection requirements which are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Background

Cheese alternates are used primarily as economical replacements for natural or processed cheese in the National School Lunch Program (NSLP). Cheese alternates are a class of products currently required to be made from conventional ingredients which must meet nutritional and physical specifications set forth in the NSLP regulations in 7 CFR part 210, Appendix A—Alternate Foods for Meals (appendix A to part 210) in order to be used as a food component contributing to the NSLP meal patterns.

The Department published a proposed rule to remove the ''Cheese Alternate Products'' specifications from the NSLP in the Federal Register on September 27, 1995 (60 FR 49807). The Department accepted comments on the proposal until November 13, 1995. One commenter requested an extension of the comment period. A subsequent Federal Register publication on November 27, 1995 (60 FR 58252) reopened the comment period until December 27, 1995.

FCS received a total of 25 comments on the proposed rule. Five comments were from the state or federal government agencies, five were from School Food Authorities, six were from private companies and nine were from trade associations. Eighteen commenters were generally supportive of FCS proposals: five of those were from private industry and six from trade organizations. Seven commenters opposed or advocated major changes to the proposal. Of these seven, two were trade organizations for dairy interests and one was a private manufacturer.

Commenters who supported the proposal cited positive changes including that the proposal would: (1) Allow use of alternate protein sources, (2) provide more flexibility in meeting the Dietary Guidelines for Americans, (3) reduce food costs, (4) increase the number of products available, (5) allow for more consistency between the food-based and nutrient-based menu planning systems used in the NSLP, (6) increase availability of lower fat and lower saturated fat products, (7) reduce regulatory burden, (8) eliminate costly, lengthy product evaluations on the part of industry, (9) increase products for vegetarians and individuals with dairy product allergies, (10) allow for reduction in cholesterol and calories and, (11) allow for the protein digestibility-corrected amino acid score for assessing protein quality.

The negative comments were varied. One of the government commenters was concerned about the nutritional impact

of this change, particularly the reduced zinc adsorption if more phytate-containing foods (e.g. soy-based cheese substitutes) were used. FCS does not anticipate that removal of the cheese alternate specifications will cause use of cheese substitutes to increase to the extent that the bioavailability of nutrients such as zinc will be compromised.

A School Food Authority commented that the nutritional quality and physical characteristics of substitute cheese would be inferior to natural cheese and that a sodium level should be specified because cheese substitutes generally have a higher sodium level. Food and Drug Administration (FDA) labeling regulations (21 CFR 101.3) require products labeled as ''substitutes'' (e.g., cheese substitutes) to be ''not nutritionally inferior'' to the product for which they substitute (e.g., cheese). As noted in the proposed rule, FCS is adding ''cheese substitutes'' to the Food Buying Guide for Child Nutrition Programs (FBG), Program Aid Number 1331. Schools and FCS use the FBG to determine what meal components are reimbursable for schools using food based menu planning. Thus the inclusion in the FBG of cheese substitutes should help insure that nutritional quality is maintained, since items labeled as cheese substitutes must be ''not nutritionally inferior'' to cheese. Moreover, section 9(f) of the National School Lunch Act (42 U.S.C. 1758(f)) requires that school meals meet the Dietary Guidelines for Americans (Dietary Guidelines), jointly published by the Department of Agriculture and the Department of Health and Human Services. The Dietary Guidelines provide for moderating salt and sodium intake, and schools are expected to comply. As has always been true, schools must make the final decision on what to buy based on good menu planning practices as well as flavor, functional characteristics, and student acceptance. Schools electing to use a higher sodium cheese substitute can, and should, reduce the sodium contributed to the meal from other sources.

Trade association and private industry commenters generally agreed that FCS should eliminate the current requirement that cheese alternates must be used in combination with at least 50 percent natural cheese because there was no nutritional basis to keep the requirement. One School Food Authority thought this requirement should be retained to help maintain the nutritional integrity and physical properties of cheese substitutes. FCS believes that nutritional quality will be maintained by the FDA standard and that the physical properties will not vary appreciably from current cheese substitutes, since their marketplace acceptability is partly a function of these properties.

One private industry commenter was against the proposal because of the possibility for abuse by manufacturers to supply inferior cheese products. FCS believes manufacturers will have no increased opportunity for abuse beyond their opportunity in the current approval system. As stated above, the nutritional integrity of a cheese substitute is maintained through compliance with FDA requirements and by inclusion of FDA labeled cheese substitutes in the FBG. Further, FCS believes that the functionality of cheese substitutes will also be maintained through marketplace pressures, because their acceptability is dependent upon their functional characteristics.

Both trade association and private industry commenters thought that a protein quality requirement should be retained because FDA regulations prohibits a substitute from containing a lesser amount of protein while making no direct provisions for protein quality. Because of this concern, FCS contacted FDA early in the regulatory process for clarification of their regulation. In a letter to William E. Ludwig, the Administrator of FCS, Dr. F. Edward Scarbrough, the Director of the FDA's Office of Food Labeling, stated that: ''a substitute food must be able to support the same nutrition claims as the reference food, and since the protein claim for the reference food must include protein quality, the substitute food must also account for protein quality.'' Referring to FDA regulations, he went on to say ''the (FDA) believes that (21 CFR) 101.3(e)(4) maintains its long standing policy that protein quality is a factor in determining if a substitute food is nutritionally inferior to a reference food.'' Because FDA considers protein quality when determining whether a substitute food is ''nutritionally inferior'', FCS believes that protein quality standards will be maintained when products labeled as ''cheese substitutes'' are used. Therefore, FCS does not need to define an independent protein quality requirement for cheese substitutes.

Accordingly, this final rule is being published without changes from FCS' proposed rulemaking. Upon publication this final rule removes the section entitled ''Cheese Alternate Products'' Appendix A to part 210—Alternate Foods for Meals. The removal of the cheese alternate products section from appendix A to part 210 eliminates FCS specifications for use of cheese alternates as meat alternates. This change allows the use of cheese substitutes that are consistent with FDA regulations which allow for fat and calorie reductions. This change adds to the choice of products available to food service managers while reducing processors' regulatory burdens. In addition, the removal of the cheese alternate products specifications is consistent with the Department's ongoing efforts to promote school meals that meet the Dietary Guidelines and is consistent with National Performance Review goals of reducing unnecessary federal regulations. Note that the removal of this specification also means that the cheese alternate label statements currently required by the FCS specification will no longer be required. FCS expects that companies that have currently approved labels with these statements will discontinue use of these statements as soon as it is reasonably possible but no longer than one year from the effective date of this regulation.

List of Subjects

7 CFR Part 210

Children, Commodity School Program, Food Assistance Programs, Grants programs-social programs, National School Lunch Program, Nutrition, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 225

Food Assistance Programs, Grant programs—Health, Infants and Children.

For the reasons set forth in the preamble, 7 CFR parts 210 and 225 are amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for 7 CFR part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

§ 210.10 [Amended]

2. In § 210.10, the first sentence of paragraph (k)(3)(i) is amended by removing the words ''cheese alternate products''.

§ 210.10a [Amended]

3. In § 210.10a, the first sentence of paragraph (d)(2)(i) is amended by removing the words ''cheese alternate products,''.

Appendix A to Part 210 [Amended]

4. In Appendix A to Part 210—Alternate Foods for Meals, the section entitled ''Cheese Alternate Products'' is removed.

PART 225—SUMMER FOOD SERVICE PROGRAM

1. The authority citation for 7 CFR part 225 continues to read as follows:

Authority: Secs. 9, 13 and 14, National School Lunch Act, as amended (42 U.S.C. 1758, 1761 and 1762a).

§ 225.16 [Amended]

2. In § 225.16, the first sentence of paragraph (f)(3) is amended by removing the words ''cheese alternate products,''.

Dated: July 12, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96–18404 Filed 7–18–96; 8:45 am]

BILLING CODE 3410–30–M

Farm Service Agency

7 CFR Part 723

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AE48

1996 Marketing Quota and Price Support for Flue-Cured Tobacco

AGENCIES: Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify determinations made by the Secretary of Agriculture (Secretary) with respect to the 1996 crop of flue-cured tobacco. In accordance with the Agricultural Adjustment Act of 1938, as amended, (1938 Act), the Secretary determined the 1996 marketing quota for flue-cured tobacco to be 873.6 million pounds. In accordance with the Agricultural Act of 1949, as amended, (1949 Act), the Secretary determined the 1996 price support level to be 160.1 cents per pound.

EFFECTIVE DATE: December 15, 1995.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, FSA, USDA, room 5726 South Building, PO. Box 2415, STOP 0514, Washington, DC 20013–2415, telephone 202–720–5346.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778, Civil Justice Reform. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since FSA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

The amendments to 7 CFR parts 723 and 1464 set forth in this final rule do not contain any information collection requirements that require clearance through the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

Statutory Background

This rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act. Section 1108(c) of P.L. 99–272 provides that the determinations made in this rule are not subject to the provisions for public participation in rule making contained in 5 U.S.C. 553 or in any directive of the Secretary.

On December 15, 1995, the Secretary announced the national marketing quota and the price support level for the 1996 crop of flue-cured tobacco. A number of related determinations were made at the same time, which this final rule also affirms.

Marketing Quota

Section 317(a)(1)(b) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of flue-cured tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the 3 marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, that the Secretary, in the Secretary's discretion, determines necessary to adjust loan stocks to the reserve stock level.

Section 317(a)(1)(c) further provides that, with respect to the 1995 and 1996 marketing years, any reduction in the national marketing quota being determined shall not exceed 10 percent of the previous year's national marketing quota. However, if actual loan stocks exceed the prescribed reserve stock level by 50 percent the reduction limit could be waived and the Secretary could then set the quota according to the 3-component formula (plus or minus 3 percent). The reserve stock level is defined in section 301(b)(14)(C) of the 1938 Act as the greater of 100 million pounds or 15 percent of the national marketing quota for flue-cured tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1996 crop of flue-cured tobacco by December 1, 1995. Five such manufacturers were required to submit such a statement for the 1996 crop and the total of their intended purchases for the 1996 crop is 475.5 million pounds. The 3-year average of exports is 344.8 million pounds.

The national marketing quota for the 1995 crop year was 934.8 million pounds (60 FR 22458). Thus, in accordance with section 301(b)(14)(C), the reserve stock level for use in determining the 1996 marketing quota for flue-cured tobacco is 140.2 million pounds.

As of December 8, 1995, the Flue-Cured Tobacco Cooperative Stabilization Corporation had in its inventory 59.9 million pounds of flue-cured tobacco (excluding pre-1994 stocks committed to be purchased by manufacturers and covered by deferred sales). Accordingly, the adjustment to maintain loan stocks at the reserve supply level is an increase of 80.3 million pounds.

The total of the three marketing quota components for the 1996–97 marketing year is 900.6 million pounds. In addition, the discretionary authority to reduce the three-component total by 3 percent was used because it was determined that the 1996/97 supply would be more than ample. Accordingly, the national marketing quota for the marketing year beginning July 1, 1996, for flue-cured tobacco is 873.6 million pounds.

Section 317(a)(2) of the 1938 Act provides that the national average yield goal be set at a level that the Secretary determines will improve or ensure the useability of the tobacco and increase the net return per pound to the producers. Yields in crop year 1995 were down substantially from the previous year, but this was a result of exceptionally poor growing conditions.

Accordingly, the national average yield goal for the 1996–97 marketing year will be 2,088 pounds per acre, the same as last year's level.

In accordance with section 317(a)(3) of the 1938 Act, the national acreage allotment for the 1996 crop of flue-cured tobacco is determined to be 418,390.80 acres, derived from dividing the national marketing quota by the national average yield goal.

In accordance with section 317(e) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1996 crop of flue-cured tobacco of 2,025 acres is adequate for these purposes.

In accordance with section 317(a)(4) of the 1938 Act, the national acreage factor for the 1996 crop of flue-cured tobacco for uniformly adjusting the acreage allotment of each farm is determined to be 0.935, which is the result of dividing the 1996 national allotment (418,390.80 acres) minus the national reserve (2,025 acres) by the total of allotments established for flue-cured tobacco farms in 1995 (445,307.30 acres).

In accordance with section 317(a)(7) of the 1938 Act, the national yield factor for the 1996 crop of flue-cured tobacco is determined to be 0.9280, which is the result of dividing the national average yield goal (2,088 pounds) by a weighted national average yield (2,250 pounds).

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1996 crop of flue-cured tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides that the level of support for the 1996 crop of flue-cured tobacco shall be:

(1) The level, in cents per pound, at which the 1995 crop of flue-cured tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A)(I) and (II)) is 1.5 cents per pound. The difference in the cost index from January 1 to December 31, 1995, is −1.2 cents per pound. Applying these components to the price support formula (1.5 cents per pound, two-thirds weight; −1.2 cents per pound, one-third weight) results in a weighted total of 0.6 cent per pound. As indicated, section 106 provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. In order to remain competitive in foreign and domestic markets, the Secretary used his discretion to limit the increase to 65 percent of the maximum allowable increase. Accordingly, the 1996 crop of flue-cured tobacco will be supported at 160.1 cents per pound, 0.4 cents higher than in 1995.

List of Subjects

7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, tobacco.

7 CFR Part 1464

Loan programs-agriculture, Price support programs, Reporting and recordkeeping requirements, Tobacco, Warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.111 is amended by adding paragraph (d) to read as follows:

§ 723.111 Flue-Cured (types 11–14) tobacco.

* * * * *

(d) The 1996 crop national marketing quota is 873.6 million pounds.

PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, and 1445–1, 15 U.S.C. 714b and 714c.

4. Section 1464.12 is amended by adding paragraph (d) to read as follows:

§ 1464.12 Flue-Cured (types 11–14) tobacco.

* * * * *

(d) The 1996 crop national price support level is 160.1 cents per pound.

Signed at Washington, DC, on July 11, 1996.

Bruce R. Weber,

Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 96–18293 Filed 7–18–96; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 264

[INS No. 1686–95]

RIN 1115–AD87

Removal of Form I–151, Alien Registration Receipt Card, From the Listing of Forms Recognized as Evidence of Registration for Lawful Permanent Resident Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service (INS) by removing Form I–151, Alien Registration Receipt Card, from the

listing of forms recognized as evidence of registration as a lawful permanent resident alien. This rule is necessary to complete the establishment of the current Alien Registration Receipt Card, Form I–551, as the exclusive registration card authorized for use by permanent resident aliens.

EFFECTIVE DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Gerard Casale, Senior Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION:

Background

Section 264(d) of the Immigration and Nationality Act (the Act) provides that every immigrant alien required to register under section 262 of the Act ''shall be issued a certificate of alien registration or an alien registration receipt card in such form and manner and at such time as shall be prescribed under regulations issued by the Attorney General.'' Regulations on this subject, issued under the Attorney General's authority by the INS, are contained in 8 CFR part 264. In particular, 8 CFR 264.1(a) lists the forms prescribed by the Service for the registration of aliens under the Act.

On September 20, 1993, the INS published a final rule in the Federal Register at 58 FR 48775–48780, which provided that the current Form I–551 Alien Registration Receipt Card would be established as the exclusive form of registration for lawful permanent resident aliens, by terminating the validity of the old Form I–151, Alien Registration Receipt Card. The reasons for terminating the validity of the Form I–151 card were discussed in a previous notice of proposed rulemaking published on May 28, 1993, at 58 FR 31000–31003. The final rulemaking published on September 20, 1993, also addressed the public comments which had been solicited on that subject. The INS concluded that, since it was no longer sound public policy to recognize Alien Registration Receipt Cards which predate the current Form I–551, the Form I–551 card must be established as the exclusive Alien Registration Receipt Card. The rule provided for removal of Form I–151 from 8 CFR parts 204, 211, 223, 223a, 235, 251, 252, 274a, 299, 316, and 334, effective September 20, 1994. It also amended 8 CFR part 264 to provide procedures, effective October 20, 1993, by which bearers of the old Form I–151 card can apply to replace it with the current Form I–551 card.

On September 14, 1994, the INS published a final rule (see 59 FR 47063) that delayed the effective date of the amendments to 8 CFR parts 204, 211, 223, 235, 251, 252, 274a, 299, 316, and 334, from September 20, 1994, until March 20, 1995. Subsequently, the INS published another final rule on March 17, 1995 (see 60 FR 14353), which again deferred the effective date of those changes to March 20, 1996.

It later came to the attention of the INS that the intended removal of Form I–151 from the list of forms prescribed in 8 CFR 264.1(b) as evidence of registration for resident aliens had been inadvertently omitted from the previous rulemaking process. Therefore a proposed rule published on May 24, 1995, at 60 FR 27441–27442, provided for the removal of the Form I–151 card from that list. The effective date of removal originally was set for March 20, 1996, the same date on which the other remaining references to Form I–151 as a valid registration card were terminated under the final rule published March 17, 1995. Interested persons were invited to submit written comments on or before July 24, 1995.

The Service received one written comment regarding the proposed rule. Since the closing of the period for public comment, no new factors have impacted the issues raised and discussed in the proposed rule. The following discussion summarizes the Service's conclusions, including issues raised by the commenter.

Removal of Form I–151 From the List of Prescribed Service Forms

The previous rule published on September 20, 1993, provided for removal of the Form I–151 Alien Registration Receipt Card from the list of prescribed INS forms in 8 CFR part 299. In addition, this rule removes Form I–151 from a similar listing in 8 CFR 264.1, relating to forms recognized as evidence of registration for lawful permanent residence. It completes the establishment of the current Form I–551 card as the exclusive registration document for lawful permanent residents, a declared policy objective since the first Form I–151 card replacement program was published in the Federal Register in June 1992.

Returning Immigrants Not in Possession of Valid Form I–551 Cards

In order to effectively establish the current Form I–551 card as the exclusive registration document for permanent resident aliens, the previously cited final rule of September 20, 1993, provided that the old Form I–151 card would no longer be a valid document. In particular, 8 CFR 211.1, 211.3, 211.5, and 235.9 were amended to remove references to the Form I–151 as a valid document for admission to the United States at Ports-of-Entry. These changes were twice published in the Federal Register: once in the proposed rule dated May 28, 1993, and again in the final rule dated September 20,1 993, cited above. Although public comments regarding various provisions of the proposed rule were received, none raised an objection regarding the amendments to 8 CFR parts 211 and 235.

In response to the present rule, the single commenter expressed concern that on the date when the old Form I–151 would cease to be a valid entry document for the purposes of admission to the United States there would be some bearers of Form I–151 card outside the United States, unaware that the validity of the card had terminated. He proposed that air carriers that return such aliens to the United States be exempted from the administrative fines which section 273 of the Act prescribes for transportation companies that bring immigrants who are not in possession of a valid immigrant visa. The commenter's discussion on this point is not timely. The rule which amended the documentary requirements of 8 CFR 211.1(b) to require returning permanent resident aliens to present a valid Form I–551 Alien Registration Receipt Card at a Port-of-Entry became final more than 2 years ago, on September 20, 1993. As previously stated, no objections were raised during the public comment period preceding adoption of that rule.

In meritorious cases of permanent resident aliens who arrive at a Port-of-Entry with an expired Form I–151 card, the Act and INS regulations allow the INS to grant discretionary relief. 8 CFR 211.1(b)(3) provides that an immigrant returning to an unrelinquished lawful permanent residence who can satisfy the district director in charge of the Port-of-Entry that there is good cause for his or her failure to present a valid Form I–551 Alien Registration Receipt Card may be granted a waiver of that requirement upon the filing of either a Form I–193 visa waiver application or a Form I–90 card replacement application. Moreover, section 273(e)(2) of the Act grants the INS authority to waive a carrier's liability for transporting such an alien, provided it has determined that the circumstances justify such a waiver.

An INS policy memorandum HQ 70/28–P/HQ 70/11.1–P, dated March 19, 1996, provided that the implementation of the final rule terminating the validity of the Form I–151 card was deferred to

April 20, 1996. The memorandum also provides transitional procedures for the processing of returning lawful permanent residents in possession of Form I–151 who apply for admission to the United States at Ports-of-Entry after March 20, 1996. Pursuant to that memorandum and until further notice, lawful permanent resident aliens who present a Form I–151 card, have not made a prior entry since March 20, 1996, and are found to be otherwise admissible to the United States will be admitted and furnished with instructions for the filing of a Form I–90, Application for Replacement Alien Registration Card, and/or instructions regarding the documentation necessary to apply for any subsequent readmission to the United States. The memorandum further provides that, until further notice, the INS Port-of-Entry will not recommend fines under section 273 of the Act against carriers that transport lawful permanent resident aliens bearing Form I–151 cards.

Regualtory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant adverse economic impact on a substantial number of small entities because of the following factors. The provisions of this rule merely clarify the requirements of existing regulations regarding the documentation of lawful permanent resident aliens. Therefore, the new provisions will have no significant adverse economic impact on the small entities.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

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

List of Subjects in 8 CFR Part 264

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, part 264 of chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301–1305.

§ 264.1 [Amended]

2. In § 264.1, paragraph (b) is amended by removing the Form Number and Class Reference to Form ''I–151'' from the listing of forms.

Dated: May 29, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–18343 Filed 7–18–96; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 95–001N]

RIN 0583–AB97

Use of Sodium Citrate Buffered With Citric Acid in Certain Cured and Uncured Processed Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Affirmation of effective date for direct final rule.

SUMMARY: On April 24, 1996, the Food Safety and Inspection Service (FSIS) published a direct final rule ''Use of Sodium Citrate Buffered with Citric Acid in Certain Cured and Uncured Processed Meat and Poultry Products'' (61 FR 18047). This direct final rule notified the public of FSIS's intention to amend the Federal meat and poultry products inspection regulations to permit the use of a solution of sodium citrate buffered with citric acid in cured and uncured processed whole-muscle meat and poultry products. This use of sodium citrate buffered with citric acid will inhibit the growth of microorganisms, *Clostridium botulinum* in particular, and retain product flavor during storage. FSIS received no adverse comments within the scope of this rulemaking in response to the direct final rule.

EFFECTIVE DATE: June 24, 1996.

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

Done at Washington, DC, on: July 15, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–18400 Filed 7–18–96; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–SW–16–AD; Amendment 39–9696; AD 96–15–03]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Model S–76B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing Airworthiness Directive (AD), applicable to Sikorsky Aircraft Model S–76B helicopters, that requires an inspection of the drive shaft for cracks or loose balance weights. This amendment also supersedes a Priority Letter AD that currently requires repetitive inspections for cracks in the driveshaft in helicopters with certain engine drive shaft assemblies (drive shafts) installed. This amendment is prompted by a report of a fatigue crack found in a drive shaft that was caused by fretting of a balance weight rivet washer. The actions specified by this AD are intended to prevent failure of the drive shaft, loss of power to the rotor system, and a subsequent forced landing of the helicopter.

DATES: Effective August 19, 1996.

Comments for inclusion in the Rules Docket must be received on or before September 17, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96–SW–16–AD, 2601 Meacham Blvd., Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, Aerospace Engineer, Boston

Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington Massachusetts 01803, telephone (617) 238–7155, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: On August 26, 1991, the FAA issued AD 91–19–02, Amendment 39–8028 (56 FR 47378, September 19, 1991) to require an initial and repetitive 25-hour interval inspections of the left and right engine input drive shaft assemblies for loose balance weights or cracks. On June 4, 1993, the FAA issued priority letter AD 93–11–05, applicable to Sikorsky Aircraft Model S–76B helicopters, which requires initial and repetitive inspections of certain engine drive shafts assemblies for cracks only.

Both AD 91–19–02, issued August 26, 1991, and priority letter AD 93–11–05, issued June 4, 1993, require initial and repetitive inspections of certain drive shafts assemblies for cracks. AD 91–19–02 also requires an inspection for loose drive shaft balance weights. As a result of having two ADs that require different corrective actions, operators may be confused about which corrective actions to perform. Such confusion may lead an operator to inadvertently fail to comply with the necessary safety requirements for those rotorcraft and result in an unsafe condition. Therefore, due to the criticality of maintaining the inspection of the drive shaft and the short compliance time, this rule incorporates both corrective actions and must be issued immediately to correct an unsafe condition.

Since the unsafe condition described is likely to exist or develop on other Sikorsky Aircraft Model S–76B helicopters of the same type design, this AD supersedes AD 91–19–02 and priority letter AD 93–11–05 and requires, within the next 6 hours time-in-service (TIS), an initial inspection of Model S–76B helicopters with certain engine drive shafts; balance weights or balance weight rivets (rivets); or balance weight and rivet and washers combinations installed. If a rivet, rivet/washer combination, or rivet/washer/balance weight combination is installed, an initial inspection of the drive shaft is required for cracks and loose balance weights, and thereafter, repetitive inspections every 6 hours TIS.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 96–SW–16–AD.'' The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–8028 (56 FR 47378, September 19, 1991) and by adding a new airworthiness directive (AD), Amendment 39–9696, to read as follows:

AD 96–15–03 SIKORSKY AIRCRAFT: Amendment 39–9696. Docket Number 96–SW–16–AD. Supersedes Priority Letter AD 93–11–05, issued June 4, 1993, and AD 91–19–02, Amendment 39–8028.

Applicability: Sikorsky Aircraft S–76B helicopters, with engine drive shaft assembly (drive shaft), part number (P/N) 76361–09202–044, −047, −049, or −051, with either rivet, P/N CR3523P–8–XX, with a washer or balance weight, or rivet, P/N NAS1738MW6–X, with or without a washer, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 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 helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the drive shaft, loss of power to the rotor system, and a subsequent forced landing of the helicopter, accomplish the following:

(a) Within 6 hours TIS after the effective date of this AD, visually inspect the drive shaft for cracks in the area around each rivet, using a 10X or higher magnifying glass, and inspect the drive shaft for loose balance weights.

(1) The inspection for loose balance weights shall be performed by grasping the balance weights by hand and attempting to move them in both the radial and axial directions. Any movement of the balance weights constitutes looseness.

(2) If a crack is found on the drive shaft or any balance weight is loose, replace the drive shaft with an airworthy drive shaft before further flight.

(b) Thereafter, inspect for cracks and loose balance weights at intervals not to exceed 6 hours TIS from the last inspection.

(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, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston 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 helicopter to a location where the requirements of this AD can be accomplished.

(e) This amendment becomes effective on August 19, 1996.

Issued in Fort Worth, Texas, on July 11, 1996.

Daniel P. Salvano,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–18294 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 95–ASO–20]

Establishment of Federal Colored Airway B–9; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the Federal Register on June 13, 1996 (Airspace Docket No. 95–ASO–20). In the airspace designation of Blue 9 (B–9), effective August 15, 1996, ''Ft. Myers, FL'' is corrected to read ''Lee County, FL.''

EFFECTIVE DATE: July 19, 1996.

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

SUPPLEMENTARY INFORMATION: Federal Register Document 96–15063, Airspace Docket No. 95–ASO–20, published on June 13, 1996 (61 FR 29937), established B–9. However, in the June 13 publication, the description for B–9 included an error in defining the DEEDS intersection. The intersection should have been defined as ''Pahokee, FL, 211° and Lee County, FL, 138°T (140°M).'' This action corrects that error.

Accordingly, pursuant to the authority delegated to me, the airspace designation for B–9, published in the Federal Register on June 13, 1996 (61 FR 20037); Federal Register Document 96–15063, Column 3, is corrected as follows:

* * * * *

B–9 [Corrected]

From INT Pahokee, FL, 211° and Lee County, FL, 138° radials; Marathon, FL.

* * * * *

Issued in Washington, DC, on July 12, 1996.

Harold W. Becker,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 96–18423 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 97

[Docket No. 28627; Amdt. No. 1742]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic

depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

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

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

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on July 12, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

** * * Effective Aug 15, 1996*

St. Mary's, AK, St. Mary's, NDB/DME or GPS RWY 16, Amdt 1A CANCELLED
St. Mary's, AK, St. Mary's, NDB/DME RWY 16, Amdt 1A
St. Mary's, AK, St. Mary's, NDB or GPS RWY 34, Orig-A CANCELLED
St. Mary's, AK, St. Mary's, NDB RWY 34, Orig-A
Battle Creek, MI, W.K. Kellogg, VOR or TACAN or GPS RWY 5, Amdt. 19 CANCELLED
Battle Creek, MI, W.K. Kellogg, VOR or TACAN RWY 5, Amdt. 19
Hammonton, NJ, Hammonton Muni, VOR or GPS–B, Amdt 1 CANCELLED
Hammonton, NJ, Hammonton Muni, VOR or GPS–B, Amdt 1
Port Clinton, OH, Carl R Keller Field, NDB or GPS RWY 27, Amdt 11 CANCELLED
Port Clinton, OH, Carl R Keller Field, NDB RWY 27, Amdt 11
Wiscasset, ME, Wiscasset, NDB or GPS RWY 25, Amdt 4A CANCELLED
Wiscasset, ME, Wiscasset, NDB RWY 25, Amdt 4A
Fairmont, WV, Fairmont Municipal, VOR/DME or GPS RWY 22, Amdt 4 CANCELLED
Fairmont, WV, Fairmont Municipal, VOR/DME RWY 22, Amdt 4
Riverton, WY, Riverton Regional, VOR or GPS RWY 28, Amdt 8A CANCELLED
Riverton, WY, Riverton Regional, VOR RWY 28, Amdt 8A

[FR Doc. 96–18425 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

Use of ''Made in'' and ''Assembled in'' in One Country of Origin Marking Statement

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General marking exception.

SUMMARY: This document advises the public of a general country of origin marking exception that will be granted by Customs, commencing August 5, 1996, for three months for imported foreign articles which reach the ultimate purchaser in the United States containing a marking with the words ''Made in,'' ''Product of,'' or words of similar meaning, such as ''Knit in,'' along with the use of ''Assembled in'' in a single country of origin marking statement.

EFFECTIVE DATE: August 5, 1996, through November 5, 1996.

FOR FURTHER INFORMATION CONTACT: Monika Rice, Special Classification and Marking Branch, Office of Regulations and Rulings (202–482–6980).

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin (or its container) imported into the U.S. shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or its container) will permit, in such a manner as to indicate to the ultimate purchaser in the U.S. the English name of the country of origin of the article. Part 134, Customs Regulations (19 CFR Part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304.

Customs previously has determined that the use of ''Made in,'' ''Product of,'' or words of similar meaning, such as ''Knit in'' (when the country of origin was the country in which an article was knit to shape), along with the use of the words ''Assembled in'' in a single country of origin marking statement, was acceptable for purposes of 19 U.S.C. 1304. These prior determinations were based upon Customs position that the words, ''Assembled in'' were not a country of origin marking indicator, except as provided for in 19 CFR 10.22 for articles eligible for subheading 9802.00.80, Harmonized Tariff Schedule of the United States (HTSUS), treatment.

See Headquarters Ruling Letter (HRL) 087271 dated January 17, 1991, (the expressions ''Made in China, Assembled in Hong Kong'' or ''Knit in China, Assembled in Hong Kong'' were acceptable under 19 U.S.C. 1304 and 19 CFR 134.46 indicating that the country of origin of sweaters was China). But see HRL 733564 dated August 10, 1990 (the marking ''Made in Canada'' needed to be removed from hoses manufactured in Canada, after assembly with brass fittings in Mexico, as the country of origin of the assembled article was Mexico pursuant to 19 CFR 10.22 and the article could be marked ''Assembled in Mexico'').

Due to the confusion generated by 19 CFR 10.22 concerning when it is acceptable to use the words ''Assembled in,'' in country of origin marking, this section, effective August 5, 1996, will be removed from the Customs Regulations as part of a final document which principally implemented Annex 311 of the North American Free Trade Agreement (T.D. 96–48, 61 FR 28932, 28955, June 6, 1996). That final rule document also included an amendment to 19 CFR 134.43(e) to provide for the use of the phrases, ''Assembled in (country of final assembly),'' ''Assembled in (country of final assembly) from components of (name of country or countries of origin of all components),'' or ''Made in, or product of, (country of final assembly),'' as methods of marking an imported article when the country of origin of such article is determined to be the country in which it was finally assembled.

Accordingly, for all goods entered, or withdrawn from warehouse, for consumption on or after August 5, 1996, the country of origin indicator, ''Assembled in,'' may be used for the marking of imported articles only when the country of origin of that article is determined to be the country in which the article was finally assembled. Whether or not the article is eligible for entry under subheading 9802.00.80, HTSUS, will not be relevant to the use of this marking.

Furthermore, as a result of the amendment of 19 CFR 134.43(e), the terms ''Made in'' and ''Assembled in'' are always words of similar meaning, and it will no longer be acceptable to use ''Made in,'' ''Product of,'' or words of similar meaning, along with the words ''Assembled in'' in a single country of origin marking statement on articles of foreign origin imported into the United States.

However, the marking statute and regulations allow for exceptions to the marking requirements under certain circumstances. One of these exceptions concerns articles which cannot be marked prior to, or after, importation except at an expense that would be economically prohibitive. See 19 U.S.C. 1304(a)(3) (C) and (K), and 19 CFR 134.32 (c) and (o).

In consideration of: (1) the fact that the use of ''Made in,'' ''Product of,'' or words of similar meaning, along with the use of the words ''Assembled in'' in a single country of origin marking statement has been acceptable until the amendment of 19 CFR 134.43(e), and many articles or labels containing such statements may have already been made; (2) the expectation that many individual requests will be received for marking exceptions on the ground of economic prohibitiveness; and (3) the importance of providing uniform Customs treatment, Headquarters has made a general finding under these circumstances that it would be economically prohibitive to require the marking of imported foreign articles (either before or after importation) in compliance with 19 CFR 134.43(e), as amended, as of the effective date of the new regulations. This general marking exception shall be granted for all imported foreign articles marked ''Made in,'' ''Product of,'' or words of similar meaning, such as ''Knit in,'' along with the use of the words ''Assembled in'' in a single country of origin marking statement, for a period not to exceed three (3) months from the effective date of 19 CFR 134.43(e), as amended, (i.e., no later than November 5, 1996), which Customs views as a reasonable period of time for the exhaustion of existing inventory. Please note that, if information is obtained that the above articles or labels were made after August 5, 1996, this general marking exception will not apply.

Dated: July 11, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 96–18135 Filed 7–18–96; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 210 and 211

[Docket No. 88N–0320]

Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs; Revision of Certain Labeling Controls; Partial Extension of Compliance Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; partial extension of compliance date.

SUMMARY: The Food and Drug Administration (FDA) is announcing a continuation of the partial extension of the compliance date for a provision of the final rule published in the Federal Register of August 3, 1993 (58 FR 41348). The document revised the current good manufacturing practice (CGMP) regulations for certain labeling control provisions. In the Federal Register of April 28, 1995 (60 FR 20897), FDA partially extended the compliance date to August 2, 1996, for that part of the final rule pertaining to items of cut labeling other than immediate container labels. This document extends the compliance date to August 1, 1997. FDA is taking this action to afford the industry sufficient time to purchase necessary equipment or to take other steps necessary to comply with certain provisions of the final rule, and to provide additional time for the agency to consider any revisions to the final rule.

DATES: Efffective July 19, 1996, the date for compliance with § 211.122(g) (21 CFR 211.122(g)) for items of labeling (other than immediate container labels) is now extended to August 1, 1997. The date of compliance for all other provisions of the final rule published August 3, 1993 (58 FR 41348) remains August 3, 1994.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Kuchenberg, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1046, or

Paul J. Motise, Center for Drug Evaluation and Research (HFD–325), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–0098.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 3, 1993 (58

FR 41348), FDA published a final rule that amended the labeling control provisions in the CGMP regulations. The final rule defined the term ''gang-printed labeling,'' specified conditions for the use of gang-printed or cut labeling, exempted manufacturers that employ certain automated inspection systems from labeling reconciliation requirements, and made other revisions intended to reduce the frequency of drug product mislabeling and associated drug product recalls. One of the three special control options for cut labeling is the use of ''appropriate electronic or electromechanical equipment to conduct a 100-percent examination for correct labeling during or after completion of finishing operations'' (§ 211.122(g)(2)).

In response to two citizen petitions requesting certain amendments to § 211.122(g) as it applies to cut labeling, a stay of the effective date, and reopening of the administrative record, FDA, in the Federal Register of August 2, 1994 (59 FR 39255), granted a partial extension of the compliance date for certain provisions of § 211.122(g) to August 3, 1995, and a limited reopening of the administrative record. In the Federal Register of April 28, 1995 (60 FR 20897), FDA granted a further partial extension of the compliance date to August 2, 1996.

FDA extended the compliance date to provide industry with additional time to comply with certain provisions of the final rule. FDA found that additional time was needed to locate, install, and validate scanning equipment and other necessary equipment to orient items properly for bar code scanning because there was a shortage of contract engineering personnel employed by some drug manufacturers to evaluate, select, purchase, install, qualify, and validate labeling verification systems.

FDA reopened the administrative record to receive additional comments on the application of § 211.122(g) to items of labeling (other than the immediate container label) as defined in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m)), and whether § 211.122(g) expanded the proposed scope of the provision from immediate container labels to all drug product labeling.

FDA has held a number of meetings with representatives of the labeling industry and others to determine control options available through current technology and to evaluate this information in light of comments received during the extended comment period. To assess this information adequately, provide industry with adequate time to comply fully with a final regulation, and provide additional time for FDA to consider any revisions to the final rule, the agency is extending to August 1, 1997, the compliance date for § 211.122(g) as it applies to items of labeling other than the immediate container label.

FDA's determination as to whether § 211.122(g) will be retained as currently codified or whether it will be revised will be published in a future issue of the Federal Register. The compliance date for the remainder of § 211.122, including § 211.122(g) as it applies to immediate container labels, was August 3, 1994. The agency emphasizes that, under 21 CFR 211.125, a waiver of labeling reconciliation is conditioned on a 100-percent examination for correct labeling performed in accordance with § 211.122(g)(2).

Dated: July 11, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–18285 Filed 7–18–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 500, 505, 507, 508, 510, and 570

[Docket No. 95N–310V]

Revocation of Certain Animal Food and Drug Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking certain regulations regarding animal food and animal drugs that are obsolete or no longer necessary to achieve public health goals. These regulations have been identified for revocation as the result of a page-by-page review of the agency's regulations. This regulatory review is in response to the administration's ''Reinventing Government'' initiative which seeks to streamline Government to ease the burden on regulated industry and consumers. These regulations are being consolidated in order to respond to ''Reinventing Government.''

EFFECTIVE DATE: August 19, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kristi O. Smedley, Center for Veterinary Medicine (HFV–238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1737.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton announced plans for the reform of the Federal regulatory system as part of the administration's ''Reinventing Government'' initiative. In his March 4 directive, the President ordered all Federal agencies to conduct a page-by-page review of all of their regulations and to ''eliminate or revise those that are outdated or otherwise in need of reform.'' In the Federal Register of October 13, 1995 (60 FR 53480), FDA provided its initial efforts in implementing the President's plan. The proposed rule announced regulations that FDA intended to eliminate based on the page-by-page review.

The agency received no comments regarding their intention to eliminate any of the regulations that cover animal food or animal drug regulations. Therefore the agency is removing the following regulations:

1. Section 500.49 *Chlorofluorocarbon propellants* (21 CFR 500.49). This section prohibits the use of chlorofluorocarbons as propellants in self-pressurized containers in animal drugs. Chlorofluorocarbons are prohibited by the Clean Air Act Amendments of 1990 (42 U.S.C. 7671) and can no longer be marketed for this use. This section is unnecessary because coverage in § 2.125 (21 CFR 2.125) of this prohibition is sufficient.

2. Section 505.3 *Warnings on animal drugs intended for administration to diseased animals* (21 CFR 505.3). This section states that no warning or caution statements recommended for use in the labeling of animal drugs intended for administration to diseased animals shall be construed to suggest or imply that a product of diseased animals is suitable for food use. This provision cautions against misuse of language in § 505.20 (21 CFR 505.20) which is now being withdrawn and is, therefore, unnecessary.

3. Section 505.20 *Recommended animal drug warning and caution statements*. This section provides recommended animal drug warning and caution statements for specific drugs. The statements provided are voluntary label statements that do not contain requirements and need not appear in the CFR.

4. Part 507—Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers (21 CFR part 507). This part contains the criteria that apply in determining whether the facilities, methods, practices, and

controls used by the commercial processor in the manufacture, processing, and packing of low-acid foods for animals in hermetically sealed containers are operated or administered in a manner adequate to protect the public health. Part 507 is identical to part 113 (21 CFR part 113), which applies to human foods. Therefore, the agency is removing part 507, and adding a new § 500.23 to state that the provisions in part 113 apply to animal foods.

5. Part 508—Emergency Permit Control (21 CFR part 508) covers the requirements and issuance of emergency control permits for the manufacturer or packer of thermally processed low-acid foods packaged in hermetically sealed containers. Part 508 is identical to part 108 (21 CFR part 108), which applies to human foods. Therefore, the agency is removing part 508, and adding a new § 500.24 to state that the provisions in part 108 apply to food intended for animals.

6. Section 510.120 *Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs* (21 CFR 510.120). This section provides the suspension of approval of the seven listed diethylstilbestrol (DES)-containing animal drug products. There are no approved new animal drug applications for DES- containing products. This regulation is obsolete and should be deleted.

7. Section 510.200 *Export of new animal drug* (21 CFR 510.200). This section states that to export a new animal drug the product must comply with regulations issued under section 512 of the act (21 U.S.C. 360b). This provision has been superseded by changes in the act (see 21 U.S.C. 381).

8. Section 510.310 *Records and reports for new animal drugs approved before June 20, 1963* (21 CFR 510.310). This section sets out separate requirements for recordkeeping and reporting to the agency for drugs approved prior to June 20, 1963. These requirements are outdated and inaccurate. The agency believes it is appropriate to apply the current recordkeeping and reporting requirements to drugs that were approved before 1963.

9. Section 510.413 *Chloroform used as an ingredient (active or inactive) in animal drug products* (21 CFR 510.413). This section prohibits the use of chloroform as an ingredient in animal drugs and provides certain requirements for products that contain chloroform that must be met by October 3, 1977. Chloroform is no longer used as an ingredient in any animal drug formulations. Drug formulation is reviewed by the manufacturing chemists in FDA's Center for Veterinary Medicine (CVM), and this regulation is no longer necessary.

10. Section 570.22 *Safety factors to be considered* (21 CFR 570.22). This section sets out a proposed safety factor to be used by CVM scientists when there is not justification of a different safety factor. The safety factors provided in the regulations are scientifically obsolete for food additives intended for animals and are best handled within the review process.

II. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, the Regulatory Flexibility Act (Pub. L. 96–354), and Pub. L. 104–121. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the deletions have no compliance costs and do not result in any new requirements, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Pub. L. 104–121 provides for a major rule is to be effective 60 days after date of publication in the Federal Register or 60 days after submission of the rule to Congress for review, whichever is later. This rule is not a major rule for purposes of Pub. L. 104–121. Therefore, this rule is effective 30 days after date of publication.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(9) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 500

Animal drugs, Animal feeds, Cancer, Labeling, Polychlorinated biphenyls (PCB's).

21 CFR Part 505

Animal drugs, Labeling, Over-the-counter drugs.

21 CFR Part 507

Animal foods, Packaging and containers, Reporting and recordkeeping requirements.

21 CFR Part 508

Animal foods.

21 CFR Part 510

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

21 CFR Part 570

Animal feeds, Animal foods, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*) and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 500, 505, 507, 508, 510, and 570 are amended as follows:

PART 500—GENERAL

1. The authority citation for 21 CFR part 500 continues to read as follows:

Authority: Secs. 201, 301, 402, 403, 409, 501, 502, 503, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 351, 352, 353, 360b, 371).

2. Section 500.23 is added to subpart B to read as follows:

§ 500.23 Thermally processed low-acid foods packaged in hermetically sealed containers.

The provisions of part 113 of this chapter shall apply to the manufacture, processing or packing of low-acid foods in hermetically sealed containers, and intended for use as food for animals.

3. Section 500.24 is added to subpart B to read as follows:

§ 500.24 Emergency permit control.

The provisions of part 108 of this chapter shall apply to the issuance of emergency control permits for the manufacturer or packer of thermally processed low-acid foods packaged in hermetically sealed containers, and intended for use as food for animals.

§ 500.49 [Removed]

4. Section 500.49 *Chlorofluorocarbon propellants* is removed.

PART 505—[REMOVED]

5. Part 505 is removed.

PART 507—[REMOVED]

6. Part 507 is removed.

PART 508—[REMOVED]

7. Part 508 is removed.

PART 510—NEW ANIMAL DRUGS

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

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

§ 510.120 [Removed]

9. Section 510.120 *Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs* is removed.

§ 510.200 [Removed]

10. Subpart C, consisting of § 510.200, is removed and reserved.

§ 510.310 [Removed]

11. Section 510.310 *Records and reports for new animal drugs approved before June 20, 1963* is removed.

§ 510.413 [Removed]

12. Section 510.413 *Chloroform used as an ingredient (active or inactive) in animal drug products* is removed.

PART 570—FOOD ADDITIVES

13. The authority citation for 21 CFR part 570 continues to read as follows:

Authority: Secs. 201, 401, 402, 408, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 346a, 348, 371).

§ 570.22 [Removed]

14. Section 570.22 *Safety factors to be considered* is removed.

Dated: July 3, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–18234 Filed 7–18–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Gonadorelin Diacetate Tetrahydrate 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 an abbreviated new animal drug application (ANADA) filed by Intervet, Inc. The ANADA provides for intramuscular and intravenous use of a sterile injectable solution of gonadorelin diacetate tetrahydrate for treating ovarian cysts in female dairy cattle of breeding age.

EFFECTIVE DATE: July 19, 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: Intervet, Inc., 405 State St., P.O. Box 318, Millsboro, DE 19966–0318, filed ANADA 200–134, which provides for intramuscular and intravenous use of Fertagyl® (gonadorelin diacetate tetrahydrate injection) for treatment of ovarian cysts in female dairy cattle of breeding age.

Approval of ANADA 200–134 is as a generic copy of Rhone Merieux's NADA 98–379 for Cystorelin® (gonadorelin diacetate tetrahydrate injection). The ANADA is approved as of June 17, 1996, and the regulations are amended by revising 21 CFR 522.1078(b) 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).

§ 522.1078 [Amended]

2. Section 522.1078 *Gonadorelin diacetate tetrahydrate injection* is amended in paragraph (b) by removing ''No. 050604'' and adding in its place ''Nos. 050604 and 057926''.

Dated: July 11, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–18350 Filed 7–18–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 801

[Docket No. 95N–310R]

RIN 0910–AA54

Revocation of Certain Device Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to remove certain device regulations that are obsolete or no longer necessary to achieve public health goals. These regulations have been identified for revocation as the result of a page-by-page review of the agency's regulations in response to the administration's ''Reinventing Government'' initiative, which seeks to streamline Government and ease the burden on regulated industry and consumers.

EFFECTIVE DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–827–2974.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton announced plans for the reform of the Federal regulatory system as part of the administration's ''Reinventing Government'' initiative. In his March 4, 1995, directive, entitled ''Regulatory Reinvention Initiative,''the President ordered all Federal agencies to conduct a page-by-page review of all of their regulations and to ''eliminate or revise

those that are outdated or otherwise in need of reform.'' The first results of FDA's efforts in implementing the President's plan were published in the Federal Register of October 13, 1995 (60 FR 53480). That document identified the regulations that FDA was proposing to eliminate, and the Centers within the agency responsible for those regulations.

The agency received no comments on the proposed revocation of regulations administered by the Center for Devices and Radiological Health (CDRH). This final rule will finalize the proposed revocation of the following regulations administered by CDRH:

II. Section-by-Section Analysis

1. Section 801.403 *Specific medical devices; recommended warning and caution statements* (21 CFR 801.403). This regulation recommends certain warning and caution statements for: Denture reliners, pads, and cushions; denture repair kits; infrared generators (including heating pads); insulin syringes; mechanical massagers and vibrators; steam or turkish baths; and ultraviolet generators. This section does not contain specific requirements and will therefore be removed from the Code of Federal Regulations (CFR).

2. Section 801.408 *Pessaries for intracervical and intrauterine use* (21 CFR 801.408). This section contains information that can be more appropriately given as statements of policy and will therefore be removed from the CFR.

3. Section 801.427 *Professional and patient labeling for intrauterine contraceptive devices* (21 CFR 801.427). This regulation is no longer necessary because these devices are no longer being marketed. If any intrauterine contraceptive devices are approved in the future, the labeling will be approved during the premarket approval process. This regulation will therefore be removed from the CFR.

III. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this final rule removes unnecessary labeling regulations, the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(ii) 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 801

Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 801 is amended as follows:

PART 801—LABELING

1. The authority citation for 21 CFR part 801 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 507, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 357, 360i, 360j, 371, 374).

§ 801.403 [Removed]

2. Section 801.403 *Specific medical devices; recommended warning and caution statements* is removed.

§ 801.408 [Removed]

3. Section 801.408 *Pessaries for intracervical and intrauterine use* is removed.

§ 801.427 [Removed]

4. Section 801.427 *Professional and patient labeling for intrauterine contraceptive devices* is removed.

Dated: July 11, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–18233 Filed 7–18–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8128]

Miscellaneous Provisions Relating to the Tax Treatment of Partnership Items; Procedure and Administration; OMB Control Numbers; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to temporary regulations (T.D. 8128), which were published in the Federal Register on Thursday, March 5, 1987 (52 FR 6779) relating to certain rules for the tax treatment of partnership items.

EFFECTIVE DATE: March 5, 1987.

FOR FURTHER INFORMATION CONTACT: D. Lindsay Russell (202) 622–3050, (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of this correction is under sections 6221 thru 6233 of the Internal Revenue Code.

Need for Correction

As published, the temporary regulations (T.D. 8128) contains an error which may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 301 is corrected by making the following correcting amendment:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

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

§ 301.6231(a)(7)–1T [Correctly redesignated from § 301.6231(a)(7)–1]

Par. 2. Section 301.6231(a)(7)–1 is redesignated as § 301.6231(a)(7)–1T.

Michael L. Slaughter,

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

[FR Doc. 96–18139 Filed 7–18–96; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–95–018]

RIN 2115–AA97

Safety Zone: Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a new permanent safety zone near the mouth of the Cuyahoga River in Cleveland, Ohio. The new safety zone is to prevent the mooring of boats in the area from the Conrail No. 1 railroad bridge south for six hundred feet to the end of the lot adjacent to Fagan's Restaurant. This safety zone is required to prevent the operators of recreational vessels patronizing the entertainment industries in the river from rafting their boats outward into the federally maintained navigation channel, and thus impeding the safe passage of commercial shipping.

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

ADDRESSES: Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at Coast Guard Marine Safety Office, 1055 E. Ninth Street, Cleveland, OH.

FOR FURTHER INFORMATION CONTACT: Lieutenant Nathan Knapp, Project Officer and Chief of Port Operations, Captain of the Port Cleveland, 1055 E. Ninth Street, Cleveland, Ohio, 44114, (216) 522–4405.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The section of the Cuyahoga River in which this safety zone is located is heavily used by both large commercial vessels and small recreational vessels. Use of the river by large commercial vessels continues to increase rising from 770 transits in 1982 to 1,264 transits in 1987, to 1,624 transits in 1994. At the same time, businesses along the river continue to attract an increasing number of recreational vessels. Large numbers of recreational vessels raft together into the river near the many entertainment establishments and restaurants, thereby creating a hazard to themselves and to the large commercial vessels which also use this waterway, and creating an obstruction to the use of the river as a navigable channel.

In 1987, a serious collision between a commercial vessel and a recreational vessel highlighted the need to establish some rules for the protection of safe navigation in this increasingly congested waterway. After some experimentation with temporary safety zones and an extensive process of comment and consultation with the public, including a public hearing and a study by a local workgroup made up of representatives of both the commercial and recreational interests in the local area, along with representatives of the City of Cleveland and the State of Ohio, the Coast Guard established a set of ten permanent safety zones under the standing regulation at 33 CFR 165.903 (54 FR 9776, March 8, 1989).

Since that time, the safety zones have been effective in protecting the safety of navigation without causing hardship to the local businesses along the river which serve customers from recreational vessels. However, continuing commercial development and use of the area has led to the same problem of recreational vessels rafted out into the channel and obstructing navigation in a location near the mouth of the river, around Fagan's Restaurant not covered by a safety zone. The ten foot zone prevents recreational vessels from mooring to the bulkheads. Using the same process of informal consultation with local interests and civil groups which contributed to the consideration of the prior regulations, the local Coast Guard Captain of the Port in Cleveland, Ohio, invited comments from an autonomous ad hoc working group, the Cuyahoga River Task Force 1995, which included representatives of the Flats Oxbow Association, a local civic group representing businesses in the area. The consensus of the Cuyahoga River Task Force 1995 was that congestion of recreational vessels experienced around the mouth of the river called for the creation of an additional safety zone, under the same terms and conditions, including provisions for conditional waivers of the restrictions, as the other zones established for other businesses further up the river.

In 1995, the Coast Guard published a Notice of Proposed Rulemaking (60 FR 36375) proposing the zone recommended by the task force and solicited comments from the general public. No comments were received.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B (1994 amendments), it is categorically excluded from further environmental documentation, and the categorical exclusion determination is filed in the docket.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Evaluation

This regulation is considered to be nonsignificant under Executive Order 12866 on Regulatory Planning and Review and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034 of February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. Small entities that feel this regulation is causing them to incur economic losses can partition the local Captain of the Port for a waiver, provided they can prove adequate means of preventing the rafting of boats at their businesses.

Small Entities

The Coast Guard certifies that this rule will not have a significant economic impact on a substantial number of small entities. The previous experience with the other safety zones and the local procedures worked out by local business for the management of the recreational vessels along their property in cooperation with the Flats Oxbow Association and the Coast Guard, demonstrates that the restrictions imposed for the benefit of safety can be accommodated with minimal if any effect on the local businesses. These businesses are primarily accessible from non-maritime avenues and rely on such avenues for the overwhelming majority of their patronage.

Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

In consideration of the foregoing the Coast Guard amends part 165 of title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; and 49 CFR 1.46.

2. In section 165.903, paragraphs (a)(1) through (a)(10) are redesignated as paragraphs (a)(2) through (a)(11), paragraph (a), introductory text, is revised, and a new paragraph (a)(1) is added to read as follows:

§ 165.903 Safety Zone: Cuyahoga River and Old River, Cleveland, Ohio.

(a) *Location*. The waters of the Cuyahoga River and the Old River extending ten feet into the river at the following eleven locations, including the adjacent shorelines, are safety zones, coordinates for which are based on NAD 83.

(1) From the point where the shoreline intersects longitude 81°42′24.5″ W, which is the southern side of the Conrail No. 1 railroad bridge, southeasterly along the shore for six hundred (600) feet to the point where the shoreline intersects longitude 81°42′24.5″ W, which is the end of the lot adjacent to Fagan's Restaurant.

* * * * *

Dated: July 2, 1996.

T.M. Close,

Lieutenant Commander, U.S. Coast Guard, Alternate Captain of the Port, Cleveland.

[FR Doc. 96–18330 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–40029; FRL–5378–3]

Technical Amendments to Test Rules and Enforceable Testing Consent Agreements/Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has approved by letter certain modifications to test standards and schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These modifications, requested by test sponsors, will be incorporated and codified in the respective test regulations or enforceable testing consent agreements/orders. Because these modifications do not significantly alter the scope of a test or significantly change the schedule for its completion, EPA approved these requests without seeking notice and comment. EPA annually publishes a rule describing all of the modifications granted by letter for the previous year.

EFFECTIVE DATE: This rule shall take effect on July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551. Internet Address: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a rule published in the Federal Register of September 1, 1989 (54 FR 36311), amending procedures in 40 CFR part 790 for modifying test standards and schedules for test rules and enforceable testing consent agreements/orders under section 4 of TSCA. The amended procedures allow EPA to approve requested modifications which do not alter the scope of a test or significantly change the schedule for its completion. These modifications are approved by letter without public comment. The rule also requires immediate placement of these letters in EPA's public files and publication of these modifications in the Federal Register. This document includes modifications approved from January 1, 1995 through December 31, 1995. For a detailed description of the rationale for these modifications, refer to the submitters' letters and EPA's responses in the public record for this rulemaking.

I. Discussion of Modifications

Each chemical discussed in this rule is identified by a specific CAS number and docket number. Copies of correspondence relating to specific chemical modifications may be found in docket number (OPPTS–40029) established for this rule. The following table lists all chemical-specific modifications approved from January 1, 1995 through December 31, 1995.

MODIFICATIONS TO TEST STANDARDS AND ENFORCEABLE TESTING CONSENT AGREEMENTS/ORDERS

(January 1, 1995 Through December 31, 1995)

Chemical/CAS Number	CFR Cite	Test	Modifications	Docket No
Final Rule(s).				
Drinking Water Contaminants.				
1,1,2,2-Tetrachloroethane/CAS No. 79–34–5.	799.5075	14–day oral subacute testing	5	40029/42111J
Enforceable Testing Consent Agreement(s)/Order(s).				
Bisphenol A diglycidyl ether /CAS No. 1675–54–3.	799.5000	Reproductive toxicity testing	5	40029/42168A
Cyclohexane/CAS No. 110–82–7	799.5000	90–day subchronic inhalation toxicity tests	9	40029/42094E
.....		Dermal absorption study	5,9	
.....		Dermal sensitization study	5	
.....		Acute SCOB test standard	9	
n-Butyl acetate/CAS No. 123–86–4	799.5000	*In vivo* hydrolysis protocol	7	40029/42138B

Modifications

1. Modify sampling schedule.
2. Change test substance (form/purity).
3. Change non–critical test procedure or condition.
4. Add satellite group for further testing.
5. Extend test or protocol deadline, delete test initiation date.
6. Clarify and/or add specific guideline requirement.
7. Alter specific guideline requirement approved for certain test(s).
8. Correct CAS No.
9. Amend test standard.
10. Neurotoxicity endpoint rule.
11. Revise protocol.

Note: Only modifications under numbers 5, 7, and 9 in the above table were approved in 1995.

II. Public Record

EPA has established a public record for this rulemaking under docket number OPPTS–40029. The record includes the information considered by EPA in evaluating the requested modifications. The record is available for inspection from 12:00 noon to 4 p.m., Monday through Friday, excluding legal holidays, in the TSCA Nonconfidential Information Center, U.S. EPA, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

III. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this action is not ''significant'' pursuant to the terms of this Executive Order because the modifications to the subject testing actions do not impose any additional requirements on the public. This action is therefore not subject to review by the Office of Management and Budget (OMB).

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities because the modifications do not significantly alter the scope of a test or significantly change the schedule for its completion and because these modifications were made at the request of a member of the regulated community.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 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. This rule does not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995.

D. Paperwork Reduction Act

The information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 350l et. seq. and have been assigned OMB control number 2070–0033 (EPA ICR No. 1139). EPA has determined that this rule does not change existing recordkeeping or reporting requirements nor does it impose any additional recordkeeping or reporting requirements on the public.

E. Submission to Congress and the General Accounting Office

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 799

Environmental protection, Chemicals, Chemical export, Hazardous substances, Recordkeeping and Reporting Requirements, Testing.

Dated: June 28, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. In § 799.5075 by revising paragraphs (c)(1)(ii)(A) and (d) to read as follows:

§ 799.5075 Drinking Water Contaminants Subject to Testing.

* * * * *

(c) * * *

(1) * * *

(ii) * * * (A) Each subacute test shall be completed and the final report submitted to EPA within 12 months of the date specified in paragraph (d)(1) of this section, except for 1,1,2,2-tetrachloroethane. The subacute testing for 1,1,2,2-tetrachloroethane shall be completed and the final report submitted to EPA by December 15, 1995.

* * * * *

(d) *Effective date.* (1) This section is effective on December 27, 1993 except for paragraphs (a)(1), (a)(2), (c)(1)(i)(A), (c)(1)(ii)(A), (c)(1)(ii)(B), (c)(2)(i)(A), and (c)(2)(ii)(A). The effective date for paragraphs (a)(2), (c)(1)(ii)(B) and (c)(2)(ii)(A) is September 29, 1995. The effective date for paragraphs (a)(1), (c)(1)(i)(A), and (c)(2)(i)(A) is February 27, 1996. The effective date for paragraph (c)(1)(ii)(A) is July 19, 1996.

(2) The guidelines and other test methods cited in this section are referenced as they exist on the effective date of the final rule.

[FR Doc. 96–17924 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

[WO–420–4191–02–24 1A]

RIN 1004–AC41

Application Procedures, Execution and Filing of Forms: Correction of State Office Addresses for Filings and Recordings, Proper Offices for Recording of Mining Claims

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This administrative final rule amends the regulations pertaining to execution and filing of forms in order to reflect the new address of the California State Office of the Bureau of Land Management (BLM), which moved in June 1996. All filings and other documents relating to public lands in California must be filed at the new address of the State Office.

EFFECTIVE DATE: July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Ted Hudson, (202) 452–5042.

SUPPLEMENTARY INFORMATION: This administrative final rule reflects the administrative action of changing the address of the California State Office of BLM. It changes the address for the filing of documents relating to public lands in California, but makes no other changes in filing requirements. Therefore, this amendment is published as a final rule with the effective date shown above.

Because this final rule is an administrative action to change the address for one BLM State Office, BLM has determined that it has no substantive impact on the public. It imposes no costs, and merely updates a list of addresses included in the Code of Federal Regulations for the convenience of the public. The Department of the Interior, therefore, for good cause finds under 5 U.S.C. 553(b)(B) and 553(d)(3) that notice and public procedure thereon are unnecessary and that this rule may take effect upon publication.

Because this final rule is a purely administrative regulatory action having no effects upon the public or the environment, it has been determined that the rule is categorically excluded from review under Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

As required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property. No private property rights would be affected by a rule that merely reports address changes for BLM State Offices. The Department therefore certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights.

Further, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) that it will not have a significant economic impact on a substantial number of small entities. Reporting address changes for BLM State Offices will not have any economic impact whatsoever.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

BLM has determined that this rule 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.

List of Subjects in 43 CFR Part 1820

Administrative practice and procedure, Application procedures, Execution and filing of forms, Bureau offices of record.

Under the authority of section 2478 of the Revised Statutes (43 U.S.C. 1201), and 43 U.S.C. 1740, subpart 1821, part 1820, group 1800, subchapter A, chapter II of title 43 of the Code of Federal Regulations is amended as set forth below:

PART 1820—APPLICATION PROCEDURES

Subpart 1821—Execution and Filing of Forms

1. The authority citation for part 1820 continues to read as follows:

Authority: R.S. 2478, 43 U.S.C. 1201; 43 U.S.C. 1740, unless otherwise noted.

2. Section 1821.2–1(d) is amended by revising the location and address of the Bureau of Land Management State Office in California to read:

§ 1821.2–1 Office hours; place for filing.

* * * * *

(d) * * *

STATE OFFICE AND AREA OF JURISDICTION

* * * * *

California State Office, 2135 Butano Dr., Sacramento, CA 95825–0451—California

* * * * *

Dated: July 2, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96–18337 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 62

RIN 3067–AC26

National Flood Insurance Program; Assistance to Private Sector Property Insurers

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule amends National Flood Insurance Program (NFIP) regulations establishing the Financial Assistance/Subsidy Arrangement that may be entered into by and between the Administrator and private sector insurers under the Write Your Own (WYO) program. The amendments: (1) Simplify the Arrangement by streamlining the format; (2) reflect recent policy changes regarding loss adjustment and financial operation of the private insurers in the WYO program; and (3) delete references to obsolete operating manuals and handbooks. The amendments also improve the flexibility of the Arrangement and provide information to permit WYO participants to discharge their responsibilities for underwriting, claims adjustment, and financial control procedures established by the Federal Insurance Administration.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Edward T. Pasterick, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646–3443.

SUPPLEMENTARY INFORMATION: On April 3, 1996, FEMA published in the Federal Register, 61 FR 14709, a proposed rule to amend NFIP regulations establishing the Financial Assistance/Subsidy Arrangement that may be entered into by and between the Administrator and private sector insurers under the WYO program.

FEMA received two sets of written comments on the proposed rule. The comments were submitted by two separate Write Your Own companies.

One company expressed concerns over seven (7) issues in the Arrangement. The first concern questioned the Arrangement's incentive system, i.e., adjusting the percentage of retained premium relative to the Company's performance in achieving production goals. The proposed Arrangement provides a minimum of 30.6% of premium income to be retained by a WYO Company for operating and administrative expenses, including marketing expenses. When a WYO company achieves its production or marketing goals, the amount of retained premium income increases from the minimum of 30.6% up to a maximum of 32.6%. The commenter felt that such a provision was punitive and amounted to a retroactive penalty since the marketing goals are tied to the retention of current policies as well as the production of new business.

First of all, the amount of premium income retained by a WYO company (32.6%) includes allowances for marketing activities. Therefore, it is not unreasonable to condition a portion of the retained premium on the success of such marketing activities. Secondly, the unprecedented growth in the number of flood insurance policies during the last two years as a result of this very incentive system is a compelling reason to continue it under the Arrangement. Thirdly, the marketing goals are tied to retention of current policies only to the extent that such policies leave the NFIP entirely. If they go from one WYO company to another, the loss does not adversely affect the first company's goals. Furthermore, policy retention is a commonly accepted component of marketing strategies. In sum, the principle of relating financial incentives to performance is simply a sound business practice and has been retained in the Arrangement.

The commenter expressed a related concern that a standard percentage is unfair to larger companies that carry more policies on their book of business. FEMA has retained the same percentage for all companies participating in the WYO program for the current Arrangement believing that a consistent

standard is the most equitable approach for all participants since it is applied uniformly, regardless of a company's size. However, in calculating goal accomplishment, we will employ a formula that will recognize not only the percentage increase in the numbers of policies but also absolute numbers of new policies. This will be explained further in the offer letter for the Arrangement.

The overall issues of growth goals for companies in the WYO program, the appropriate level of the expense allowance, and the relationship between the two, all warrant a detailed review by the FIA. For the current Arrangement, however, the levels of retained premium reflected in the April 3, 1996 proposed rule remain in effect.

The second concern raised by this WYO company focused on the appropriate roles with respect to risk bearing by the Federal Government and the insurance companies participating in the Arrangement. (The heading in the company's submission reads ''Continuing Shift of Risk-Bearing.'') The commenter expressed concern that if Congressional authorization or appropriation for the program is ever withdrawn the WYO company would still be liable for its policies in force that are allowed to run their term under the Arrangement. The company recommended that the purpose statement be revised to emphasize the Federal Government's continuing financial assistance role—regardless of circumstances. The same company also recommended that Article V.E. should reaffirm that the FIA will reimburse expenses and ultimately be responsible for claim payment for the duration of the Arrangement even though financial assistance under the Arrangement is canceled for any new or renewal business. In the absence of that, the company recommended that a WYO company be permitted to cancel all policies in force with 45 days notice should financial assistance be terminated for any reason.

First, the Arrangement may not obligate the Federal Government in any way beyond Congressional authorization. Congress has built into the Act, however, a number of safeguards for policyholders—the ultimate beneficiaries of the National Flood Insurance Program—and private insurance companies that participate in the NFIP. One of the major safeguards for consumers and private insurance companies is FEMA's borrowing authority for the National Flood Insurance Fund which operates independently of fiscal year authorization. Furthermore, the WYO program has operated for thirteen years and all have benefited—the consumer, the taxpayer, and participating WYO companies that have not had to absorb or share losses even in recent heavy loss years in spite of their active involvement in the NFIP. While FIA cannot speak for Congress relative to the authorization for the NFIP, FIA has recognized the commenter's concern by revising the purpose statement of Article I to emphasize that all flood policies issued are done so under prescribed conditions pursuant to the Arrangement and authorization granted by Congress for the program.

The same commenter also expressed concern over certain details in the Arrangement for the single adjuster program for catastrophic losses such as hurricanes when property owners suffer combined wind and flood losses but have separate insurance carriers for these perils. Specifically, Article II.C.3.0 of the proposed Arrangement requires using a single adjuster when the flood coverage is provided by the WYO company and the wind coverage is provided by another WYO company. Article II.C.4.0 requires the use of a single adjuster when the flood coverage is by the WYO company, the wind coverage is by another property insurer, and the State Insurance Regulator deems it in the interests of the policyholder that a single adjuster be used to handle both losses.

FIA finds some merit in the commenter's concerns relative to: 1. Article II.C.3.0, such as the potential exposure of a WYO company's proprietary information through the use of a single adjuster. Consequently, the Arrangement has been revised by deleting Article II.C.3.0. Article II. C.4.0, which requires the use of a single adjuster when the State Insurance Regulator requires one, has been retained in the Arrangement and renumbered as Article II.C.3.0. FIA believes strongly that at the heart of the single adjuster approach is an overriding public benefit since claims on the same property involving separate perils are adjusted in a coordinated manner. Therefore, whenever a State Insurance Regulator deems it in the interest of the public that a single adjuster be used for an event involving wind and flood, the program will support the Regulator's decision and require the use of a single adjuster by participating WYO companies.

The company also expressed concern that it no longer has an understanding with one Joint Underwriting Association and would run the risk in Article II.C.2.0 of breach of contract or misrepresentation since Joint Underwriting Associations are one of the wind carriers that would require the use of a single adjuster. The commenter indicated that Article II.C.2.0 represented only a small percentage of its business, and Joint Underwriting Associations are in fact only one of a number of property insurance mechanisms listed in Article II.C.2.0. While the company may no longer act as a servicing agent for a particular State Joint Underwriting Association, this would certainly not preclude the use of a single adjuster when the coverage for flood is offered by the company and the wind coverage is offered by the underwriting association. Accordingly, Article II.C.2.0 of the Arrangement has not been revised.

The same company also recommended that State premium tax surcharges for flood insurance and guaranty fund assessments be excluded from liability from a participating Company. The company believed that the wording in the proposed Arrangement could be an impediment to marketing. FIA agrees with this comment, and Article III.A. has been revised to read, ''The Company shall be liable for operating, administrative and production expenses, including any State premium taxes, dividends, agent's commissions or any other expense of whatever nature incurred by the Company in the performance of its obligations under the Arrangement, but excluding surcharges on flood insurance premium and guaranty fund assessments.''

The first commenter also objected that the percentage (3.3%) paid to WYO companies for unallocated loss adjustment expenses is inadequate—one that has not changed since the inception of the program. While loss adjustment expenses, as the commenter mentioned, will on the average be higher for catastrophic events than for smaller events, the 3.3% contained in the Arrangement is an average percentage for all loss adjustment scenarios, including catastrophic disasters as well as moderate and small events where allocated loss expenses are lower. FEMA has determined that the current 3.3% should be retained in the current Arrangement. The matter however warrants review, and any modification to the loss adjustment expense will be considered at the end of the current Arrangement year.

The commenter also objected to the removal of the adjuster fee schedule from the Arrangement and recommended that the fee schedule be modified to reflect higher limits of coverage. FEMA agrees that additional changes need to be made to the fee

schedule; however, in the interest of expedition and flexibility, FEMA believes that any changes to the fee schedule should be made outside the rule making process in close coordination with the participating WYO companies. Therefore, the fee schedule has not been included in the final Arrangement.

This commenter's final recommendation involved offering greater flexibility in the Arrangement regarding cash management procedures and oversight. The commenter recommended that Article VII.B. be revised to read ''The Company shall remit all funds, including interest, not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual or procedures approved by the FIA.'' FEMA agrees with that recommendation provided that FIA's approval of accounting procedures is in writing. The purpose underlying the revisions in the latest Arrangement is to streamline the document and to achieve greater flexibility in managing the program without sacrificing essential operational and financial controls. We have modified the Arrangement to reflect the company's recommendation.

A second WYO company objected also to the fixed percentage of 32.6% of retained premium only when companies achieve their marketing or production goals and to the limitation of 30.6% when that goal is not achieved. The company cited its extensive service and outreach programs to its agents in an effort to achieve the growth goals for the National Flood Insurance Program. In spite of this effort, the company indicated that increased competition from the independent agency system has prevented the company from achieving its goals. FEMA concludes however that the experience of the WYO program as a whole, with these percentages in place, has been responsible in large part for the unprecedented growth of the program. As explained above, the percentage rates of 30.6% (the minimum amount of premium that a company may retain) and 32.6% (the amount of premium retained by a company when it achieves its marketing goals) have been retained in this Arrangement but will be reviewed by FIA for future Arrangements.

National Environmental Policy Act

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

Executive Order 12866, Regulatory Planning and Review

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

Paperwork Reduction Act

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 62

Claims, Flood insurance.

Accordingly, 44 CFR part 62 is amended as follows:

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

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

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

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

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

Purpose: To assist the company in underwriting flood insurance using the Standard Flood Insurance Policy.

Accounting Data: Pursuant to Section 1310 of the Act, a Letter of Credit shall be issued for payment as provided for herein from the National Flood Insurance Fund.

Effective Date: October 1, 1996.

Issued By: Federal Emergency Management Agency, Federal Insurance Administration, Washington, DC 20472.

Article I—Findings, Purpose, and Authority

Whereas, the Congress in its ''Finding and Declaration of Purpose'' in the National Flood Insurance Act of 1968, as amended, (''the Act'') recognized the benefit of having the National Flood Insurance Program (the Program) ''carried out to the maximum extent practicable by the private insurance industry''; and

Whereas, the Federal Insurance Administration (FIA) recognizes this Arrangement as coming under the provisions of Section 1345 of the Act; and

Whereas, the goal of the FIA is to develop a program with the insurance industry where, over time, some risk-bearing role for the industry will evolve as intended by the Congress (Section 1304 of the Act); and

Whereas, the insurer (hereinafter the ''Company'') under this Arrangement shall charge rates established by the FIA; and

Whereas, this Arrangement will subsidize all flood policy losses by the Company; and

Whereas, this Financial Assistance/Subsidy Arrangement has been developed to enable any interested qualified insurer to write flood insurance under its own name; and

Whereas, one of the primary objectives of the Program is to provide coverage to the maximum number of structures at risk and because the insurance industry has marketing access through its existing facilities not directly available to the FIA, it has been concluded that coverage will be extended to those who would not otherwise be insured under the Program; and

Whereas, flood insurance policies issued subject to this Arrangement shall be only that insurance written by the Company in its own name under prescribed policy conditions and pursuant to this Arrangement and the Act; and

Whereas, over time, the Program is designed to increase industry participation, and, accordingly, reduce or eliminate Government as the principal vehicle for delivering flood insurance to the public; and

Whereas, the direct beneficiaries of this Arrangement will be those Company policyholders and applicants for flood insurance who otherwise would not be covered against the peril of flood.

Now, therefore, the parties hereto mutually undertake the following:

Article II—Undertakings of the Company

A. In order to be eligible for assistance under this Arrangement the Company shall be responsible for:

1.0 Policy Administration, including:

1.1 Community Eligibility/Rating Criteria.

1.2 Policyholder Eligibility Determination.

1.3 Policy Issuance.

1.4 Policy Endorsements.

1.5 Policy Cancellations.

1.6 Policy Correspondence.

1.7 Payment of Agents' Commissions.

The receipt, recording, control, timely deposit and disbursement of funds in connection with all the foregoing, and correspondence relating to the above in accordance with the Financial Control Plan requirements.

2.0 Claims processing in accordance with general Company standards and the Financial Control Plan. Other technical and policy material published by FEMA and FIA will also provide guidance to the Company.

3.0 Reports.

3.1 Monthly Financial Reporting and Statistical Transaction Reporting shall be in accordance with the requirements of National Flood Insurance Program Transaction Record Reporting and Processing Plan for the Write Your Own (WYO) Program and the Financial Control Plan for business written under the WYO Program. These data shall be validated/edited/audited in detail and shall be compared and balanced against Company financial reports.

3.2 Monthly financial reporting shall be prepared in accordance with the WYO Accounting Procedures.

B. The Company shall use the following time standards of performance as a guide:

1.0 Application Processing—15 days (Note: If the policy cannot be mailed due to insufficient or erroneous information or insufficient funds, a request for correction or added monies shall be mailed within 10 days);

1.1 Renewal Processing—7 days;

1.2 Endorsement Processing—15 days;

1.3 Cancellation Processing—15 days;

1.4 Claims Draft Processing—7 days from completion of file examination;

1.5 Claims Adjustment—45 days average from receipt of Notice of Loss (or equivalent) through completion of examination.

1.6 For the elements of work enumerated above, the elapsed time shown is from the date of receipt through the date of mail out. Days means working days, not calendar days.

In addition to the standards for timely performance set forth above, all functions performed by the Company shall be in accordance with the highest reasonably attainable quality standards generally utilized in the insurance and data processing industries.

These standards are for guidance. Although no immediate remedy for failure to meet them is provided under this Arrangement, nevertheless, performance under these standards and the marketing guidelines provided for in Section G. below can be a factor considered by the Federal Insurance Administrator (the Administrator) in requiring corrective action by the Company, in determining the continuing participation of the Company in the Program, or in taking other action, e.g., limiting the Company's authority to write new business.

C. To ensure maximum responsiveness to the National Flood Insurance Program's (NFIP) policyholders following a catastrophic event, e.g., a hurricane, involving insured wind and flood damage to policyholders, the Company shall agree to the adjustment of the combined flood and wind losses utilizing one adjuster under an NFIP-approved Single Adjuster Program in the following cases and under procedures issued by the Administrator:

1.0 Where the flood and wind coverage is provided by the Company;

2.0 Where the flood coverage is provided by the Company and the wind coverage is provided by a participating State Property Insurance Plan, Windpool Association, Beach Plan, Joint Underwriting Association, FAIR Plan, or similar property insurance mechanism; and

3.0 Where the flood coverage is provided by the Company and the wind coverage is provided by another property insurer and the State Insurance Regulator has determined that such property insurer shall, in the interest of consumers, facilitate the adjustment of its wind loss by the adjuster engaged to adjust the flood loss of the Company.

D. Policy Issuance.

1.0 The flood insurance subject to this Arrangement shall be only that insurance written by the Company in its own name pursuant to the Act.

2.0 The Company shall issue policies under the regulations prescribed by the Administrator in accordance with the Act;

3.0 All such policies of insurance shall conform to the regulations prescribed by the Administrator pursuant to the Act, and be issued on a form approved by the Administrator;

4.0 All policies shall be issued in consideration of such premiums and upon such terms and conditions and in such States or areas or subdivisions thereof as may be designated by the Administrator and only where the Company is licensed by State law to engage in the property insurance business;

5.0 The Administrator may require the Company to discontinue issuing policies subject to this Arrangement immediately in the event Congressional authorization or appropriation for the National Flood Insurance Program is withdrawn.

E. The Company shall separate Federal flood insurance funds from all other Company accounts, at a bank or banks of its choosing for the collection, retention and disbursement of Federal funds relating to its obligation under this Arrangement, less the Company's expenses as set forth in Article III, and the operation of the Letter of Credit established pursuant to Article IV. All funds not required to meet current expenditures shall be remitted to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual.

F. The Company shall investigate, adjust, settle and defend all claims or losses arising from policies issued under this Arrangement. Payment of flood insurance claims by the Company shall be binding upon the FIA.

G. The Company shall market flood insurance policies in a manner consistent with the marketing guidelines established by the Federal Insurance Administration.

Article III—Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds

A. The Company shall be liable for operating, administrative and production expenses, including any State premium taxes, dividends, agent's commissions or any other expense of whatever nature incurred by the Company in the performance of its obligations under this Arrangement but excluding surcharges on flood insurance premium and guaranty fund assessments.

B. The Company shall be entitled to withhold, on a provisional basis, as operating and administrative expenses, including agents' or brokers' commissions, an amount from the Company's written premium on the policies covered by this Arrangement in reimbursement of all of the Company's marketing, operating and administrative

expenses, except for allocated and unallocated loss adjustment expenses described in Section C. of this Article, which amount shall be 32.6% of the Company's written premium on the policies covered by this Arrangement. The final amount retained by the Company shall be determined by an increase or decrease depending on the extent to which the Company meets the marketing goals for the 1996–1997 Arrangement year contained in marketing guidelines established pursuant to Article II. G.

The adjustment in the amount retained by the Company shall be made after the end of the 1996–1997 Arrangement year. Any decrease from 32.6% made as a result of a Company not meeting its marketing goals shall be directly related to the extent to which the Company's goal was not achieved, but shall not exceed two (2) percentage points (providing for a minimum of 30.6%).

The increase, which shall be distributed among the Companies exceeding their marketing goals, shall be drawn from a pool composed of the difference between 32.6% of all WYO Companies' written premium in Arrangement year 1996–1997 and the total amount, prior to the increase, provided to the Companies on the basis of the extent to which they have met their marketing goals. A distribution formula will be developed and distributed to WYO Companies that will consider the extent to which the Company has exceeded its goal and the size of the Company's book of business in relation to the total number of WYO policies. The amount of any increase shall be paid promptly to the Company after the end of the 1996–1997 Arrangement year.

The Company, with the consent of the Administrator as to terms and costs, shall be entitled to utilize the services of a national rating organization, licensed under state law, to assist the FIA in undertaking and carrying out such studies and investigations on a community or individual risk basis, and in determining more equitable and accurate estimates of flood insurance risk premium rates as authorized under the National Flood Insurance Act of 1968, as amended. The Company shall be reimbursed in accordance with the provisions of the WYO Accounting Procedures Manual for the charges or fees for such services.

C. Loss Adjustment Expenses shall be reimbursed as follows:

1. Unallocated loss adjustment shall be an expense reimbursement of 3.3% of the incurred loss (except that it does not include ''incurred but not reported'').

2. Allocated loss adjustment expense shall be reimbursed to the Company pursuant to a ''Fee Schedule'' coordinated with the Company and provided by the Administrator.

3. Special allocated loss expenses shall be reimbursed to the Company in accordance with guidelines issued by the Administrator.

D.1. Loss payments under policies of flood insurance shall be made by the Company from funds retained in the bank account(s) established under Article II, Section E and, if such funds are depleted, from funds derived by drawing against the Letter of Credit established pursuant to Article IV.

2. Loss payments will include payments as a result of awards or judgments for damages arising under the scope of this Arrangement, policies of flood insurance issued pursuant to this Arrangement, and the claims processing standards and guides set forth at Article II, Section A, 2.0 of this Arrangement. Prompt notice of any claim for damages as to claims processing or other matters arising outside the scope of this section (D)(2) shall be sent to the Administrator along with a copy of any material pertinent to the claim for damages arising outside of the scope of the matters set forth in this section (D)(2).

Following receipt of notice of such claim, the General Counsel (OGC), FEMA, shall review the cause and make a recommendation to FIA as to whether the claim is grounded in actions by the Company that are significantly outside the provisions of this section (D)(2). After reviewing the General Counsel's recommendation, the Administrator will make his/her decision and the Company will be notified, in writing, within thirty (30) days of the General Counsel's recommendation, if the decision is that any award or judgment for damages arising out of such actions will not be recognized under Article III of this Arrangement as a reimbursable loss cost, expense or expense reimbursement. In the event that the Company wishes to petition for reconsideration of the notification that it will not be reimbursed for the award or judgment made under the above circumstances, it may do so by mailing, within thirty days of the notice declining to recognize any such award or judgment as reimbursable under Article III, a written petition to the Chairman of the WYO Standards Committee established under the Financial Control Plan. The WYO Standards Committee will, then, consider the petition at its next regularly scheduled meeting or at a special meeting called for that purpose by the Chairman and issue a written recommendation to the Administrator, within thirty days of the meeting. The Administrator's final determination will be made, in writing, to the Company within thirty days of the recommendation made by the WYO Standards Committee.

E. Premium refunds to applicants and policyholders required pursuant to rules contained in the National Flood Insurance Program (NFIP) ''Flood Insurance Manual'' shall be made by the Company from Federal flood insurance funds referred to in Article II, Section E. and, if such funds are depleted, from funds derived by drawing against the Letter of Credit established pursuant to Article IV.

Article IV—Undertakings of the Government

A. Letter(s) of Credit shall be established by the Federal Emergency Management Agency (FEMA) against which the Company may withdraw funds daily, if needed, pursuant to prescribed procedures implemented by FEMA. The amounts of the authorizations will be increased as necessary to meet the obligations of the Company under Article III, Sections C, D, and E. Request for funds shall be made only when net premium income has been depleted. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for allowable Letter of Credit expenses.

Request for payment on Letters of Credit shall not ordinarily be drawn more frequently than daily nor in amounts less than $5,000, and in no case more than $5,000,000 unless so stated on the Letter of Credit. This Letter of Credit may be drawn by the Company for any of the following reasons:

1. Payment of claim as described in Article III, Section D;

2. Refunds to applicants and policyholders for insurance premium overpayment, or if the application for insurance is rejected or when cancellation or endorsement of a policy results in a premium refund as described in Article III, Section E; and

3. Allocated and unallocated Loss Adjustment Expenses as described in Article III, Section C.

B. The FIA shall provide technical assistance to the Company as follows:

1. The FIA's policy and history concerning underwriting and claims handling.

2. A mechanism to assist in clarification of coverage and claims questions.

3. Other assistance as needed.

Article V—Commencement and Termination

A. Upon signature of authorized officials for both the Company and the FIA, this Arrangement shall be effective for the period October 1 through September 30. The FIA shall provide financial assistance only for policy applications and endorsements accepted by the Company during this period pursuant to the Program's effective date, underwriting and eligibility rules.

B. By June 1, of each year, the FIA shall publish in the Federal Register and make available to the Company the terms for the re-subscription of this Financial Assistance/Subsidy Arrangement. In the event the Company chooses not to re-subscribe, it shall notify the FIA to that effect by the following July 1.

C. In the event the Company elects not to participate in the Program in any subsequent fiscal year, or the FIA chooses not to renew the Company's participation, the FIA, at its option, may require (1) the continued performance of this entire Arrangement for a period not to exceed one (1) year following the original term of this Arrangement, or any renewal thereof, or (2) the transfer to the FIA of:

1. All data received, produced, and maintained through the life of the Company's participation in the Program, including certain data, as determined by FIA, in a standard format and medium; and

2. A plan for the orderly transfer to the FIA of any continuing responsibilities in administering the policies issued by the Company under the Program including provisions for coordination assistance; and

3. All claims and policy files, including those pertaining to receipts and disbursements that have occurred during the life of each policy. In the event of a transfer of the services provided, the Company shall provide the FIA with a report showing, on a policy basis, any amounts due from or payable to insureds, agents, brokers, and others as of the transition date.

D. Financial assistance under this Arrangement may be cancelled by the FIA in its entirety upon 30 days written notice to the Company by certified mail stating one of the following reasons for such cancellation: (1) Fraud or misrepresentation by the Company subsequent to the inception of the contract, or (2) nonpayment to the FIA of any amount due the FIA. Under these very specific conditions, the FIA may require the transfer of data as shown in Section C., above. If transfer is required, the unearned expenses retained by the Company shall be remitted to the FIA. In such event the Government will assume all obligations and liabilities owed to policyholders under such policies arising before and after the date of transfer.

E. In the event the Act is amended, or repealed, or expires, or if the FIA is otherwise without authority to continue the Program, financial assistance under this Arrangement may be cancelled for any new or renewal business, but the Arrangement shall continue for policies in force that shall be allowed to run their term under the Arrangement.

F. In the event that the Company is unable to, or otherwise fails to, carry out its obligations under this Arrangement by reason of any order or directive duly issued by the Department of Insurance of any Jurisdiction to which the Company is subject, the Company agrees to transfer, and the Government will accept, any and all WYO policies issued by the Company and in force as of the date of such inability or failure to perform. In such event the Government will assume all obligations and liabilities owed to policyholders under such policies arising before and after the date of transfer and the Company will immediately transfer to the Government all funds in its possession with respect to all such policies transferred and the unearned portion of the Company expenses for operating, administrative and loss adjustment on all such policies.

Article VI—Information and Annual Statements

The Company shall furnish to FEMA such summaries and analyses of information including claim file information in its records as may be necessary to carry out the purposes of the National Flood Insurance Act of 1968, as amended, in such form as the FIA, in cooperation with the Company, shall prescribe. The Company shall be a property/casualty insurer domiciled in a State or territory of the United States. Upon request, the Company shall file with the FIA a true and correct copy of the Company's Fire and Casualty Annual Statement, and Insurance Expense Exhibit or amendments thereof, as filed with the State Insurance Authority of the Company's domiciliary State.

Article VII—Cash Management and Accounting

A. FEMA shall make available to the Company during the entire term of this Arrangement and any continuation period required by FIA pursuant to Article V, Section C., the Letter of Credit provided for in Article IV drawn on a repository bank within the Federal Reserve System upon which the Company may draw for reimbursement of its expenses as set forth in Article IV that exceed net written premiums collected by the Company from the effective date of this Arrangement or continuation period to the date of the draw.

B. The Company shall remit all funds, including interest, not required to meet current expenditures to the United States Treasury, in accordance with the provisions of the WYO Accounting Procedures Manual or procedures approved in writing by the FIA.

C. In the event the Company elects not to participate in the Program in any subsequent fiscal year, the Company and FIA shall make a provisional settlement of all amounts due or owing within three months of the termination of this Arrangement. This settlement shall include net premiums collected, funds drawn on the Letter of Credit, and reserves for outstanding claims. The Company and FIA agree to make a final settlement of accounts for all obligations arising from this Arrangement within 18 months of its expiration or termination, except for contingent liabilities that shall be listed by the Company. At the time of final settlement, the balance, if any, due the FIA or the Company shall be remitted by the other immediately and the operating year under this Arrangement shall be closed.

Article VIII—Arbitration

A. If any misunderstanding or dispute arises between the Company and the FIA with reference to any factual issue under any provisions of this Arrangement or with respect to the FIA's non-renewal of the Company's participation, other than as to legal liability under or interpretation of the standard flood insurance policy, such misunderstanding or dispute may be submitted to arbitration for a determination that shall be binding upon approval by the FIA. The Company and the FIA may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make a determination. If the Company and the FIA cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the FIA.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the FIA.

The Company and the FIA shall bear in equal shares all expenses of the arbitration. Findings, proposed awards,

and determinations resulting from arbitration proceedings carried out under this section, upon objection by FIA or the Company, shall be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

This Article shall indefinitely succeed the term of this Arrangement.

Article IX—Errors and Omissions

The parties shall not be liable to each other for damages caused by ordinary negligence arising out of any transaction or other performance under this Arrangement, nor for any inadvertent delay, error, or omission made in connection with any transaction under this Arrangement, provided that such delay, error, or omission is rectified by the responsible party as soon as possible after discovery.

However, in the event that the Company has made a claim payment to an insured without including a mortgagee (or trustee) of which the Company had actual notice prior to making payment, and subsequently determines that the mortgagee (or trustee) is also entitled to any part of said claim payment, any additional payment shall not be paid by the Company from any portion of the premium and any funds derived from any Federal Letter of Credit deposited in the bank account described in Article II, section E. In addition, the Company agrees to hold the Federal Government harmless against any claim asserted against the Federal Government by any such mortgagee (or trustee), as described in the preceding sentence, by reason of any claim payment made to any insured under the circumstances described above.

Article X—Officials Not to Benefit

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Arrangement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Arrangement if made with a corporation for its general benefit.

Article XI—Offset

At the settlement of accounts the Company and the FIA shall have, and may exercise, the right to offset any balance or balances, whether on account of premiums, commissions, losses, loss adjustment expenses, salvage, or otherwise due one party to the other, its successors or assigns, hereunder or under any other Arrangements heretofore or hereafter entered into between the Company and the FIA. This right of offset shall not be affected or diminished because of insolvency of the Company.

All debts or credits of the same class, whether liquidated or unliquidated, in favor of or against either party to this Arrangement on the date of entry, or any order of conservation, receivership, or liquidation, shall be deemed to be mutual debts and credits and shall be offset with the balance only to be allowed or paid. No offset shall be allowed where a conservator, receiver, or liquidator has been appointed and where an obligation was purchased by or transferred to a party hereunder to be used as an offset.

Although a claim on the part of either party against the other may be unliquidated or undetermined in amount on the date of the entry of the order, such claim will be regarded as being in existence as of the date of such order and any credits or claims of the same class then in existence and held by the other party may be offset against it.

Article XII—Equal Opportunity

The Company shall not discriminate against any applicant for insurance because of race, color, religion, sex, age, handicap, marital status, or national origin.

Article XIII—Restriction on Other Flood Insurance

As a condition of entering into this Arrangement, the Company agrees that in any area in which the Administrator authorizes the purchase of flood insurance pursuant to the Program, all flood insurance offered and sold by the Company to persons eligible to buy pursuant to the Program for coverages available under the Program shall be written pursuant to this Arrangement.

However, this restriction applies solely to policies providing only flood insurance. It does not apply to policies provided by the Company of which flood is one of the several perils covered, or where the flood insurance coverage amount is over and above the limits of liability available to the insured under the Program.

Article XIV—Access to Books and Records

The FIA and the Comptroller General of the United States, or their duly authorized representatives, for the purpose of investigation, audit, and examination shall have access to any books, documents, papers and records of the Company that are pertinent to this Arrangement. The Company shall keep records that fully disclose all matters pertinent to this Arrangement, including premiums and claims paid or payable under policies issued pursuant to this Arrangement.

Records of accounts and records relating to financial assistance shall be retained and available for three (3) years after final settlement of accounts, and to financial assistance, three (3) years after final adjustment of such claims. The FIA shall have access to policyholder and claim records at all times for purposes of the review, defense, examination, adjustment, or investigation of any claim under a flood insurance policy subject to this Arrangement.

Article XV—Compliance With Act and Regulations

This Arrangement and all policies of insurance issued pursuant thereto shall be subject to the provisions of the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973, as amended, the National Flood Insurance Reform Act of 1994, and Regulations issued pursuant thereto and all Regulations affecting the work that are issued pursuant thereto, during the term hereof.

Article XVI—Relationship Between the Parties (Federal Government and Company) and the Insured

Inasmuch as the Federal Government is a guarantor hereunder, the primary relationship between the Company and the Federal Government is one of a fiduciary nature, i.e., to assure that any taxpayer funds are accounted for and appropriately expended.

The Company is not the agent of the Federal Government. The Company is solely responsible for its obligations to its insured under any flood policy issued pursuant hereto.

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

Dated: July 12, 1996.

Harvey G. Ryland,

Deputy Director.

[FR Doc. 96–18352 Filed 7–18–96; 8:45 am]

BILLING CODE 6718–03–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket OST–95–321]

RIN 2105–AC22

Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Insufficient Specimens and Other Issues

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation is modifying its procedures governing situations in which employees are unable to provide sufficient specimens for urine drug testing. The changes will allow additional time to collect a sufficient sample. In addition, the Department is clarifying requirements concerning relationships between laboratories and medical review officers; providing procedures for situations in which employees do not have contact with medical review officers following a laboratory-confirmed positive test; and making explicit that MROs are to report split specimen test results to employers, regardless of who pays for the test.

DATES: This rule is effective August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Bernstein, Director, Office of Drug Enforcement and Program Compliance, 400 7th Street, SW., Room 10317, 202–366–3784; or Robert Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, 400 7th Street, SW., Room 10424. 202–366–9306.

SUPPLEMENTARY INFORMATION:

''Shy Bladder''

Background

In the February 15, 1994, revision of 49 CFR Part 40 (59 FR 7340), the Department established new ''shy bladder'' procedures, for situations in which employees cannot provide a sufficient urine sample. These procedures were established in conjunction with a reduction in the required sample volume from 60 to 45 milliliters (ml) (for split sample collections) or 30 ml (single specimen collections). For employees who are unable to provide this reduced sample volume, the rule (§ 40.25 (f)(10)(iv)) directs the collection site person to ''instruct the individual to drink not more than 24 ounces of fluid and, after a period of up to two hours, again attempt to provide a complete sample.'' If the individual cannot do so, the medical review officer (MRO) is directed to ''refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test.'' (This referral is not mandated in the case of pre-employment testing where the employer does not want to hire the individual.)

There were several reasons for this action. First, the Department of Transportation and the Department of Health and Human Services (DHHS) had both received information indicating that forcing large quantities of fluids over a longer period of time could result in water intoxication (i.e., a condition resulting from rapid, copious water intake, that may result in dilution of the plasma and an influx of water into the brain), which if severe can result in harm to employees' health (e.g., lethargy, confusion, or seizures). Second, ingesting large quantities of fluids can help to dilute specimens, giving drug-using employees a mechanism for trying to ''beat the test.'' Third, the Department's Drug Enforcement and Program Compliance Office consulted with the medical community, learning that most adults, in most circumstances, could produce 45 ml of urine following the ingestion of 24 ounces of fluid over a two-hour period. Fourth, allowing up to eight hours for testing had resulted in employees remaining off the job for long periods of time, with consequent costs to employers, including some employees who appeared to intentionally and unnecessarily delay the provision of a specimen.

Since the adoption of this provision, employers, employees and MROs have expressed various concerns to the Department. Since, absent an adequate medical explanation, a ''shy bladder'' constitutes a refusal to test, and a refusal to test is equivalent to a positive test, program participants (especially in the railroad industry, where a refusal to test results in a nine-month suspension) have become concerned about the operation of this provision. The principal concern expressed has been that two hours is too short a time to allow employees to generate sufficient urine, particularly if employees have become somewhat dehydrated on the job (e.g., railroad unions have said that their members are sometimes on the job for several hours without relief, with little fluid intake). Another concern is that the regulation does not provide sufficient guidance on the factors on which physicians should rely in determining whether the employee's inability to provide a sufficient specimen is medically ''genuine.''

In response to these concerns, the Department proposed changing the procedures to provide up to four hours for an employee to drink up to 40 ounces of fluid before making the second attempt to provide a complete specimen (60 FR 38201; July 25, 1995). The employee would be directed to drink 8 ounces of fluid each 30 minutes during this period until the 40 ounce maximum is reached.

We also proposed to incorporate language from the parallel provision of the alcohol testing procedures concerning the task of the physician who evaluates the employee, in order to make the alcohol and drug portions of Part 40 more consistent.

Comments: The Department received substantial comment on this issue, from employers, employee organizations, and medical and testing service providers. Thirty-five comments, mostly from employers and testing service organizations, opposed the proposal to lengthen the time period for collections. Several commenters mentioned that actual shy bladder situations were very rare, meaning that there would be few benefits gained from increasing the time period. On the other hand, a number of commenters, particularly in the transit industry, expressed the concern that the proposed increase to four hours would increase costs for employers. Already, commenters said, some employees stretch out the time spent at the collection site to the maximum two hours, in order to avoid returning to work. If we increased the time, time permitted for this gold-bricking would increase, raising lost-time costs for employers. Some collection sites were concerned about having to remain open longer after hours to accommodate longer shy bladder situations, increasing their overtime and other operating costs. Two medical service providers mentioned that an individual with a normally-functioning urinary system should be able to provide a sufficient sample under the existing rule.

Seventeen commenters, mostly employee organizations but also including some testing service organizations and employers, supported the proposed extension to four hours. They said this would avoid situations, which had happened, of people being unable to provide a sufficient sample in two hours. A longer time frame would also reduce costs by eliminating unnecessary medical referrals, they said. Two testing service industry commenters suggested that three hours would be a reasonable middle ground, while two unions supported eight hours or no time limit at all.

Twenty-one comments, mostly from unions but including some from other sources, supported the NPRM's proposal of having the employee drink 40 ounces of fluid. This would better allow employees to deal with the effects of on-the-job dehydration, they said. One commenter favored upping the fluids to 48 ounces. Twenty-five commenters, mostly employers and testing service organizations, suggested smaller amounts (e.g., 24 or 32 ounces). Some of

these commenters said that increasing the amounts was objectionable because doing so went along with the extended time period, which they opposed. One commenter thought that increasing the water amount could lead to increased numbers of dilute specimens, while two commenters thought 32 ounces provided a better margin of safety with respect to water intoxication. Two comments suggested that the 8 ounces every 30 minutes schedule was too restrictive and difficult to supervise. One commenter favored allowing an additional 8 ounces (or 30 minutes) when an employee claimed dehydration.

Nine commenters favored, and 11 opposed, retaining the existing requirement that employee make a first, unsuccessful attempt at providing a complete sample before the shy bladder procedure and its time period began. Opponents of this requirement, in other words, would start the clock without a first collection attempt, when the employee asserted at the beginning of the collection process that he or she could not provide a sufficient sample. Two comments suggested allowing a first, insufficient, specimen to be combined with a second specimen to form a sufficient specimen as part of the same collection.

There were a number of comments on the subject of the medical evaluations that follow a collection that does not result in a sufficient specimen. The NPRM had suggested that only a medical explanation pertaining to a physiological reason for the inability to provide would be adequate, as distinct from an assertion of ''situational anxiety'' or other psychological causes. Three comments on this point approved and three disagreed with the NPRM's suggestion. One of the comments that favored limiting the basis for a medical explanations to physiological causes did note, however, that there were situations in which a psychological explanation might be sufficient (e.g., a documented pre-existing condition, diagnosed before the collection in question, that is represented in Diagnostic and Statistical Manual IV).

One union objected to the provision of the NPRM that limits examining physicians to those acceptable to the employer, and two commenters supported having the employer, rather than the MRO, directing the employee to have a post-collection medical evaluation. Two commenters suggested that the employer should receive, from the examining physician, only a conclusory statement about whether there was an adequate medical explanation, rather than a complete diagnostic work-up. This would help protect the confidentiality of medical information. Three commenters said the medical evaluation should be done promptly after the collection, and two suggested that refusal to attend or cooperate with the evaluation should be regarded as a refusal to test.

There were a number of comments on miscellaneous shy bladder-related subjects. Two commenters supported making the language of the provision parallel to that in the alcohol testing procedures. Two commenters supported, and one opposed, specifying that refusing to drink water, or other non-cooperation, constitutes a refusal to be tested. One comment suggested specifying that only water, and not other drinks, could be consumed. Others suggested using blood tests when enough urine could not be produced and allowing collectors to proceed to other collections while an employee was waiting and drinking before a second attempt.

DOT Response: The basic purpose of the NPRM proposal was fairness to employees. That is, if an employee is unable to produce a sufficient quantity of urine within the two-hour period presently provided, giving the employee a longer time to provide a specimen might allow the employee to produce sufficient urine to avoid the necessity for a medical evaluation and the possibility of a refusal finding. The most significant objection to the proposal in the comments centered on the perception by some employers that employees already spent the maximum time possible at collection sites, apparently with the aim of being paid for not working. If we said that employees could take four hours to provide a sufficient sample, we could look forward to employees taking twice as long off the job, while employers' costs mounted. In addition, having to keep a collection site open for a longer time (e.g., for an employee who came to the site at 4:30 p.m. and forced the site to stay open until 8:30) would increase collection costs.

On the surface, these concerns are plausible. The comments to this effect were impressionistic, however, and were not accompanied by data. There is substantial uncertainty, therefore, about how factually based these concerns are. Recently, the Substance Abuse Program Administrators' Association (SAPAA) shared with us information from a survey they conducted concerning the time it took to complete a DOT collection. The survey results concerned about 18,800 tests conducted over a two-week period at nearly 500 collection sites affiliated with SAPAA. The mean time reported for a DOT urine collection, from the time the employee started filling out the paperwork (not the time the employee first walked into the collection site) until the time the collection was completed and the employee was told he or she could leave the site, was about 12.4 minutes.

About 1.7% of the collections took 90 minutes or more to complete, and slightly less than a third of these took two hours or more. About 1.2% of the total number of tests were ''shy bladder'' situations, in which a collection could not be completed because of insufficient volume.

The results of this survey have some limitations. They are not based on a statistically representative sample of collection sites or a scientifically rigorous survey design, and some responses contain ambiguities. They represent a two-week ''snapshot'' of the experience of the particular collection sites that responded to SAPAA's request. However, the data are suggestive with respect to the ''stretch-out'' issue raised by commenters.

That is, it does not appear that many tests were stretched out to near or over the two-hour time frame of the existing rule. Indeed, the average running time of tests was far short of the two-hour time frame of the current regulation. Suppose that the time period for shy bladder situations were three or four hours instead of two. Is it reasonable to infer that tests that average 12.4 minutes in length (or even if they averaged twice that duration) would suddenly jump to close to the new maximum? If less than two percent of tests now exceed 90 minutes in a two-hour time period, is it reasonable to infer that a much greater percentage of tests would approach a three or four-hour time period? The likelihood of such dramatic changes appears low. Consequently, while there may be a number of individual instances of employees seeking to prolong their time at collection sites in preference to returning to the job, the available information suggests that this is not a pervasive problem that would lead to prohibitive cost increases if we provided additional time for collections.

Also, given that lengthy collections and shy bladder situations appear to arise in a very small percentage of cases, it appears that cost increases based on keeping collection sites open longer than usual would probably be low. Some SAPAA survey responses, as well as anecdotal information that DOT staff have received, suggests that some collection sites may follow a practice of simply sending an employee home when the normal closing time approaches, even if the employee has

not completed the collection process. This practice is contrary to the rules. Once begun, a collection process must be completed. We also recommend that collection sites begin to process employees as soon as they arrive at the collection site. Some collection sites apparently permit employees to wait a significant period of time before beginning the collection process. Such waiting appears to create inefficiencies and unnecessary costs in the system.

Given that we do not have any data, beyond anecdotal expressions of concern, showing that stretched-out collections are a pervasive problem, and that we have some data that suggest the contrary conclusion, the Department believes the fairness rationale for extending the collection time period is more persuasive, at this time, than the cost rationale for not doing so. Consequently, the final rule will extend the time period in ''shy bladder'' situations. In order to minimize any potential adverse effects, the time period will be three hours, rather than four as proposed in the NPRM. Given the medical service provider comments about the speed of urine production, this additional time should provide a comfortable margin of safety to employees who may need additional time to generate a sufficient specimen.

With respect to the amount of fluids to be consumed, the Department will retain the 40 ounce level proposed in the NPRM. This amount could as easily be consumed within a three-hour period as within a four-hour period. As discussed in the preamble to the NPRM, the 40 ounce level is appropriate, in light of evidence in the medical literature concerning water intoxication. Compared to smaller amounts, it offers an enhanced chance of assisting employees in providing a sufficient specimen. It is sufficiently limited that the probability of it resulting in dilute specimens is low. The Department will not mandate the proposed schedule for drinking fluids (i.e., 8 ounces each half hour until the 40-ounce level is reached), out of concern that it would make the collection process unnecessarily complicated to administer. The rule will require simply that the fluids be administered at reasonable intervals throughout the three-hour period. While we anticipate that collection sites will provide water in the vast majority of instances, the Department does not think it necessary to prohibit the administration of other appropriate fluids.

If an employee refuses to drink the water needed to produce a sufficient specimen, it seems clear that the employee is failing to cooperate with the testing process in a way that can frustrate its completion. The same can be said of an employee who is directed to report for a medical evaluation and either declines to do so or does not comply with the directions of the physician in the course of the examination. In both cases, the Department believes it is appropriate to treat the employee's behavior as a refusal to be tested, which has the same consequences as a positive test. The final rule so provides.

The issue of what constitutes an adequate medical explanation for a failure to provide a sufficient specimen is one that ultimately must be decided by the examining physician on a case-by-case basis. The final rule clarifies the determination the physician must make by providing, first, that a finding of a physiological cause (e.g., urinary system dysfunction) for the insufficient specimen is a ground for making a determination of an adequate medical explanation.

The rule also provides that there are some narrow and limited circumstances in which a psychological explanation will suffice. This is true only in a case where there is documentation of a diagnosed pre-existing psychological disorder (i.e., one designated in DSM IV) that can account for the failure to provide a complete specimen. By a pre-existing disorder, the Department means one the symptoms of which were documented before the shy bladder incident took place. This is to avoid basing determinations solely on information developed after the fact of the collection in question. Assertions of ''situational anxiety'' or of dehydration are essentially unverifiable, and the final rule directs physicians not to determine that there is an adequate medical explanation based on such assertions.

The Department does not believe there is any compelling reason to require the MRO, as distinct from the employer, to refer an individual for a medical evaluation under this portion of the rules. The employer may delegate this function to the MRO, and in many cases it might be efficient to do so. In other cases, however, the MRO may not be conveniently located to the employer and/or employee, and would not know appropriate physicians in their vicinity. However, the evaluating physician, if someone other than the MRO, would provide the results of the evaluation to the MRO, rather than directly to the employer. The MRO would then provide his or her conclusion to the employer, as under the current rule.

Allowing urine from different voids to be combined increases the possibility of error or contamination in the collection process, and is, in any event, inconsistent with the DHHS guidelines. The Department also declines to change the requirement that employees attempt to provide a specimen at the beginning of the collection process. Forty-five ml. is not a tremendous amount of urine. Many employees who do not subjectively feel ready to do so may well be able to provide such an amount. In any case, the failure of the first attempt to provide a sufficient specimen is a clear, easily understandable point to start the clock for the three hour time period for the shy bladder procedure. A new collection kit would be used for the second or any subsequent attempts at collecting a complete specimen.

The rule contemplates the following sequence of events. For example, the employee arrives at the collection site at 1:45 p.m. The employee and collection site person begin the testing process by filling out the initial portions of the chain of custody and control form. The collection site person directs the employee to go to the bathroom and provide a specimen (whether or not the employee claims to be ''ready'' to do so). The employee returns the collection container to the collection site person.

It is now 2 p.m. If the employee asserts that he or she has tried and failed to produce a specimen or the specimen is short of the required amount of urine, the employee will have until 5 p.m. (i.e., three hours from the time the employee returned the initial collection container to the collection site person) to drink up to 40 ounces of fluid and make another attempt to provide a sufficient specimen. The Department emphasizes that collection site personnel should not attempt to hurry the process unreasonably. There have been instances in which, by asking an employee to ''try again'' too soon, a collection site person has created a situation in which the employee produces two or three ''short'' specimens instead of one complete specimen. Collection site personnel should take care to avoid this problem.

The Department believes that commenters made good suggestions concerning limiting information provided to employers, allowing collectors to work on other tests while an employee was waiting and drinking, and requiring medical examinations to take place promptly after the collection. The final rule incorporates these comments. On the other hand, the Department believes it is necessary to retain the requirement that the examining physician be acceptable to the employer. Employers have the responsibility for the safety of their

operations and for compliance with the Department's rules. Employees may have an incentive to shop for a friendly evaluation. The Department has consistently declined to permit the use of blood tests in the context of alcohol testing, and we believe, for much the same set of reasons, that it is inadvisable in the context of drug testing. Under the Omnibus Employee Testing Act of 1991 and Part 40, only urine drug testing is permitted.

Body Temperature

Currently, § 40.25(e)(1)(i) refers to measurements of oral body temperature that are made as part of the process of determining whether the temperature of a urine specimen is consistent with the temperature of the employee. Because the reference to ''oral'' may unnecessarily restrict the means used to test body temperature, since other ways of taking body temperature (e.g., tympanic temperature) exist, the NPRM proposed to delete the word ''oral,'' with the result that taking the individual's temperature by any medically-accepted means (including oral) would be permitted.

Eleven comments supported the proposal and none opposed it. Four comments suggested that the use of rectal thermometers should be precluded or limited, because of the intrusiveness and unpleasantness of that method. We agree with these comments, and the final rule adopts the proposal with that modification.

MRO/Laboratory Relationships

The NPRM contained a discussion of MRO/laboratory relationship issues, including a proposal to delete § 40.33(b)(2), which could cause confusion in relation to the more recent and definitive language of § 40.29 (n)(6), which prohibits laboratory/MRO conflicts of interest. The NPRM also asked questions about how the Department could best frame regulatory provisions on this general subject.

The four commenters who mentioned the proposal to delete § 40.33(b)(2) all agreed with it. The Department is adopting this proposal. Eleven commenters favored either existing provisions requiring laboratories and MROs to be independent of one another or of adding more stringent requirements on this subject. Some of these commenters mentioned other relationships that concerned them, such as those between MROs and consortia/third-party administrators, collectors, or employers. On the other hand, six other commenters favored liberalizing MRO/laboratory relationship rules, permitting laboratories to refer MROs to clients, for example.

The marketplace for drug testing services has changed considerably since the Department issued its original rules, with mergers producing ever-larger laboratories and a strong trend towards integration of services manifesting itself. While these changes are understandable in economic terms, the Department is concerned lest checks and balances fundamental to the fairness and integrity of the Department's rules be compromised. In a forthcoming proposal to revise and update Part 40, the Department anticipates taking a comprehensive look at the relationships among MROs, laboratories, employers, consortiums and third-party administrators, collection sites, and other parties in the testing service business to determine how best to preserve needed checks and balances. The Department is not taking further final action at this time, however.

Unresolved Confirmed Positive Tests

Section 40.33 establishes procedures for MROs and employers to follow when it is difficult for the MRO to contact an employee following a report from the laboratory of a confirmed positive drug test. If, after making all reasonable efforts to contact the employee, the MRO cannot do so, the MRO asks a designated management official to contact the employee. If the designated management official cannot do so, then the employer may place the employee on medical leave or similar status. The confirmed positive does not become a verified positive—the only result having consequences under the rule—in this situation. There can be a ''non-contact positive'' only if the employee declines an opportunity to discuss the test with the MRO or the employer has contacted the employee and the employee fails to contact the MRO within five days. In the latter circumstances, the MRO can reopen the verified positive test if there is a showing that illness, injury, or other circumstances beyond the control of the employee prevented a timely contact.

As noted in the NPRM, the Department has become aware of a situation these procedures do not cover. If neither the MRO nor employer ever succeeds in contacting the employee (e.g., the applicant never gets back in touch with the employer in a pre-employment test case, an employee quits or never shows up again following a random test), a confirmed laboratory positive test is left in limbo, with no way to verify it either as a positive or negative test. This creates problems for MROs, who have the unresolved tests on their books indefinitely.

This situation can also create problems for subsequent employers and the Department's program. For example, under the Federal Highway Administration's drug testing requirements (49 CFR Part 382), the new employer is required to seek information on previous drug test results from other employers. In the unresolved test situation described above, however, a previous employer will not have a drug test result that it can report, because only a verified positive or negative test can be reported. The employee, in this case, may be able to obtain employment with another employer because the ''limbo'' positive was never reported.

To avoid this difficulty, the Department proposed to add language to § 40.33. In any situation where neither the MRO nor the employer has been able to contact the employee within 30 days from the date the MRO receives the confirmed positive test result from the laboratory, the MRO would be instructed to verify the laboratory result positive and report it to the employer as such. The same provisions allowing the employee to reopen the verification would apply as in the case where the employer did contact the employee and the employee failed to contact the MRO within 5 days.

Twenty-eight commenters, all of whom were employers or testing industry companies, favored the proposal, one mentioning that they currently have 115 unresolved tests on record that they could close out under such a provision. Only one commenter, a union, opposed it as too harsh on workers. Of the supporters, nine favored the proposed 30-day time period while the remaining 19 favored shorter periods, mostly ranging from five to 15 days. The Department will adopt the proposal, while reducing the time period to 14 days. This reduction is made in the interest of safety, as well as to enable employers and others to have reasonably expeditious closure in the process. A month seems like an unnecessarily long time to hold such a case open: an employee who is out of touch and unavailable for that amount of time likely does not want to be contacted. On the other hand, the five-day period proposed by some commenters (parallel to the time an employee is given to contact the MRO after being told to do so) may be too short, since employees might often have legitimate reasons for being out of contact for that length of time. In any case, the employee will have the opportunity to re-open the matter for good cause, as the NPRM provided.

Seven commenters supported, and three opposed, treating confirmed opiate positives the same as confirmed positives for other drugs for this purpose. While the MRO verification procedure is different for opiates, the employee has an obligation in all cases to participate in the verification process. Employees who, without adequate justification, are unavailable to participate in the verification process should be treated the same, regardless of the drug for which they tested positive. For this reason, the Department will not differentiate among drugs in this provision.

Some commenters made procedural suggestions concerning this provision. For example, two commenters discussed sending certified mail letters to employees to officially start the clock with respect to the time period. While doing so may be a reasonable step for employers to take, the Department will not require it, lest we introduce more procedural complexity, and opportunity for administrative error, into the system.

Reporting of Split Sample Results

Section 40.33 goes into some detail concerning the procedures the MRO must follow concerning reporting the split specimen test results to the employer and employee. The section is quite specific on the consequences of a test of the split specimen that does not reconfirm the positive result of the primary sample. However, the section does not explicitly specify what the MRO does in the case of a split specimen test that does reconfirm the positive result of the test of the primary specimen. The Department has encountered situations in which employees who have paid for the test of the split specimen have objected to the MRO reporting the positive result to the employer. To clarify that the Department intends that the result of the test of a split specimen be reported to both the employer and the employee—regardless of who pays for the test—the NPRM proposed to add language to this effect.

Ten commenters, all employers and testing service companies, supported the proposal, while two unions opposed it, saying that the employee should be able to keep the report from the employer in this circumstance. The Department does not agree with these latter two comments. All drug testing results pertain to the safety of the transportation services provided by employers. The employer is responsible for compliance with these regulations. In the Department's view, the employer, in order to perform its functions under DOT safety rules, must have access to all results of the drug testing process. The Department's rules do not specify who ultimately pays for testing services, including tests of split specimens, but the identity of the person making payment is irrelevant to how the results are treated under the rules. Both the employer and the employee have a need to know the outcome of all tests that are part of the system, and the final rule adopts the NPRM proposal.

Program participants continue to raise a number of other questions about carrying out the split sample requirements of Part 40. In the Part 40 revision project, the Department will consider clarifying changes to the regulatory text itself. Meanwhile, the Department would like to take this opportunity to repeat guidance it has provided on certain split sample-related issues.

First, when an employee makes a timely request to the MRO for a test of the split specimen, the MRO is required to pass on the request to the laboratory possessing the specimen, which is required to send the specimen to a second DHHS-certified laboratory, which is required to test the split specimen. The employer is responsible for making sure that all actions required under the regulations occur. Consequently, while the Department's rules do not specify who ultimately must pay the cost of testing the split specimen, the employer is responsible for ensuring payment in the first instance. For this reason, if the employee chooses not to pay ''up front'' for the test of the split specimen, the employer must ensure, nevertheless, that the test takes place. An employer, MRO, or laboratory cannot require, as a prerequisite to conducting the test of a split specimen, that the employee first produce payment. Subsequently, the employer could seek reimbursement from the employee.

Second, the rule is silent with respect to who chooses the second laboratory at which the split specimen is tested. The rule does not give employees a right to choose a particular laboratory (though such a laboratory could be designated in a labor-management agreement). All the rule requires is that the second laboratory be certified by DHHS; whether it is chosen by the employer, employee, MRO, or first laboratory does not matter from the point of view of Part 40.

Third, a technical problem that sometimes occurs in testing of split samples is that samples may occasionally fail to reconfirm because of differences in specific methodologies or equipment among laboratories. Each laboratory has one or more methods for clearly identifying drug metabolites in a specimen and dealing with impurities in the specimen that may delay or interfere with clearly identifying the metabolites (so-called ''derivitization'' methods). The chemical composition of urine samples differs from one specimen to another, however, and may change with the age of the specimen. The derivitization method used by a given laboratory may, on infrequent occasions, not work well enough on a particular specimen to identify a drug metabolite clearly enough to meet quality control guidelines that tell the laboratory when they may call a test positive.

If Laboratory A has identified the primary specimen as positive, but Laboratory B, because of the problem described above, believes that the drug or metabolite is present in the split specimen but cannot call it positive, is it appropriate for Laboratory B to send it to Laboratory C for further analysis?

DOT and DHHS representatives, at a November 1995 conference with laboratory representatives, said that, in such a situation, after consultation with the MRO, referral to Laboratory C was appropriate. Reconfirmation by Laboratory C would be recognized under Part 40. To avoid the necessity for such a procedure, the Department strongly recommends that participants take care to ensure that the laboratory that tests the split specimen be one that uses the same methods as the laboratory that determined that the primary specimen was positive.

Electronic Signatures

The NPRM asked for comments on the issue of the use of electronic signatures in the drug and alcohol testing process (e.g., to sign alcohol testing forms). In the NPRM, the Department noted that, in an electronic signature system, an individual (e.g., the employee taking an alcohol test) using a pen-like stylus signs an electronic pad connected to a computer system (e.g., attaching the electronic signature to an electronic version of the alcohol testing form). The signature is recorded electronically by the computer system and incorporated into a data base, without any technical need for a paper signature or printout.

The NPRM noted a number of issues that this kind of application may raise in the context of the Department's testing programs. For example, Part 40 currently calls for signatures on a multiple-copy paper form, and does not provide for the use of electronic signatures. Copies of the form are distributed to various parties (e.g., the employer, employee, laboratory, MRO). It is unclear how a ''paperless'' system

would provide equivalent service. While one could presumably use an electronic signature device in something short of a literally paperless system, combining electronic signatures with a system using paper forms creates its own set of questions. For example, would there be both a paper and an electronic signature? Would an electronic signature somehow be transferred to the paper form? What efficiencies are gained if one has both an electronic and paper signature?

The NPRM also mentioned issues concerning the security and identification of electronic signatures. What kinds of technical requirements (e.g., electronic encryption for signatures, computer security software) and operational safeguards (e.g., access restrictions) should surround their use? Should such controls be part of DOT regulations? Are there industry consensus standards that have been or could be developed to address these issues, to which DOT rules could refer? What are the electronic equivalents of the physical security measures and controls the Department requires for paper records?

Six commenters to the NPRM favored the use of these technologies, and four others thought the idea was worth exploring. Several commenters in both categories mentioned a number of issues, such as security, legal sufficiency of electronic signatures, confidentiality safeguards, etc., that should be worked out. It is fair to say that the comments did not thoroughly address the questions and concerns the Department has on this issue.

The Department believes that electronic signature technology has promise, and that, together with industry, we should continue to explore and discuss its use in the DOT alcohol and drug testing program. Meanwhile, we emphasize that pen-and-ink signatures on hard copy forms are mandatory in the program. The use of electronic signatures by any participant in the program (e.g., the collector, donor, BAT, STT, MRO, certifying scientist) is not currently authorized. Any testing services company that uses electronic signatures is acting contrary to the express requirements of DOT regulations, and employers who use the services of a testing services company that uses electronic signatures are out of compliance with these rules.

Regulatory Analyses and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are not sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. The basis of this certification is that the changes to the shy bladder procedure, as noted above, are unlikely to significantly increase program costs for regulated entities, and the other changes to the rule are minor or technical and should not have any measurable cost impacts.

List of Subjects in 49 CFR Part 40

Alcohol testing, Drug testing, Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

Issued this 9th day of July, 1996, at Washington, DC.

Federico Peña,

Secretary of Transportation.

For the reasons set forth in the preamble, 49 CFR Part 40 is amended as follows:

PART 40—[AMENDED]

1. The authority citation for Part 40 is revised to read as follows:

Authority: 49 U.S.C. 102, 301, 322, 5331, 20140, 31306, 45101–45106.

2. Section 40.25 is amended by removing the word ''oral'' from paragraph (e)(2)(i)(A) and paragraph (e)(2)(i)(B), and adding after the word ''temperature,'' in paragraph (e)(2)(1)(A), the following words: ''(taken by a means other than use of a rectal thermometer)''.

3. Section 40.25(f)(10)(iv) is revised to read as follows:

§ 40.25 Specimen collection procedures.

* * * * *

(f) * * *

(10) * * *

(iv)(A)(*1*) In either collection methodology, upon receiving the specimen from the individual, the collection site person shall determine if the specimen has at least 30 milliliters of urine for a single specimen collection or 45 milliliters of urine for a split specimen collection.

(*2*) If the individual has not provided the required quantity of urine, the specimen shall be discarded. The collection site person shall direct the individual to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a new urine specimen, whichever occurs first. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site person shall terminate the collection and notify the employer that the employee has refused to submit to testing.

(*3*) If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection site person shall discontinue the collection and notify the employer.

(B) The employer shall direct any employee who does not provide a sufficient urine specimen (see paragraph (f)(10)(iv)(A)(*3*) of this section) to obtain, as soon as possible after the attempted provision of urine, an evaluation from a licensed physician who is acceptable to the employer concerning the employee's ability to provide an adequate amount of urine.

(*1*) If the physician determines, in his or her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of urine, the employee's failure to provide an adequate amount of urine shall not be deemed a refusal to take a test. For purposes of this paragraph, a medical condition includes an ascertainable physiological condition (e.g., a urinary system dysfunction) or a documented pre-existing psychological disorder, but does not include unsupported assertions of ''situational anxiety'' or dehydration. The physician shall provide to the MRO a brief written statement setting forth his or her conclusion and the basis for it, which shall not include detailed information on the medical condition of the employee. Upon receipt of this statement, the MRO shall report his or her conclusions to the employer in writing.

(*2*) If the physician, in his or her reasonable medical judgment, is unable to make the determination set forth in paragraph (f)(10)(iv)(B)(*1*) of this section, the employee's failure to provide an adequate amount of urine shall be regarded as a refusal to take a test. The physician shall provide to the MRO a brief written statement setting forth his or her conclusion and the basis for it, which shall not include detailed information on the medical condition of the employee. Upon receipt of this statement, the MRO shall report his or her conclusions to the employer in writing.

* * * * *

4. Section 40.33 is amended by removing and reserving paragraph (b)(2), by revising paragraphs (c)(5) and (c)(6), by designating the existing text of paragraph (f) as paragraph (f)(1), and by adding (f)(2) to read as follows:

§ 40.33 Reporting and review of results.

* * * * *

(c) * * *

(5) The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:

(i) The employee expressly declines the opportunity to discuss the test;

(ii) Neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory;

(iii) The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO (see paragraphs (c)(3) and (c)(4) of this section), and more than five days have passed since the date the employee was successfully contacted by the designated employer representative.

(6) If a test is verified positive under the circumstances specified in paragraph (c)(5) (ii) or (iii) of this section, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from being contacted by the MRO or designated employer representative (paragraph (c)(5)(ii) of this section) or from contacting the MRO (paragraph (c)(5)(iii) of this section) within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.

* * * * *

(f) (1) * * *

(2) If the analysis of the split specimen is reconfirmed by the second laboratory for the presence of the drug(s) or drug metabolites(s), the MRO shall notify the employer and employee of the results of the test.

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[FR Doc. 96–18015 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129018–6018–01; I.D. 071596A]

Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Central Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catches of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the Pacific ocean perch total allowable catch (TAC) in the Central Regulatory Area of the GOA has been reached.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), July 15, 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 GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the GOA (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 subpart H of 50 CFR part 600 and 50 CFR part 679.

The TAC for Pacific ocean perch in the Central Regulatory Area of the GOA was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996), as 3,333 metric tons. (See § 679.20(c)(3)(ii).)

The Director, Alaska Region, NMFS, has determined that the TAC for Pacific ocean perch in the Central Regulatory Area of the GOA has been reached. (See § 679.20(d)(2).) Therefore, NMFS is requiring that further catches of Pacific ocean perch in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action is taken under 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: July 15, 1996.

Richard W. Surdi,

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

[FR Doc. 96–18305 Filed 7–15–96; 4:54 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 140
Friday, July 19, 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.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34–37432; File No. S7–17–96]

RIN 3235–AG69

Broker-Dealer Registration and Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission is publishing for comment proposed amendments to Form BDW, the uniform request for withdrawal from broker-dealer registration under the Securities Exchange Act of 1934. The proposed amendments are designed to implement recommended changes to the Central Registration Depository system, a computer system operated by the National Association of Securities Dealers, Inc. that maintains registration information regarding registered broker-dealers and their registered personnel for use by the Commission, the self-regulatory organizations, and state securities regulators. The amendments include certain clarifying amendments to Form BDW and its filing requirements. The Commission also is publishing for comment proposed amendments to rules governing the withdrawal of broker-dealer registration under the Securities Exchange Act of 1934. Specifically, the proposed amendments would permit broker-dealers that are withdrawing from registration to consent to an extension of the effective date of their withdrawal. The proposed amendments also would permit the Commission to extend the effective date for such period as the Commission by order may determine. In addition, the Commission is publishing for comment proposed revisions to rules under the Securities Exchange Act of 1934 governing the filing of Form BD and Form BDW to provide for electronic filing of these forms and to accommodate the conversion of existing registration information to the redesigned Central Registration Depository system.

DATES: Comments should be submitted on or before August 19, 1996.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Mail Stop 6–9, 450 Fifth Street, NW., Washington, DC. 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File No. S7–17–96. This file number should be included on the subject line if E-mail is used. Comment letters received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. 20549. Comment letters that are submitted electronically will be posted on the Commission's Internet web site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Glenn J. Jessee, Special Counsel, (202) 942–0073, Office of Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 5–10, Washington, DC. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

As part of its continuing effort to simplify the registration forms used by broker-dealers, the Securities and Exchange Commission (''Commission'') is proposing revisions to Form BDW,[1] the uniform request for broker-dealer withdrawal under the Securities Exchange Act of 1934 (''Exchange Act'').[2] The proposed amendments are designed to reduce the regulatory burden on broker-dealers and to improve the usefulness of the information contained in Form BDW to the Commission, self-regulatory organizations (''SROs''), and state securities regulators by simplifying the form and clarifying its requirements. The proposed amendments also are designed to implement recommended changes to the Central Registration Depository (''CRD''), a computer system operated by the National Association of Securities Dealers, Inc. (''NASD'') that maintains registration information regarding broker-dealers and their registered personnel for use by federal and state securities regulators. In this regard, the proposed amendments, if adopted, would conform Form BDW in certain respects to analogous amendments to Form BD adopted today by the Commission.[3]

The amendments to Form BDW are being proposed in connection with the NASD's implementation of comprehensive changes to the CRD system. The redesigned CRD system, which is currently scheduled to be operational by September 9, 1996, is expected to enhance its use by the Commission, SROs, and state securities regulators by providing for (i) streamlined capture and display of data; (ii) better access to information through the use of standardized and specialized computer searches; and (iii) electronic filing by broker-dealers of uniform forms, including Forms BD, BDW, U–4, and U–5.[4] The amendments to Form BDW proposed today by the Commission are the result of discussions held among the Commission staff, the Forms Revision and CRD Committee of the North American Securities Administrators Association, Inc. (''NASAA''), the NASD, the New York Stock Exchange, and representatives of the securities industry.

The Commission also is proposing to amend Exchange Act Rule 15b6–1 to permit broker-dealers that are withdrawing from registration to consent to a delay in the effectiveness of their notice of withdrawal. The

[1] 17 CFR 240.15b6–1; 17 CFR 249.501a.

[2] 15 U.S.C. 78a et seq.

[3] *See* Securities Exchange Act Release No. 37431 (''Form BD Release''). In the Form BD Release, the Commission is adopting amendments to Form BD that are designed to implement changes to the CRD, including electronic filing of Form BD with the redesigned CRD system. The amendments also are expected to provide the Commission, SROs, and state securities regulators with better information about a registrant's disciplinary history by grouping disciplinary information into related categories and by customizing the corresponding Disclosure Reporting Pages used to disclose details of the registrant's disciplinary history.

[4] Forms BD and BDW are joint forms used by the Commission, certain SROs, and all of the states to register and terminate broker-dealers. Forms U–4 and U–5 are used by the SROs and states to register, and terminate the employment of, broker-dealer personnel. For further discussion of the CRD redesign and electronic filing, *see* discussion *infra* at Section IV. *See also* Form BD Release, *supra* note 3; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Proposed Amendments to Forms U–4 and U–5, Securities Exchange Act Release No. 37289 (Jun. 7, 1996), 61 FR 30272 (File No. SR–NASD–96–19).

proposed amendments also would permit the Commission to extend the effective date for such period as the Commission by order may determine as necessary or appropriate in the public interest or for the protection of investors.[5] These amendments are being proposed, in part, to provide broker-dealers adequate flexibility to bring their business operations to an orderly close in circumstances in which the 60-day period currently provided under Rule 15b6–1 would not be sufficient. These amendments also are being proposed to provide the Commission greater flexibility in concluding investigations of broker-dealers prior to such broker-dealers effecting a withdrawal from registration.

In addition, the Commission is proposing to amend Form BD filing procedures under Rules 15b1–1, 15b3–1, 15Ba2–2, 15Ca1–1, and 15Ca2–1 of the Exchange Act[6] to implement the electronic filing of revised Form BD with the redesigned CRD system. These amendments would include temporary filing procedures in connection with the conversion of existing registration information to the redesigned CRD system. Amendments to implement electronic filing procedures for Form BDW under Rules 15b6–1, 15Bc3–1, and 15Cc1–1 of the Exchange Act also are being proposed.[7] The proposed amendments to these filing rules, together with proposed amendments to Form BDW, are discussed further below.

II. Form BDW

A. Items 4, 5, 6, and 8

The Commission is proposing to amend Items 4, 5, 6, and 8 of Form BDW. Item 4 elicits disclosure of the date on which the withdrawing broker-dealer has ceased conducting business and, in the case of partial withdrawals from registration,[8] the date on which the broker-dealer has ceased business in the states designated in Item 3. As currently drafted, Item 4 presumes that broker-dealers filing Form BDW are registered entities. Certain states, however, also require broker-dealers with pending applications for registration on Form BD to file Form BDW to effect a withdrawal of their pending applications.[9] In order to accommodate those states in which Form BDW is filed to withdraw a pending registration application, Item 4 would be amended to elicit disclosure of the date on which the broker-dealer had withdrawn its request for registration.

The Commission also is proposing to amend Item 5, which requests information concerning any funds and securities that withdrawing broker-dealers may owe to their customers or to other broker-dealers. Specifically, Item 5 requires a broker-dealer that seeks to withdraw from registration while still owing money or securities to customers or to other broker-dealers to identify the number of customers to which funds or securities are owed, and the amount of money and the market value of securities owed to customers and to broker-dealers. As amended, Item 5 would require a broker-dealer that files a partial withdrawal (*i.e.*, a withdrawal from registration with a specific state or SRO) to provide the names of the states from which the broker-dealer is requesting withdrawal *and* in which the broker-dealer still owes customer funds or securities. This amendment would assist state securities regulators in monitoring the amount of funds or securities owed to customers in their states.

The proposed revisions to Item 5 also would change the requirement that broker-dealers submit a FOCUS report or a statement of financial condition when filing Form BDW. Currently, a broker-dealer is required to file with Form BDW a FOCUS report or, if the broker-dealer is not subject to the FOCUS filing requirement, a statement of financial condition, whether or not the broker-dealer owes funds or securities to customers or to other broker-dealers. The Commission is proposing to reduce the filing burden on broker-dealers by requiring only that a FOCUS report or a statement of financial condition be filed with Form BDW when a broker-dealer is requesting full withdrawal from registration (*i.e.*, a withdrawal from registration with the Commission, all SROs, and all states) *and* the broker-dealer owes money or securities to any customer or to any other broker-dealer.

In addition, the Commission is proposing to amend Item 6 of Form BDW, which requires disclosure of certain regulatory and other disciplinary matters that also are reportable on Form BD. As proposed, Item 6 would be amended to delete the requirement that broker-dealers reiterate information already required to be disclosed on Form BD or elsewhere on Form BDW.[10] Instead, Item 6 would provide a reminder that broker-dealers are required to update any incomplete or inaccurate disciplinary information on Form BD prior to filing Form BDW.[11] Item 6 also would be amended to ask whether the broker-dealer is the subject of, or is named in, any investment-related investigation, consumer-initiated complaint, or private civil litigation. Item 6 currently requires disclosure if the broker-dealer is the subject of any ''proceeding'' not reported on Form BD, or any complaint or investigation. The question, therefore, would be revised to elicit more precise information by using specific, rather than general, terms.

Finally, the Commission is proposing to expand Item 8, the execution paragraph, to require the registrant's agent to certify that the information contained on Form BDW is complete and current, and to certify further that all of the information on Form BD is accurate and complete at the time Form BDW is filed.

B. Instructions

The Commission also is proposing changes to the general filing instructions to Form BDW. Under the proposal, the filing instructions would be expanded to provide greater guidance to broker-dealers filing Form BDW and to clarify attendant requirements that may arise out of filing Form BDW, particularly those raised by filing the form electronically with the redesigned CRD.[12] In addition, the instructions would be revised to include an explanation of the following terms: jurisdiction, investment-related, and investigation.[13] These definitions are

[12] For further discussion of electronic filing of uniform forms, including Form BDW, *see* discussion *infra* Section IV.

[13] *E.g.*, the definition of the term ''investigation'' includes grand jury investigations, Commission investigations after the ''Wells'' notice has been given, formal investigations by SROs, or actions or procedures designated as investigations by states, but does not include subpoenas, preliminary or routine regulatory inquiries or requests for information, deficiency letters, ''blue sheet'' requests or other trading questionnaires, or examinations.

[14] *See* Form BD Release, *supra* note 3.

[15] Exchange Act Rule 15Ba2–2 (17 CFR 240.15Ba2–2) requires a non-bank municipal securities dealer whose business is exclusively intrastate to file with its application on Form BD a statement that it is filing for registration as an

[9] The Commission, however, does not require a broker-dealer that has an application for registration pending to file Form BDW in order to withdraw its pending application. Broker-dealers may withdraw a pending application simply by providing notice in writing to the Commission and the applicable SRO.

[10] Specifically, the question ''is broker-dealer now the subject of any unsatisfied claims for funds or securities not reported under Item 5'' would be deleted. These claims generally are already reportable under Item 5.

[11] Exchange Act Rule 15b3–1 (17 CFR 240.15b3–1) requires broker-dealers to amend any information on Form BD whenever it becomes inaccurate.

[12] For further discussion of electronic filing of uniform forms, including Form BDW, *see* discussion *infra* Section IV.

intended to assist broker-dealers in responding to questions about their disciplinary history and are consistent with the definitions contained in Form BD that are being adopted today by the Commission.[14]

C. Clarifying Amendments

In addition to the substantive amendments to Form BDW discussed above, the Commission is proposing several clarifying amendments to Form BDW. Item 3, for example, would be revised to inform the applicant broker-dealer that the SEC box should be checked only if the broker-dealer is intending to conduct an intrastate brokerage business and is not a municipal securities dealer.[15]

III. Rule 15b6–1

The Commission also is proposing to amend Exchange Act Rule 15b6–1.[16] Rule 15b6–1 requires broker-dealers to file a notice of withdrawal on Form BDW in accordance with the instructions contained therein. The rule also provides generally that withdrawal from broker-dealer registration automatically becomes effective 60 days after the filing date of the Form BDW, unless the Commission institutes a proceeding to impose terms or conditions upon such withdrawal.[17]

The Commission has determined that there may be circumstances in which it would be advisable to provide broker-dealers seeking to withdraw from registration greater flexibility in scheduling the termination of their business operations. While a broker-dealer must cease all securities activities when it files a request for withdrawal on Form BDW, it may need additional time to unwind its non-securities business operations before its Form BDW becomes effective. The Commission, too, may determine that it would be appropriate for a broker-dealer that is under investigation by the Commission to maintain its registered status in order to allow the Commission to conclude its pending investigation without prematurely instituting a proceeding to impose conditions on the broker-dealer's withdrawal. In such instances, the interests of the Commission may be served by having the broker-dealer consent to an extension of the period between filing Form BDW and the effective date of the broker-dealer's withdrawal from registration beyond the 60-day period currently provided under Rule 15b6–1. The Commission's interests also may be served by permitting the Commission to extend the effective date for such period as it by order may determine as necessary or appropriate in the public interest or for the protection of investors. Absent express consent by the broker-dealer, the issuance of a Commission order extending the effective date of withdrawal, or the initiation of a proceeding by the Commission, a request for broker-dealer withdrawal would continue to become effective for all matters on the 60th day after filing Form BDW with the Commission or within the time period specified in a Commission proceeding.

IV. Electronic Filing and Procedures for Filing Forms BD and BDW

A. Amendments to Filing Procedures for Forms BD and BDW

To implement electronic filing of revised Form BD with the redesigned CRD system, the Commission is proposing amendments to the filing procedures for Form BD under Rules 15b1–1, 15b3–1, 15Ba2–2, 15Ca1–1, and 15Ca2–1 of the Exchange Act.[18] In a separate release, the Commission is adopting amendments to Form BD that, among other things, provide instructions for filing Form BD electronically with the CRD.[19] The Commission also is proposing similar amendments to the filing procedures for Form BDW under Exchange Act Rules 15b6–1, 15Bc3–1, and 15Cc1–1.[20] The proposed procedures for electronic filing of Form BD and Form BDW are discussed below.

1. Phase I

a. *Registered Broker-Dealers.* The filing of both revised Form BD and revised Form BDW is intended to coincide with the implementation of the redesigned CRD, which will be conducted by the NASD in phases.[21] With the voluntary participation of several NASD member firms and one service bureau, the NASD began conducting a two-month test of the redesigned CRD on May 20, 1996. During this two-month period, the NASD will test the software that will enable broker-dealers to file Forms BD and Form BDW (and other uniform forms) with the redesigned CRD system and carry out other quality assurance testing. The NASD anticipates that on July 29, 1996, broker-dealers participating in the test will begin filing all of their registration and licensing information electronically with the redesigned CRD on a pilot basis.

On September 9, 1996, the NASD plans to implement Phase I of the transition to the redesigned CRD. During Phase I, the NASD will convert existing information about registered broker-dealers now contained in the old CRD system to the redesigned CRD system. In order to facilitate the conversion of this information to the redesigned CRD, the NASD will provide broker-dealers with advance notice of the specific dates for the conversion of their registration information and will assign broker-dealers to one of five NASD Quality and Service Teams. Through the use of manual and computer assisted procedures, these Quality and Service Teams will be responsible for converting the information for the broker-dealers assigned to them to the redesigned CRD. As part of this process, each broker-dealer also will be provided with a printout containing its disclosure information that is being converted to the redesigned CRD. The NASD will request that each broker-dealer review the information for accuracy and notify

[13] *E.g.*, the definition of the term ''investigation'' includes grand jury investigations, Commission investigations after the ''Wells'' notice has been given, formal investigations by SROs, or actions or procedures designated as investigations by states, but does not include subpoenas, preliminary or routine regulatory inquiries or requests for information, deficiency letters, ''blue sheet'' requests or other trading questionnaires, or examinations.

[14] *See* Form BD Release, *supra* note 3.

[15] Exchange Act Rule 15Ba2–2 (17 CFR 240.15Ba2–2) requires a non-bank municipal securities dealer whose business is exclusively intrastate to file with its application on Form BD a statement that it is filing for registration as an intrastate dealer. Thus, a non-bank municipal securities dealer cannot conduct an intrastate municipal securities business without being registered with the Commission.

[16] *See supra* note 5 and accompanying text. The Commission also is proposing further amendments to Rules 15b6–1, 15Bc3–1, and 15Cc1–1 (17 CFR 240.15b6–1, 17 CFR 15Bc3–1, and 17 CFR 15Cc1–1) to provide for electronic filing of Form BDW with the redesigned CRD system. *See* discussion *infra* Section IV.

[17] The proposed amendment to Rule 15b6–1 (17 CFR 240.15b6–1) would be consistent with a similar provision under section 15(b)(1) of the Exchange Act (15 U.S.C. § 78o(b)). Section 15(b)(1) generally requires that broker-dealer registration be granted within 45 days after the filing of Form BD, unless the applicant consents to a longer period of time.

[18] 17 CFR 240.15b1–1, 17 CFR 240.15b3–1, 17 CFR 240.15Ba2–2, 17 CFR 240.Ca1–1, and 17 CFR 240.15Ca2–1.

[19] *See* Form BD Release, *supra* note 3.

[20] 17 CFR 240.15b6–1, 17 CFR 240.15Bc3–1, and 17 CFR 240.15Cc1–1.

[21] The NASD expects to implement the redesigned CRD system in three Phases. This release, however, discusses generally only Phase I and Phase II of the redesigned CRD implementation process. The NASD anticipates that Phase III of the implementation process, among other things, will provide for large transactions relating to mergers and acquisitions of NASD member firms, and a new state annual registration and renewal process for associated persons of member firms. In connection with the implementation of electronic filing, the NASD has proposed amendments to its By-Laws and Rules of Fair Practice to require, among other things, that its members develop written supervisory procedures governing the electronic filing of registration information with the redesigned CRD. See Securities Exchange Act Release No. 37291 (Jun. 7, 1996), 61 FR 30272 (File No. SR–NASD–96–21).

the NASD of any errors.[22] Details correcting inaccurate disclosure information will be submitted electronically through the redesigned CRD.

Before a broker-dealer's registration information is converted to the new CRD system, the NASD will provide each broker-dealer access for 30 days to its ''test database'' to allow the broker-dealer to gain familiarity with the operation of the redesigned CRD system. During this 30-day test period, each broker-dealer will execute a series of simulated electronic filings using the new CRD system. Each broker-dealer also will complete the computer-based training module that will be available on-line through the new CRD system.

After a registered broker-dealer's existing registration information has been converted to the redesigned CRD system, the broker-dealer will be required to file electronically with the redesigned CRD (i) new information elicited by revised Form BD and the corresponding Disclosure Reporting Pages and Schedules that it has not previously provided and (ii) existing registration information that was not converted to the redesigned CRD system. A broker-dealer will be required to file this information at the time it files its first amendment to Form BD after its registration information has been converted to the redesigned CRD, but, in any event, no later than six months from its date of conversion to the redesigned CRD. The broker-dealer must then file all future registration information electronically with the CRD. The mechanics of electronic filing are discussed in Subsection IV.B, below.

Until a broker-dealer's existing registration information has been converted to the redesigned CRD system, the broker-dealer must continue to file amendments to its registration on Form BD (as revised November 16, 1992) in paper form with the CRD. Similarly, unless a broker-dealer's existing registration information has been converted to the redesigned CRD system, any notice of withdrawal filed by the broker-dealer must be filed on Form BDW (as revised April 21, 1987) in paper form with the CRD system. Following the conversion of a broker-dealer's existing registration information to the redesigned CRD system, the broker-dealer would then file any notice of withdrawal on revised Form BDW electronically with the redesigned CRD system. The NASD expects Phase I to be completed by the end of 1996, with the registration information of non-NASD member broker-dealers being converted to the redesigned CRD system toward the end of Phase I.

b. *Broker-Dealer Applicants.* During Phase I, the NASD intends to enter manually initial broker-dealer registration information into the redesigned CRD system. Accordingly, on or after September 9, 1996, initial broker-dealer applicants will be required to file revised Form BD in paper form until their applications are granted by the Commission. Once registration is granted, the broker-dealer will be required to file all future registration information electronically with the redesigned CRD, including amendments to Form BD, as well as requests for withdrawal from registration on Form BDW.

2. Phase II

Phase II currently is scheduled to begin during the spring of 1997. During Phase II of the implementation process, the Commission, the SROs, and state securities regulators will be provided with direct access to broker-dealer registration information contained in the redesigned CRD system.[23] Among other things, federal and state securities regulators and the SROs will be provided with the ability to search through hundreds of thousands of records to identify problem brokers, flag problem brokers who have left the industry so that they can be reviewed should they attempt to return to the business, and target firms and branches for examination in a more effective way. The Commission staff, as well as representatives of the SROs and state securities regulators, currently are working with the NASD to develop final requirements for the implementation of Phase II.

The NASD also anticipates that broker-dealer applicants will be able to file initial applications electronically with the redesigned CRD as part of the implementation of Phase II. In the meantime, however, the Commission is proposing to amend Exchange Act Rules 15b1–1, 15Ba2–2, and 15Ca2–1 [24] to provide for the filing of initial applications for registration on revised Form BD in paper form with the CRD.[25] At such time as the redesigned CRD is capable of receiving initial applications for registration that are filed electronically, the Commission intends to adopt further amendments to Rules 15b1–1, 15Ba2–2, and 15Ca2–1, which also are being proposed today for public comment.[26]

B. Mechanics of Electronic Filing

As noted above, the redesign of the CRD system will allow broker-dealers to file Forms BD and BDW electronically.[27] Because the redesigned CRD system is intended to operate in an electronic environment, the NASD anticipates that eventually paper filings no longer will be submitted by broker-dealer applicants, nor will data continue to be entered manually into the CRD system by the NASD.[28] Rather, once the redesigned CRD has been tested and fully implemented, broker-dealers will file registration and licensing information with the NASD electronically by direct link with the CRD system through standard dial-up access and other electronic means. To effect electronic filing with the CRD system, the NASD has developed software that will support the submission of registration information using a personal computer. Broker-dealers that elect to file their own registration information electronically with the redesigned CRD will be

[22] Similar procedures will be implemented for non-NASD members to ensure that non-NASD members also are converted to the new system during Phase I.

[23] Prior to Phase II implementation, the Commission, the SROs, and state securities regulators will continue to gain access to broker-dealer registration information, including information filed on revised Form BD, through the old CRD system.

[24] 17 CFR 240.15b1–1, 17 CFR 240.15Ba2–2, and 17 CFR 240.15Ca2–1.

[25] Provisions requiring the filing of initial applications in paper form on revised Form BD are designated as ''Alternative 1 for paragraph (b)'' under Rules 15b1–1, 15Ba2–2, and 15Ca2–1 under the Exchange Act. (17 CFR 240.15b1–1, 17 CFR 240.15Ba2–2, and 17 CFR 240.15Ca2–1).

[26] 17 CFR 240.15b1–1, 17 CFR 240.15Ba2–2, and 17 CFR 240.15Ca2–1. Provisions requiring the electronic filing of initial applications on Form BD are designated as ''Alternative 2 for paragraph (b)'' under Exchange Act Rules 15b1–1, 15Ba2–2, and 15Ca2–1.

[27] At the time the Commission joined the CRD, it noted that all applications, amendments, and withdrawals from registration that are filed with the CRD will be deemed to be filed with the Commission. Securities Exchange Act Release No. 31661 (Dec. 28, 1992), 58 FR 11 (Jan. 4, 1993), n.5. However, an application, amendment, or withdrawal from registration shall be considered filed on the date it is filed with the CRD only if the filing is complete in all respects. Any application, amendment, or withdrawal from registration that is incomplete at the time it is filed with the CRD shall not be deemed to be filed with the Commission until such time as any deficiency in the filing is corrected and the Commission has determined that the filing is complete. *See* Exchange Act Rule 0–3 (17 CFR 240.0–3); *In the Matter of First Jersey Securities, Inc.*, Securities Exchange Act Release No. 37259 (May 30, 1996), 62 SEC Docket 37; *In the Matter of F.N. Wolf & Co., Inc.*, Administrative Proceedings Rulings Release No. 470 (May 3, 1995), 59 SEC Docket 719.

[28] Currently, applicant broker-dealers seeking to register with the Commission and the various states file a single Form BD with the NASD, which manually enters the information into the CRD system and then electronically forwards the information to the Commission and appropriate states for review.

required to purchase this software from the NASD. Alternatively, broker-dealers may elect to employ a third party, such as a service bureau, to make electronic filings of registration forms on their behalf.

Electronic filings submitted by or on behalf of a broker-dealer will be transmitted to the CRD either in batch transfers or in an on-line mode.[29] After the information has been transmitted electronically, the CRD system will disseminate the registration requests or updated information to the Commission, the SROs, and any states in which the broker-dealer is registering or has registered. After an electronic filing is processed, the CRD system will send the filer an electronic message or identification number indicating whether the filing has been accepted. In addition, the results of Commission, SRO, and state review of broker-dealer filings also will be handled electronically and will be transmitted directly to the broker-dealer applicant via the redesigned CRD system.

The NASD recently determined that it would not be feasible for all of its members to migrate to a fully electronic filing environment during Phase I, and that certain of its members may require additional time to adapt their current registration and licensing systems to the redesigned CRD system. As a result, approximately 4,600 NASD member firms having fewer than 50 registered representatives initially will be given the option of using an electronic filing service that will be provided by the NASD.[30] This service will allow broker-dealers to forward their registration and licensing forms in paper form to an internal processing unit of the NASD, which then will file these forms with the redesigned CRD system on the broker-dealer's behalf.[31] This service will be available for up to one year from the time a firm's registration information is converted to the redesigned CRD, and will afford a substantial number of NASD member firms sufficient time to adapt their systems to the redesigned CRD.[32] At the end of this one-year period, firms will be required either to purchase software that would allow them to file registration information directly with the CRD, or to use a third party service bureau to file such information electronically on their behalf. The NASD also plans to make its processing service available to non-NASD member broker-dealers for a one-year period.

C. Conforming Amendments

The Commission is proposing an amendment to Exchange Act Rule 15b1–1[33] that would clarify that an application for registration filed on Form BD with the Central Registration Depository shall be considered a ''report'' filed with the Commission for purposes of Section 15(b) of the Exchange Act.[34] This amendment is intended to conform the language in Rule 15b1–1 with language already contained in corresponding filing rules applicable to municipal securities dealers and government securities brokers and government securities dealers. The Commission also is proposing amendments to Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca2–1, and 15Cc1–1 under the Exchange Act[35] to clarify that the filing of Form BD or Form BDW by broker-dealers, municipal securities dealers, and government securities brokers and government securities dealers would, in each instance, constitute a ''report'' filed with the Commission within the meaning of sections 15(b),15B(c), 15C(c) 17(a), 18(a), and 32(a) of the Exchange Act.[36]

V. Request for Comment

The Commission is soliciting comment on whether the changes to Form BDW described above will provide more meaningful information to the Commission and other securities regulators without increasing the regulatory burden on broker-dealers. The Commission further requests comment on each of the proposed changes to Form BDW, including electronic filing of Form BDW. The Commission also is requesting comment on the proposed amendments to Rules 15b6–1, 15Bc3–1, and 15Cc1–1 under the Exchange Act[37] that would permit broker-dealers withdrawing from registration to consent to a delay in the effectiveness of their request for withdrawal, and that would permit the Commission to extend the effective date for such period as it by order may determine.

In addition, the Commission is requesting comment on the proposal to amend the filing procedures for revised Form BD under Rules 15b1–1, 15b3–1, 15Ba2–2, 15Ca1–1, and 15Ca2–1 of the Exchange Act,[38] as well as the filing procedures for Form BDW under Exchange Act Rules 15b6–1, 15Bc3–1, and 15Cc1–1.[39] Comment is solicited with regard to not only the electronic filing of Forms BD and BDW, but also concerning proposed temporary filing instructions for broker-dealers in connection with the conversion of existing registration information to the redesigned CRD, and the proposal for electronic filing of initial applications for registration as part of the implementation of Phase II.

Comment is requested not only on the specific subjects and issues discussed in the release, but on any other approaches or issues that should be considered in connection with facilitating the use of electronic media to further the broker-dealer registration and withdrawal provisions under the federal securities laws.

VI. Proposed Effective Date

The Commission anticipates that, if adopted, the proposed amendments will become effective on or about September 9, 1996.

[29] The redesigned CRD will provide for batch filings of registration and licensing information. Under the redesigned CRD, broker-dealers will be able to download data from their internal data bases into programmed formats for the CRD to process. In this regard, broker-dealers or persons acting on their behalf, such as service bureaus, will be able to create several CRD filings *off-line* and, when ready, transmit them collectively to the CRD. In comparison, in an *on-line* mode, broker-dealers or persons acting on their behalf, such as service bureaus, will enter information directly into the redesigned CRD through a windows-based interactive session.

[30] The 819 NASD member firms having 50 or more registered representatives account for more than 90 percent of current CRD filing activity. These firms will be required to electronically file registration information with the redesigned CRD, either by filing such information directly using software purchased from the NASD or by employing the services of a service bureau.

[31] Each broker-dealer will be required to inform the NASD of the method through which it will initially file information with the redesigned CRD (*i.e.*, directly through the use of the NASD's software, indirectly through a service provider, or through the NASD's electronic filing service) at least 30 days before the broker-dealer is given access to the NASD's test database prior to the conversion of the broker-dealer's registration information to the redesigned CRD system.

[32] This service also will be made available to non-NASD members firms. The NASD currently intends to charge only member firms a fee for the use of this service. The NASD has no current plans to charge non-NASD member firms for the use of the filing service.

[33] 17 CFR 240.15b1–1.

[34] 15 U.S.C. 78o(b).

[35] 17 CFR 240.15b1–1, 17 CFR 240.15b3–1, 17 CFR 240.15b6–1, 17 CFR 240.15Ba2–2, 17 CFR 240.15Bc3–1, 17 CFR 240.15Ca2–1, and 17 CFR 240.15Cc1–1.

[36] 15 U.S.C. 78o(b), 78o–4(c), 78o–5(c), 78q(a), 78r(a), and 78ff(a).

[37] 17 CFR 240.15b6–1, 17 CFR 240.15Bc3–1, and 17 CFR 240.15Cc1–1.

[38] 17 CFR 240.15b1–1, 17 CFR 240.15b3–1, 17 CFR 240.15Ba2–2, 17 CFR 240.Ca1–1, and 17 CFR 240.15Ca2–1.

[39] 17 CFR 240.15b6–1, 17 CFR 240.15Bc3–1, and 17 CFR 240.15Cc1–1.

VII. Effects on Competition and Regulatory Flexibility Act Considerations

Section 23(a)(2) of the Exchange Act[40] requires the Commission, in adopting rules under the Exchange Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission is of the view that the proposed amendments to Form BDW, and the amendments to Rules 15b1–1, 15b3–1, 15b6–1, 15Ba2–2, 15Bc3–1, 15Ca1–1, and 15Cc1–1 under the Exchange Act[41] would not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. As noted above, the form revisions and rule amendments proposed today would reduce the regulatory burden on broker-dealers by clarifying the information required to be filed on Form BDW and by facilitating the filing of Form BD and Form BDW electronically with the CRD.

The Commission requests comment, however, on any competitive burdens that might result from adoption of the form revisions and rule amendments described in this release.

In addition, the Commission has prepared an Initial Regulatory Flexibility Analysis (''IRFA''), pursuant to the requirements of the Regulatory Flexibility Act,[42] regarding the proposed revisions to Form BDW and proposed amendments to the Form BD and Form BDW filing rules under the Exchange Act.

A copy of the IRFA may be obtained from Glenn J. Jessee, Special Counsel, Office of Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 5–10, Washington, DC 20549; (202) 942–0073.

VIII. Paperwork Reduction Act Analysis

Certain provisions of the proposal to amend Form BDW may contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The Commission has submitted the proposal to the Office of Management and Budget (''OMB'') for review in accordance with 44 U.S.C. 3507(d). The title for this collection of information is: ''Proposed Amendments to Form BDW.''

The Commission is proposing amendments to Form BDW that are designed to reduce the regulatory burden on broker-dealers and to improve the usefulness of the information to federal and state securities regulators by simplifying the form and clarifying its requirements. The proposed amendments also are designed to implement changes to the CRD system, including providing for electronic filing of Form BDW.[43]

This collection of information will be used by the Commission to determine whether it is in the public interest to permit a broker-dealer to withdraw its registration. This collection of information also is important to a withdrawing broker-dealer's customers and to the general public because it provides, among other things, the name and address of the broker-dealer's agent to contact regarding the broker-dealer's unfinished business.

The likely respondents to the proposed collection of information will be the 900 or fewer broker-dealers that withdraw from registration annually. They will be required to respond to the proposed collection of information before being allowed to withdraw their registration with the Commission. The Commission expects that the proposed collection of information on revised Form BDW will result in no additional burdens to broker-dealers seeking to withdraw from registration on Form BDW. The Commission estimates that the average burden to complete Form BDW will be approximately 15 minutes, or 0.25 hours. (based on the Commission staff's experience in administering the form). Approximately 900 respondents file one response per year, resulting in an estimated total annual reporting burden of 225 hours.

As proposed, likely respondents would be required to retain the collection of information for a period of no less than six years and to make it available for inspection upon a regulatory request. Disclosure of data solicited in this proposed collection of information by the likely respondents is mandatory before a request for withdrawal from registration may become effective. Disclosure of social security numbers, however, is voluntary. The responses provided by the likely respondents would be made a matter of public record and would be available for inspection by any member of the public. Likely respondents, however, would not be required to provide a response to questions contained in this proposed collection of information unless a current OMB control number is displayed.

Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comment to:

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

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(iv) Minimize the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Persons desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, Attention: Desk Office for the Securities and Exchange Commission, Office of Information and Regulatory Affairs of the OMB, Washington, DC 20503, and should also send a copy of their comments directly to the Commission. OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication; thus, a comment to OMB is best assured of having its full affect if OMB receives it within 30 days of publication.

IX. List of Subjects in 17 CFR Parts 240 and 249

Reporting and recordkeeping requirements, Securities, Broker-Dealers

Statutory Basis and Text of Proposed Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read in part as follows:

[40] 15 U.S.C. 78w(a)(2).

[41] 17 CFR 240.15b1–1, 17 CFR 240.15b3–1, 17 CFR 240.15b6–1, 17 CFR 240.15Ba2–2, 17 CFR 240.15Bc3–1, 17 CFR 240.15Ca1–1, and 17 CFR 240.15Cc1–1.

[42] 5 U.S.C. 603 (1990).

[43] Rules 15b6–1, 15Bc3–1, and 15Cc1–1 under the Exchange Act (17 CFR 240.15b6–1, 17 CFR 240.15B3–1, and 17 CFR 240.15Cc1–1) require broker-dealers to file a notice of withdrawal on Form BDW in accordance with the instructions contained therein. The collection of information on Form BDW is necessary for the Commission to determine whether it is in the public interest to permit a broker-dealer to withdraw its registration. The proposed amendments to Exchange Act Rules 15b1–1, 15b3–1, 15Ba2–2, 15Ca1–1, and 15Ca2–1 (17 CFR 240.15b1–1, 17 CFR 240.15b3–1, 17 CFR 240.15Ba2–2, 17 CFR 240.15Ca1–1, and 17 CFR 240.15Ca2–1) governing Form BD filing procedures do not require a collection of information.

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

2. By revising § 240.15b1–1 to read as follows:

§ 240.15b1–1 Application for registration of brokers or dealers.

(a) An application for registration of a broker or dealer filed pursuant to section 15(b) of the Act (15 U.S.C. 78o(b)) shall be filed on Form BD (17 CFR 249.501) in accordance with the instructions contained therein. Every application for registration of a broker or dealer shall be filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements.

[Alternative 1 for paragraph (b)]

(b) Every application for registration of a broker or dealer filed pursuant to paragraph (a) of this section shall be filed on Form BD (17 CFR 249.501) in paper form with the Central Registration Depository in accordance with applicable filing requirements.

[Alternative 2 for paragraph (b)]

(b) Every application for registration of a broker or dealer filed pursuant to paragraph (a) of this section shall be filed on Form BD (17 CFR 249.501) electronically with the Central Registration Depository in accordance with applicable filing requirements.

(c) An application for registration that is filed with the Central Registration Depository pursuant to this section shall be considered a ''report'' filed with the Commission for purposes of sections 15(b), 17(a), 18(a), 32(a) (15 U.S.C. 78o(b), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

3. By revising § 240.15b3–1 to read as follows:

§ 240.15b3–1 Amendments to application.

(a) If the information contained in any application for registration as a broker or dealer, or in any amendment thereto, is or becomes inaccurate for any reason, the broker or dealer shall promptly file with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.), in accordance with applicable filing requirements, an amendment on Form BD (17 CFR 249.501) correcting such information.

(b) Temporary Filing Instructions: (1) Every broker or dealer who is registered with the Commission as of September 9, 1996 shall file as an amendment to its application a complete Form BD (17 CFR 249.501), and any subsequent amendments thereto pursuant to paragraph (a) of this section, electronically with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) no later than six months following receipt of notification from the National Association of Securities Dealers, Inc. or the broker's or dealer's Designated Examining Authority (DEA) that the information contained in such broker's or dealer's application for registration has been converted to the redesigned Central Registration Depository system.

(2) Notwithstanding paragraph (b)(1) of this section, if the information contained in any application for registration as a broker or dealer is or becomes inaccurate for any reason during the six months following receipt of notification from the National Association of Securities Dealers, Inc. or the broker's or dealer's DEA that the information contained in such broker's or dealer's application for registration has been converted to the redesigned Central Registration Depository system, the broker or dealer shall promptly file as an amendment to its application a complete Form BD (17 CFR 249.501) electronically with the Central Registration Depository.

(3) If the information contained in any application for registration as a broker or dealer is or becomes inaccurate for any reason prior to receipt of notification from the National Association of Securities Dealers, Inc. or the broker's or dealer's DEA that the information contained in such broker's or dealer's application for registration has been converted to the redesigned Central Registration Depository system, the broker or dealer shall promptly file as an amendment to its application a complete Form BD (17 CFR 249.501) (as revised November 16, 1992) in paper form with the Central Registration Depository.

(c) Every amendment filed with the Central Registration Depository pursuant to this section shall constitute a ''report'' filed with the Commission within the meaning of sections 15(b), 17(a), 18(a), 32(a) (15 U.S.C. 78o(b), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

4. By revising § 240.15b6–1 to read as follows:

§ 240.15b6–1 Withdrawal from registration.

(a) Notice of withdrawal from registration as a broker or dealer pursuant to section 15(b) of the Act (15 U.S.C. 78o(b)) shall be filed on Form BDW (17 CFR 249.501a) in accordance with the instructions contained therein. Every notice of withdrawal from registration as a broker or dealer shall be filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements. Prior to filing a notice of withdrawal from registration on Form BDW (17 CFR 249.501a), a broker or dealer shall amend Form BD (17 CFR 249.501) in accordance with § 240.15b3–1(a) to update any inaccurate information.

(b) Temporary filing instructions: Notwithstanding paragraph (a) of this section, a notice of withdrawal from registration filed by a broker or dealer on or after September 9, 1996 but prior to receipt of notification from the National Association of Securities Dealers, Inc. or the broker's or dealer's DEA that the information contained in such broker's or dealer's application for registration has been converted to the redesigned Central Registration Depository system, shall be filed on Form BDW (17 CFR 249.501a) (as revised April 21, 1987) in paper form with the Central Registration Depository.

(c) A notice of withdrawal from registration filed by a broker or dealer pursuant to section 15(b) of the Act (15 U.S.C. 78o(b)) shall become effective for all matters (except as provided in this paragraph (c) and in paragraph (d) of this section) on the 60th day after the filing thereof with the Commission, within such longer period of time as to which such broker or dealer consents or the Commission by order may determine as necessary or appropriate in the public interest or for the protection of investors, or within such shorter period of time as the Commission may determine. If a notice of withdrawal from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15(b) of the Act (15 U.S.C. 78o(b)) to censure, place limitations on the activities, functions or operations of, or suspend or revoke the registration of, such broker or dealer, or if prior to the effective date of the notice of withdrawal pursuant to this paragraph (c), the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective pursuant to this paragraph (c) except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(d) With respect to a broker's or dealer's registration status as a member within the meaning of section 3(a)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ccc(a)(2)) for purposes of the application of sections 5, 6, and 7 (15 U.S.C. 78eee, 78fff, and 78fff–1) thereof to customer claims arising prior to the effective date of withdrawal pursuant to paragraph (c) of this section, the effective date of a broker's or dealer's withdrawal from registration pursuant to this paragraph (d) shall be six months after the effective date of withdrawal pursuant to paragraph (c) of this section or such shorter period of time as the Commission may determine.

(e) Every notice of withdrawal filed with the Central Registration Depository pursuant to this section shall constitute a ''report'' filed with the Commission within the meaning of sections 15(b), 17(a), 18(a), 32(a) (15 U.S.C. 78o(b), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

5. By revising § 240.15Ba2–2 to read as follows:

§ 240.15Ba2–2 Application for registration of non-bank municipal securities dealers whose business is exclusively intrastate.

(a) An application for registration, pursuant to Section 15B(a) of the Act (15 U.S.C. 78o–4(a), of a municipal securities dealer who is not subject to the requirements of § 240.15Ba2–1, shall be filed on Form BD (17 CFR 249.501) in accordance with the instructions contained therein. Every application for registration of a municipal securities dealer who is not subject to the requirements of § 240.15Ba2–1 shall be filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements.

[Alternative 1 for paragraph (b)]

(b) Every application for registration of a municipal securities dealer who is not subject to the requirements of § 240.15Ba2–1 shall be filed on Form BD (17 CFR 249.501) in paper form with the Central Registration Depository in accordance with applicable filing requirements.

[Alternative 2 for paragraph (b)]

(b) Every application for registration of a municipal securities dealer filed pursuant to paragraph (a) of this section shall be filed on Form BD (17 CFR 249.501) electronically with the Central Registration Depository in accordance with applicable filing requirements.

(c) If the information contained in any application for registration filed pursuant to paragraph (a) of this section, or in any amendment to such application, is or becomes inaccurate for any reason, the dealer shall promptly file with the Central Registration Depository, in accordance with applicable filing requirements, an amendment on Form BD (17 CFR 249.501) correcting such information.

(d) Temporary Filing Instructions: (1) Every municipal securities dealer who is registered with the Commission as of September 9, 1996 shall file as an amendment to its application a complete Form BD (17 CFR 249.501), and any subsequent amendments thereto pursuant to paragraph (c) of this section, *electronically* with the Central Registration Depository no later than six months following receipt of notification from the National Association of Securities Dealers, Inc. that the information contained in such municipal securities dealer's application for registration has been converted to the redesigned Central Registration Depository system.

(2) Notwithstanding paragraph (d)(1) of this section, if the information contained in any application for registration as a municipal securities dealer is or becomes inaccurate for any reason during the six months following receipt of notification from the National Association of Securities Dealers, Inc. that the information contained in such municipal securities dealer's application for registration has been converted to the redesigned Central Registration Depository system, the municipal securities dealer shall promptly file as an amendment to its application a complete Form BD (17 CFR 249.501) electronically with the Central Registration Depository.

(3) If the information contained in any application for registration as a municipal securities dealer is or becomes inaccurate for any reason prior to receiving notification from the National Association of Securities Dealers, Inc. that the information contained in such municipal securities dealer's application for registration has been converted to the redesigned Central Registration Depository system, the municipal securities dealer shall promptly file as an amendment to its application a complete Form BD (17 CFR 249.501) (as revised November 16, 1992) in paper form with the Central Registration Depository.

(e) Every application or amendment filed with the Central Registration Depository pursuant to this section shall constitute a ''report'' filed with the Commission within the meaning of sections 15(b), 15B(c), 17(a), 18(a), 32(a) (15 U.S.C. 78o(b), 78o–4(c), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

6. By revising § 240.15Bc3–1 to read as follows:

§ 240.15Bc3–1 Withdrawal from registration of municipal securities dealers.

(a) Notice of withdrawal from registration as a municipal securities dealer pursuant to section 15B(c) (15 U.S.C. 78o–4(c)) shall be filed on Form MSDW (17 CFR 249.1110), in the case of a municipal securities dealer which is a bank or a separately identifiable department or division of a bank, or Form BDW (17 CFR 249.501a), in the case of any other municipal securities dealer, in accordance with the instructions contained therein. Prior to filing a notice of withdrawal from registration on Form MSDW (17 CFR 249.1110) or Form BDW (17 CFR 249.501a), a municipal securities dealer shall amend Form MSD (17 CFR 249.1100) in accordance with § 240.15Ba2–1(b) or amend Form BD (17 CFR 249.501) in accordance with § 240.15Ba2–2(c) to update any inaccurate information.

(b) Every notice of withdrawal from registration as a municipal securities dealer that is filed on Form BDW (17 CFR 249.501a) shall be filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements. Every notice of withdrawal on Form MSDW (17 CFR 249.1110) shall be filed with the Commission.

(c) Temporary filing instructions: Notwithstanding paragraph (a) of this section, a notice of withdrawal from registration filed by a municipal securities dealer (other than a municipal securities dealer which is a bank or a separately identifiable department or division of a bank) on or after September 9, 1996 *but* prior to receipt of notification from the National Association of Securities Dealers, Inc. that the information contained in such municipal securities dealer's application for registration has been converted to the redesigned Central Registration Depository system, shall be filed on Form BDW (17 CFR 249.501a) (as revised April 21, 1987) in paper form with the Central Registration Depository.

(d) A notice of withdrawal from registration filed by a municipal securities dealer pursuant to Section 15B(c) (15 U.S.C. 78o–4(c)) shall become effective for all matters on the 60th day after the filing thereof with the Commission, within such longer period of time as to which such municipal securities dealer consents or the

Commission by order may determine as necessary or appropriate in the public interest or for the protection of investors, or within such shorter period of time as the Commission may determine. If a notice of withdrawal from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15B(c) (15 U.S.C. 78o–4(c)) to censure, place limitations on the activities, functions or operations of, or suspend or revoke the registration of, such municipal securities dealer, or if prior to the effective date of the notice of withdrawal pursuant to this paragraph (d), the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective pursuant to this paragraph (d) except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(e) Every notice of withdrawal filed with the Central Registration Depository pursuant to this section shall constitute a ''report'' filed with the Commission within the meaning of sections 15B(c), 17(a), 18(a), 32(a) (15 U.S.C. 78o–4(c), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

7. By amending § 240.15Ca1–1 by revising paragraph (c) to read as follows:

§ 240.15Ca1–1 Notice of government securities broker-dealer activities.

* * * * *

(c) Any notice required pursuant to this section shall be considered filed with the Commission if it is filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements.

8. By revising § 240.15Ca2–1 to read as follows:

§ 240.15Ca2–1 Application for registration as a government securities broker or government securities dealer.

(a) An application for registration, pursuant to section 15C(a)(1)(A) of the Act (15 U.S.C. 78o–5(a)(1)(A)), of a government securities broker or government securities dealer shall be filed on Form BD (17 CFR 249.501) in accordance with the instructions contained therein. Every application for registration of a government securities broker or government securities dealer shall be filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements.

[Alternative 1 for paragraph (b)]

(b) Every application for registration of a government securities broker or government securities dealer pursuant to paragraph (a) of this section shall be filed on Form BD (17 CFR 249.501) in paper form with the Central Registration Depository in accordance with applicable filing requirements.

[Alternative 2 for paragraph (b)]

(b) Every application for registration of a government securities broker or government securities dealer filed pursuant to paragraph (a) of this section shall be filed on Form BD (17 CFR 249.501) electronically with the Central Registration Depository in accordance with applicable filing requirements.

(c) Temporary Filing Instructions: (1) Every government securities broker or government securities dealer who is registered with the Commission as of September 9, 1996 shall file as an amendment to its application a complete Form BD (17 CFR 249.501), and any subsequent amendments thereto, *electronically* with the Central Registration Depository no later than six months following receipt of notification from the National Association of Securities Dealers, Inc. that the information contained in such government securities broker's or government securities dealer's application for registration has been converted to the redesigned Central Depository Registration system.

(2) Notwithstanding paragraph (c)(1) of this section, if the information contained in any application for registration as a government securities broker or government securities dealer is or becomes inaccurate for any reason during the six months following receipt of notification from the National Association of Securities Dealers, Inc. that the information contained in such government securities broker's or government securities dealer's application for registration has been converted to the redesigned Central Registration Depository system, the broker or dealer shall promptly file as an amendment to its application a complete Form BD (17 CFR 249.501) electronically with the Central Registration Depository.

(3) If the information contained in any application for registration as a government securities broker or government securities dealer is or becomes inaccurate for any reason prior to receiving notification by the National Association of Securities Dealers, Inc. such government securities broker or government securities dealer shall promptly file as an amendment to its application a complete Form BD (17 CFR 249.501) (as revised November 16, 1992) in paper form with the Central Registration Depository.

(d) Every application or amendment filed with the Central Registration Depository pursuant to this section shall constitute a ''report'' filed with the Commission within the meaning of sections 15, 15C(c), 17(a), 18(a), 32(a) (15 U.S.C. 78o, 78o-5(c), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

9. By revising § 240.15Cc1–1 to read as follows:

§ 240.15Cc1–1 Withdrawal from registration of government securities brokers or government securities dealers.

(a) Notice of withdrawal from registration as a government securities broker or government securities dealer pursuant to section 15C(a)(1)(A) of the Act (15 U.S.C. 78o–5(a)(1)(A)) shall be filed on Form BDW (17 CFR 249.501a) in accordance with the instructions contained therein. Every notice of withdrawal from registration as a government securities broker or dealer shall be filed with the Central Registration Depository (operated by the National Association of Securities Dealers, Inc.) in accordance with applicable filing requirements. Prior to filing a notice of withdrawal from registration on Form BDW (17 CFR 249.501a), a government securities broker or government securities dealer shall amend Form BD (17 CFR 249.501) in accordance with § 400.5(a) to update any inaccurate information.

(b) Temporary filing instructions: Notwithstanding paragraph (a) of this section, a notice of withdrawal from registration filed by a government securities broker or government securities dealer on or after September 9, 1996 *but* prior to receipt of notification from the National Association of Securities Dealers, Inc. that the information contained in such government securities broker's or government securities dealer's application for registration has been converted to the redesigned Central Registration Depository system, shall be filed on Form BDW (17 CFR 249.501a) (as revised April 21, 1987) in paper form with the Central Registration Depository.

(c) A notice of withdrawal from registration filed by a government securities broker or government securities dealer shall become effective for all matters on the 60th day after the filing thereof with the Commission, within such longer period of time as to

which such government securities broker or government securities dealer consents or the Commission by order may determine as necessary or appropriate in the public interest or for the protection of investors, or within such shorter period of time as the Commission may determine. If a notice of withdrawal from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15C(c) (15 U.S.C. 78o-5(c)) to censure, place limitations on the activities, functions or operations of, or suspend or revoke the registration of such government securities broker or government securities dealer, or if prior to the effective date of the notice of withdrawal pursuant to this paragraph (c), the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective pursuant to this paragraph (c) except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(d) Every notice of withdrawal filed with the Central Registration Depository pursuant to this section shall constitute a ''report'' filed with the Commission within the meaning of sections 15(b), 15C(c), 17(a), 18(a), 32(a) (15 U.S.C. 78o(b), 78o-5(c), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

10. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted;

* * * * *

11. By revising Form BDW (referenced in § 249.501a) to read as set forth below:

Note: Form BDW does not and the revisions will not appear in the Code of Federal Regulations. Revised Form BDW is attached as an Appendix to this document.

Dated: July 12, 1996.

By the Commission.

Jonathan G. Katz,

Secretary.

BILLING CODE 5010–01–P

APPENDIX

Form BDW

OMB APPROVAL
OMB Number: 3235-0018
Expires: . . . September 30, 1998
Estimated average
burden hours per form: 0.50

Uniform Request for Broker-Dealer Withdrawal

NOTE: Form BDW does not and the revisions will not appear in the Code of Federal Regulations. Pages are numbered consecutively with the release.

FORM BDW INSTRUCTIONS

A. **GENERAL INSTRUCTIONS**

1. Broker-Dealers must file Form BDW to withdraw their registration from the Securities and Exchange Commission ("SEC"), Self-Regulatory Organizations ("SROs"), and appropriate *jurisdictions*. These instructions apply to filing Form BDW electronically with the Central Registration Depository ("CRD") or by paper. Some *jurisdictions* may require a separate paper filing of Form BDW and/or additional filing requirements. Thus, the applicant should contact the appropriate *jurisdiction(s)* for specific filing requirements.
2. All questions must be answered and all fields requiring a response must be complete before the filing is accepted. If filing Form BDW on paper, enter "None" or "N/A" where appropriate.
3. File Form BDW with the CRD, operated by the NASD. Prior to filing Form BDW, amend Form BD to update any incomplete or inaccurate information.
4. A paper copy of this Form BDW (or a reproduction of this form printed off the CRD), with original manual signature(s), must be retained by the broker-dealer filing the Form BDW and be made available for inspection upon a regulatory request. A paper copy of the initial Form BD filing and amendments to Disclosure Reporting Pages (DRPs BD) also must be retained by the broker-dealer filing the Form BDW.

B. **FULL WITHDRAWAL** (terminates registration with the SEC, all SROs, and all *jurisdictions*):

1. Complete all items except Item 3.
2. If Item 5 is answered "yes," file with the CRD a paper copy of FOCUS Report Part II (or Part IIA for non-carrying or non-clearing firms) "Statement of Financial Condition" and "Computation of Net Capital" sections. For firms that do not file FOCUS Reports, file a statement of financial condition giving the type and amount of the firm's assets and liabilities and net worth. This information must reflect the finances of the firm no earlier than 10 days before this Form BDW is filed.

C. **PARTIAL WITHDRAWAL** (terminates registration with specific *jurisdictions* and SROs, but does not terminate registration with the SEC and at least one SRO and *jurisdiction*):

1. Complete all items.
2. Check with *jurisdiction(s)* in which the firm is requesting withdrawal.

The CRD mailing address for questions and correspondence is:

NASAA/NASD Central Registration Depository
P.O. Box 9401
Gaithersburg, MD 20898-9401

EXPLANATION OF TERMS

(The following terms are italicized throughout this form.)

The term **JURISDICTION** means a state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.

the term **INVESTIGATION** includes grand jury investigations, U.S. Securities and Exchange Commission investigations after the "Wells" notice has been given, formal investigations by SROs or actions or procedures designated as investigations by *jurisdictions*, but does not include subpoenas, preliminary or routine regulatory inquiries or requests for information, deficiency letters, "blue sheet" requests or other trading questionnaires, or examinations.

The term **INVESTMENT-RELATED** pertains to securities, commodities, banking, insurance or real estate (including, but not limited to, acting as or being associated with a broker-dealer, municipal securities dealer, government securities broker or dealer, issuer, investment company, investment adviser, futures sponsor, bank, or savings association).

FORM BDW (REV. 11/95)

UNIFORM REQUEST FOR WITHDRAWAL FROM BROKER-DEALER REGISTRATION

OFFICIAL USE

WARNING: INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT MAY CONSTITUTE CRIMINAL VIOLATIONS.

1. A. FULL NAME OF BROKER-DEALER (if sole proprietor, state last, first and middle name):
B. IRS Emp. Ident. No.:
C. NAME UNDER WHICH BUSINESS IS CONDUCTED, IF DIFFERENT:
D. FIRM CRD NO.:
E. SEC FILE NO.:
F. FIRM MAIN ADDRESS: NUMBER AND STREET CITY STATE/COUNTRY ZIP+4/POSTAL CODE
G. MAILING ADDRESS, IF DIFFERENT: NUMBER AND STREET CITY STATE/COUNTRY ZIP+4/POSTAL CODE
H. AREA CODE / TELEPHONE NO.:

2. Check One: ☐ Full Withdrawal (skip Item 3) ☐ Partial Withdrawal (Check box(es) where withdrawing in Item 3.)

3. SEC ☐ SECURITIES AND EXCHANGE COMMISSION (check only if intending to conduct an intrastate business)

SRO ☐ ASE ☐ BSE ☐ CBOE ☐ CHX ☐ CSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ OTHER *(specify)* _____

JURISDICTION

☐ Alabama	☐ Hawaii	☐ Michigan	☐ North Carolina	☐ Texas
☐ Alaska	☐ Idaho	☐ Minnesota	☐ North Dakota	☐ Utah
☐ Arizona	☐ Illinois	☐ Mississippi	☐ Ohio	☐ Vermont
☐ Arkansas	☐ Indiana	☐ Missouri	☐ Oklahoma	☐ Virginia
☐ California	☐ Iowa	☐ Montana	☐ Oregon	☐ Washington
☐ Colorado	☐ Kansas	☐ Nebraska	☐ Pennsylvania	☐ West Virginia
☐ Connecticut	☐ Kentucky	☐ Nevada	☐ Puerto Rico	☐ Wisconsin
☐ Delaware	☐ Louisiana	☐ New Hampshire	☐ Rhode Island	☐ Wyoming
☐ District of Columbia	☐ Maine	☐ New Jersey	☐ South Carolina	
☐ Florida	☐ Maryland	☐ New Mexico	☐ South Dakota	
☐ Georgia	☐ Massachusetts	☐ New York	☐ Tennessee	

4. Date firm ceased business or withdrew registration request (for partial withdrawals, give the date ceased business in the *jurisdictions* checked in Item 3): MM / DD / YYYY

5. Does the broker-dealer owe any money or securities to any customer or broker-dealer? YES ☐ NO ☐

If partial withdrawal, indicate *jurisdiction(s)* from which you are withdrawing where you owe funds or securities to customers in such *jurisdiction(s)*: ☐ , ☐ , ☐ .

If full withdrawal, complete A-D below.

A. Number of customers owed funds or securities: ☐

B. Amount of money owed to: customers $ ☐ broker-dealers $ ☐

C. Market value of securities owed to: customers $ ☐ broker-dealers $ ☐

D. Describe arrangements made for payment: _____

If this is a full withdrawal and Item 5 is answered "yes," file with the CRD a FOCUS Report Part II (or Part IIA for non-carrying or non-clearing firms) "Statement of Financial Condition" and "Computation of Net Capital" sections. For firms that do not file FOCUS Reports, file a statement of financial condition giving the type and amount of the firm's assets and liabilities and net worth. The FOCUS Report and the statement of financial condition must reflect the finances of the firm no earlier than 10 days before this Form BDW is filed.

6. Is the broker-dealer now the subject of or named in any *investment-related:*

	YES	NO
• *investigation*	☐	☐
• consumer-initiated complaint	☐	☐
• private civil litigation	☐	☐

NOTE: Update any incomplete or inaccurate information contained in Item 11 of Form BD.

7. NAME AND ADDRESS OF THE PERSON WHO WILL HAVE CUSTODY OF BOOKS AND RECORDS:
AREA CODE / TELEPHONE NO.:
ADDRESS WHERE BOOKS AND RECORDS WILL BE LOCATED, IF DIFFERENT: NUMBER AND STREET CITY STATE/COUNTRY ZIP+4/POSTAL CODE

8. **EXECUTION:** The undersigned certifies that he/she has executed this form on behalf of, and with the authority of, the broker-dealer, and that all information herein, including any attachments hereto, is accurate, complete, and current. The undersigned and broker-dealer further certify that all information previously submitted on Form BD is accurate and complete as of this date, and that the broker-dealer's books and records will be preserved and available for inspection as required by law.

Date (MM/DD/YYYY) _____ Name _____

By: Signature _____ Print Name and Title _____

Subscribed and sworn before me this _____ day of _____, Year _____ by Notary Public _____

My Commission expires _____ County of _____ State of _____

[FR Doc. 96–18353 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–C

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach 96–003]

RIN 2115–AA97

Safety Zone; San Pedro Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a moving safety zone around any liquefied hazardous gas tank vessel (LGH T/V) while the vessel is anchored, moored, or underway within the Los Angeles-Long Beach port area. The safety zone will take effect upon the entry of any LHG T/V into the waters within three (3) miles outside of the Federal breakwater bounding San Pedro Bay, and will remain in effect until the LHG T/V leaves the said three (3) mile limit. Entry into this zone will be prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach. Prohibiting vessel traffic from entering these moving safety zones will reduce the likelihood of a collision or explosion involving a liquefied hazardous gas carrier.

DATES: Comments must be received on or before September 17, 1996.

ADDRESSES: Comments should be mailed to: Commanding Officer, U.S. Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Lieutenant Mark T. Cunningham, Chief, Port Safety and Security Division, Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802; phone: (310) 980–4454 or fax: (310) 980–4415.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (COTP Los Angeles-Long Beach 96–003) and the specific section of this proposal to which their comments apply, and should give reasons for each comment within their correspondence. The proposed rules may be changed in light of comments received. No public hearing is planned, but one may be held if written requests are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Discussion of Proposed Regulations

Liquefied hazardous gas tank vessels (LHG T/V) periodically transit and moor in Los Angeles-Long Beach port areas to load butane at the AmeriGas facility at Los Angeles Berth 120. For each LHG T/V arrival and departure, the Captain of the Port Los Angeles-Long Beach has exercised his authority and established a temporary safety zone around the vessel. These transits are occuring with increasing frequency. The Captain of the Port is proposing a regulation which would establish a moving safety zone around each LHG T/V while it is in the port area to protect the public and port waterways and resources from the hazards associated with the transport and transfer of liquefied hazardous gas.

The following areas would be established as safety zones during the specified conditions:

(1) The waters within a 500 yard radius around a liquefied hazardous gas tank vessel (LHG T/V), while the vessel is anchored at a designated anchorage area either inside or outside of the Federal breakwater bounding San Pedro Bay;

(2) The waters and land area within 50 yards of a LHG T/V, while the vessel is moored at any berth within the Los Angeles or Long Beach port area, inside the Federal breakwater;

(3) The waters 1000 yards ahead of and within 500 yards of all other sides of a LHG T/V, while the vessel is underway on the waters inside the Federal breakwater bounding San Pedro Bay, or within the waters three (3) miles outside of the Federal breakwater.

Entry into this zone will be prohibited subject to the following exceptions:

(1) When entry is authorized by the Captain of the Port Los Angeles-Long Beach; or

(2) Vessels already moored or anchored when the LHG T/V safety zone is in effect are not required to get underway to avoid entering into the safety zone boundaries detailed above.

The Coast Guard will issue a Broadcast Notice to Mariners advising the marine community of any LHG T/V transits. Once activated, Coast Guard and Los Angeles Harbor Patrol escort vessels will enforce the safety zone around the LGH vessels.

Regulatory Evaluation

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''Small Entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. The Coast Guard will broadcast scheduled transits, enabling other companies with vessels transiting in the area to adjust their vessel movements accordingly, causing minimal economic impact. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, as revised in 59 FR 38654, July 29, 1994, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A categorical exclusion determination and environmental analysis checklist are included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

Proposed Regulation

In consideration of the foregoing, subpart F of part 165 title 33, Code of Federal Regulations, is proposed to be amended as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new § 165.1101 is added to read as follows:

§ 165.1101 Safety Zone: San Pedro Bay, CA.

(a) *Location.* The following areas are established as safety zones during the specified conditions:

(1) The waters within a 500 yard radius around a liquefied hazardous gas tank vessel (LHG T/V) while the vessel is anchored at a designated anchorage area either inside or outside of the Federal breakwater bounding San Pedro Bay;

(2) The waters and land area within 50 yards of a LHG T/V, while the vessel is moored at any berth within the Los Angeles or Long Beach port area, inside the San Pedro Bay breakwater;

(3) The waters 1000 yards ahead of and within 500 yards of all other sides of a LHG T/V, while the vessel is underway on the waters inside the Federal breakwater bounding San Pedro Bay, or within the waters three (3) miles outside of the Federal breakwater.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone is prohibited subject to the following exceptions:

(1) Entry may be authorized by the Captain of the Port; or

(2) Vessels already anchored or moored when the LHG safety zone is in effect are not required to get underway to avoid entering into the safety zone boundaries as listed above.

(c) *Notice.* The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect via Broadcast Notice to Mariners.

Dated: April 17, 1996.

E.E. Page,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 96–18329 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–5540–2]

Control of Emissions of Air Pollution From Highway Heavy-Duty Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; postponement of public hearing and extension of comment period.

SUMMARY: On June 27, 1996, EPA proposed new emission standards and related provisions for heavy-duty engines intended for highway operation, beginning in the 2004 model year (June 27, 1996, 61 FR 33421). This document announces the postponement of the public hearing and the extension of the comment period for the proposed rulemaking.

DATES: EPA will hold a public hearing on the proposal on August 12, 1996, rather than July 25, 1996, from 10:00 am until all testimony has been presented. EPA requests comment on the proposed rulemaking no later than September 12, 1996. More information about commenting on this action and on the public hearing may be found under Public Participation in Section II of **SUPPLEMENTARY INFORMATION** in the June 27 proposed rule.

ADDRESSES: The public hearing will be held at the Marriott Hotel and Conference Center, 1275 South Huron Street, Ypsilanti, MI, (313) 487–2000. Materials relevant to the proposal including the draft regulatory text and Regulatory Impact Analysis (RIA) are contained in Public Docket A–95–27, located at room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

Comments on the proposal should be sent to Public Docket A–95–27 at the above address. EPA requests that a copy of comments also be sent to Chris Lieske, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: Chris Lieske, U.S. EPA, Engine Programs and Compliance Division, (313) 668–4584.

Dated: July 15, 1996.

Richard Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 96–18384 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No.96–144, RM–8827]

Radio Broadcasting Services; Alamogordo, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Burt Broadcasting, Inc., to allot Channel 300A to Alamogordo, New Mexico, as the community's fourth local commercial FM service. Channel 300A can be allotted to Alamogordo in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.8 kilometers (8.6 miles) north, at coordinates 33–01–26 NL; 105–58–26 WL, to avoid a short-spacing to vacant and unapplied-for Channel 300C at Balderas, Chihuahua, Mexico. Mexican concurrence in the allotment is required since Alamogordo is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

DATES: Comments must be filed on or before August 26, 1996, and reply comments on or before September 10, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Nora E. Garrote, Esq., Piper & Marbury L.L.P., 1200 19th Street, NW., Suite 700, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No.96–144 , adopted June 27, 1996, and released July 5, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's

copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–18325 Filed 7–18–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No.96–143, RM–8826]

Radio Broadcasting Services; Alexandria, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by TYJ Broadcasters proposing the allotment of Channel 295A to Alexandria, Louisiana. Channel 295A can be allotted to Alexandria in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 295A at Alexandria are 31–18–06 and 92–27–12.

DATES: Comments must be filed on or before August 26, 1996, and reply comments on or before September 10, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Carol B. Ingram, President, TYJ Broadcasters, 212 Turtle Creek Drive, Batesville, Mississippi 38606 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–143, adopted June 27, 1996, and released July 5, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–18324 Filed 7–18–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 96–145, RM–8831]

Radio Broadcasting Services; Battle Mountain, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Battle Mountain Communications seeking the allotment of Channel 253A to Battle Mountain, NV, as the community's first local aural transmission service. Channel 253A can be allotted to Battle Mountain in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 40–38–18 NL; 116–56–06 WL.

DATES: Comments must be filed on or before August 26, 1996, and reply comments on or before September 10, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dale A. Ganske, 5546–3 Century Avenue, Middleton, WI 53562 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–145, adopted June 27, 1996, and released July 5, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos

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

[FR Doc. 96–18323 Filed 7–18–96; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 96–26; RM–8749]

Radio Broadcasting Services; Booneville, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of.

SUMMARY: The Commission, at the request of James P. Gray, dismisses the petition for rule making proposing the allotment of Channel 287A at

Booneville, Kentucky, as the community's first local aural transmission service *See* 61 FR 9411, March 8, 1996. It is the Commission's policy to refrain from making allotments to a community absent an expression of interest. Therefore, since there has been no such interest expressed here, we dismiss the petitioner's proposal. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 96–26, adopted July 3, 1996, and released July 12, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–18322 Filed 7–18–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–173; RM–8725]

Radio Broadcasting Services; Calhoun City, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of.

SUMMARY: The Commission dismisses a petition for rule making seeking the deletion of Channel 272A at Calhoun City, Mississippi. *See* 60 FR 62373, December 6, 1995. With this action, this proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–173, adopted June 27, 1996, and released July 5, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–18321 Filed 7–18–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–142; RM–8829]

Radio Broadcasting Services; Woodville, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by George Roberts d/b/a Anchor Communications requesting the allotment of Channel 250A to Woodville, Florida, as that community's first FM broadcast service. The coordinates for Channel 250A at Woodville are 30–17–56 and 84–07–40. There is a site restriction 11.7 kilometers (7.3 miles) east of the community.

DATES: Comments must be filed on or before August 26, 1996, and reply comments on or before September 10, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John S. Neely, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–142, adopted June 27, 1996, and released July 5, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–18320 Filed 7–18–96; 8:45 am]

BILLING CODE 6712–01–F

Notices

Federal Register
Vol. 61, No. 140
Friday, July 19, 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 Safety and Inspection Service

[Docket No. 96–028N]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, this notice announces the Food Safety and Inspection Service's (FSIS) intention to request an extension for and revision to a currently approved information collection regarding applications for inspection, accreditation for laboratories, and exemptions for retail store, custom, and religious slaughter operations.

DATES: Comments on this notice must be received on or before September 17, 1996.

ADDITIONAL INFORMATION OR COMMENTS: Contact Lee Puricelli, Paperwork Specialist, Food Safety and Inspection Service, USDA, 1400 Independence Avenue, SW., Room 3812, Washington, DC 20250–3700, (202) 720–5276.

SUPPLEMENTARY INFORMATION:

Title: Application for Inspection, Laboratory Accreditation, and Retail Store, Custom, and Religious Slaughter Exemptions.

OMB Number: 0583–0082.

Expiration Date of Approval: October 31, 1996.

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

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). These statutes mandate that FSIS protects the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS requires meat and poultry establishments and FSIS accredited non-Federal analytical laboratories to maintain certain paperwork and records. FSIS uses this collected information to ensure that all meat and poultry establishments produce safe, wholesome, and unadulterated product, and that non-federal laboratories accord with FSIS regulations. In addition, FSIS also collects information to ensure that meat and poultry establishments exempted from the provisions of the FMIA and PPIA do not commingle inspected and non-inspected meat and poultry products, and to ensure that establishments qualifying for a retail store exemption and who have violated the provision of that exemption are no longer in violation.

Therefore, FSIS is requesting OMB extension and revision of the Information Collection Request covering the following paperwork and recordkeeping activities: (1) The completion and submission to FSIS of an application for Federal inspection by all establishments slaughtering and processing meat and poultry products (9 CFR 304.1 and 381.17); (2) the completion and submission of forms establishing accreditation and maintenance of laboratory results by FSIS accredited non-Federal analytical laboratory used in lieu of an FSIS laboratory for analyzing official regulatory samples (9 CFR 318.21 and 381.153); (3) the maintenance of records by establishments engaging in custom or religious slaughter, as defined in the FMIA and PPIA (9 CFR Part 303 and Part 381, Subpart C); and (4) the maintenance of records by establishments that have been found to be in violation of the terms of a retail store exemption (9 CFR Part 303 and Part 381, Subpart C).

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .61 hours (37 minutes) per response.

Respondents: Meat and poultry establishments and private laboratories.

Estimated Number of Respondents: 6,336.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 3,885 hours.

Copies of this information collection assessment can be obtained from Lee Puricelli, Paperwork Specialist, Food Safety and Inspection Service, USDA, 1400 Independence Ave, SW., Room 3812, Washington, DC 20250–3700, (202) 720–5276.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both Lee Puricelli, Paperwork Specialist, at the address provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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

Dated: July 15, 1996.

Michael Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–18401 Filed 7–18–96; 8:45 am]

BILLING CODE 3410–DM–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List

services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 19, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commissary Shelf Stocking and Custodial, Hurlburt Field, Florida
NPA: Lakeview Center, Inc., Pensacola, Florida
Food Service Attendant, Beale Air Force Base, California
NPA: PRIDE Industries, Roseville, California
Grounds Maintenance, Department of Veterans Affairs Medical Center, Salisbury, North Carolina
NPA: Goodwill Industries of Northwest North Carolina, Inc. Winston-Salem, North Carolina
Janitorial/Custodial, Brought Fitness Center, Building 320, Fort Sam Houston, Texas
NPA: Goodwill Industries of San Antonio, San Antonio, Texas
Painting Service, Travis Air Force Base, California
NPA: PRIDE Industries, Roseville, California

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action does not appear to have a severe economic impact on future contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Pencil, Mechanical
7520–00–223–6673
Brush, Sanitary
7920–00–234–9317

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–18406 Filed 7–18–96; 8:45 am]

BILLING CODE 6353–01–M

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: August 19, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On April 19, 26, May 24, 1996, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (61 FR 17280 18571 and 26166) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Stepladder, Fiberglass
5440–01–415–1238
5440–01–415–1240
5440–01–415–1241
Parka, Wet Weather
8405–01–053–9202
8405–00–001–1547
8405–00–001–1548
8405–00–001–1549
8405–00–001–1550
8405–00–001–1551
(Remaining 25% of the Government's requirement)
Trousers, Wet Weather
8405–01–053–9400
8405–00–001–8025
8405–00–001–8026

8405–00–001–8027
8405–00–001–8028
8405–00–001–8029
(Remaining 50% of the Government's requirement)
Jersey, Flight Deck, Crewman's
8415–00–914–0312
8415–00–914–0313
8415–00–914–0314
8415–00–914–0315
8415–00–914–0316
8415–00–914–0317
8415–00–914–0318
8415–00–914–0319
8415–00–914–0321
8415–00–914–0323
8415–00–914–0324
8415–00–914–0325
8415–00–914–0326
8415–00–914–0327
8415–00–914–0328
8415–00–914–0329
8415–00–914–0331
8415–00–914–0333
8415–00–914–0334
8415–00–914–0335
8415–00–914–0322
8415–00–914–0336
8415–00–914–0337
8415–00–914–0338
8415–00–914–0339
8415–00–914–0340
8415–00–914–4143
8415–00–914–9481
(50% of the Government's requirement)

Services

Janitorial/Custodial, U.S. Army Armament Research, Development and Engineering Command, Buildings 162 North & South, Picatinny Arsenal, New Jersey
Janitorial/Custodial, Naval and Marine Corps Reserve Center, 3190 Gilbert Avenue, Cincinnati, Ohio

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–18407 Filed 7–18–96; 8:45 am]

BILLING CODE 6353–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–506]

Oil Country Tubular Goods From Canada; Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke Order (in Part)

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke Order (in Part).

SUMMARY: In response to a request from the respondent, IPSCO Inc. (IPSCO), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on oil country tubular goods (OCTG) from Canada. This review covers one manufacturer/exporter, IPSCO, and the period June 1, 1994 through May 31, 1995.

We preliminarily determine the dumping margin for IPSCO to be zero percent during the period June 1, 1994, through May 31, 1995. In accordance with section 353.25 of the Department's regulations, we intend to revoke the antidumping duty order with respect to IPSCO because we have reason to believe that IPSCO has sold the merchandise at not less than normal value (NV) for a period of at least three consecutive years and is not likely to sell the subject merchandise at less than NV in the future. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument: (1) a statement of the issue; and (2) a brief summary of the argument.

EFFECTIVE DATE: July 19, 1996.

FOR FURTHER INFORMATION CONTACT: David Genovese or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Rounds Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

The Department published an antidumping duty order on OCTG from Canada on June 16, 1986 (51 FR 21782) and an amended order on August 19, 1986 (51 FR 29579). The Department published a notice of ''Opportunity To Request an Administrative Review'' of the antidumping duty order for the 1994/1995 review period on June 6, 1995 (60 FR 29821). On June 21, 1995, IPSCO requested that the Department conduct an administrative review of the antidumping duty order on OCTG from Canada. We initiated the review on July 14, 1995 (60 FR 36260).

Due to the federal government shutdown and the necessity for verification, the Department extended the time limits for the deadlines for the preliminary and final results of review. *See Antidumping Duty Administrative Reviews; Time Limits*, 61 FR 9676 (March 11, 1996).

The Department is now conducting this administrative review in accordance with section 751 of the Act.

Intent To Revoke

In its submission of June 21, 1995, IPSCO requested, pursuant to 19 CFR 353.25(b), revocation of the order with respect to its sales of OCTG. In accordance with 19 CFR 353.25(b), IPSCO submitted: (1) a certification that it sold the subject merchandise at not less than normal value (NV) during the relevant review period, and that in the future it will not sell the subject merchandise at less than NV; and (2) a statement that it agrees to the immediate reinstatement of the order, as long as any producer or reseller is subject to the order, if the Department concludes that IPSCO sold the subject merchandise at less than NV subsequent to the revocation. Based on the preliminary results in this review and the final results of the two preceding reviews, IPSCO has demonstrated three consecutive years of sales at not less than NV.

If the final results of this review demonstrate that IPSCO sold the merchandise at not less than NV, and if the Department determines that it is not likely that IPSCO will sell the subject merchandise at less than NV in the future, we intend to revoke the order with respect to merchandise produced and exported by IPSCO.

Scope of the Review

The products covered by this review include shipments of OCTG from Canada. This includes American Petroleum Institute (API) specification OCTG and all other pipe with the following characteristics except entries which the Department determined through its end-use certification procedure were not used in OCTG applications: Length of at least 16 feet; outside diameter of standard sizes published in the API or proprietary specifications for OCTG with tolerances of plus ⅛ inch for diameters less than or equal to 8⅝ inches and plus ¼ inch for diameters greater than 8⅝ inches, minimum wall thickness as identified for a given outer diameter as published

in the API or proprietary specifications for OCTG; a minimum of 40,000 PSI yield strength and a minimum 60,000 PSI tensile strength; and if with seams, must be electric resistance welded. Furthermore, imports covered by this review include OCTG with non-standard size wall thickness greater than the minimum identified for a given outer diameter as published in the API or proprietary specifications for OCTG, with surface scabs or slivers, irregularly cut ends, ID or OD weld flash, or open seams; OCTG may be bent, flattened or oval, and may lack certification because the pipe has not been mechanically tested or has failed those tests.

This merchandise is currently classifiable under the Harmonized Tariff Schedules (HTS) item numbers 7304.20, 7305.20, and 7306.20. The HTS item numbers are provided for convenience and U.S. Customs purposes. The written description remains dispositive.

Verification

In accordance with section 353.25(c)(2)(ii) of the Department's regulations, we verified information provided by IPSCO using standard verification procedures, including the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

United States Price

We used export price (EP) as the basis for U.S. price (USP), as defined in section 772(a) of the Act. IPSCO reported that EP was based on the delivered price to unaffiliated purchasers in the United States. We made deductions for freight from the plant to the customer, and U.S. duty and brokerage charges, in accordance with section 772(c)(2)(A) of the Act, because these expenses were incident to bringing the subject merchandise from the original place of shipment in the exporting country to the place of delivery in the United States. We also made a deduction for early payment discounts. No other adjustments to the EP were claimed or allowed.

Normal Value

We based NV on the price which the foreign like product is first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade, and to the extent practicable, at the same level of trade as the export price, as defined by section 773(a)(1)(B)(i) of the Act. The NV price was reported on a Goods and Services Tax-exclusive basis. We reduced NV for home market credit expense, in accordance with section 773(a)(6)(C)(iii), due to differences in circumstances of sale. We also reduced NV by packing and freight costs incurred in the home market, in accordance with sections 773(a)(6)(B)(i) and 773(a)(6)(B)(ii), respectively. In addition, we increased NV for U.S. packing costs and U.S. credit expenses, in accordance with sections 773(a)(6)(A) and 773(a)(6)(C)(iii) of the Act, respectively. No other adjustments were claimed or allowed.

Preliminary Results

As a result of this review, we preliminarily determine that no dumping margins exist for IPSCO for the period June 1, 1994, through May 31, 1995.

Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. The Department will publish a notice of the final results of the administrative review, which will include the results of its analysis of issues raised in any such written comments or at the hearing, within 120 days from the issuance of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between USP and NV may vary from the percentages stated above. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of OCTG from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for IPSCO will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 16.65 percent, the ''all-others'' rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act.

Dated: July 12, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–18426 Filed 7–18–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 071196A]

Shark Operations Team; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Shark Operations Team (OT) will hold a meeting on August 27–28, 1996, at NMFS in Silver Spring, MD.

DATES: The meeting will begin on August 27, 1996 at 1 p.m. and will

continue on August 28, 1996 from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at NMFS, 1315 East-West Highway, Building SSMCIII, Room 4527, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, telephone: (301) 713-2347, Fax (301–713–0596).

SUPPLEMENTARY INFORMATION: The following topics may be discussed:

(1) 1996 Shark Evaluation Annual Report.

(2) 1996 first semi-annual shark fishing season.

(3) Results of recent management measures.

(4) Possible permit moratorium.

(5) Possible fishing season modifications.

(6) Data collections issues.

(7) Possible changes in management measures of white shark, *Carcharodon carcharias*, and sand tiger shark, *Odontaspis taurus*.

The meeting may be lengthened or shortened based on the progress of the meeting. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to C. Michael Bailey at (301)–713–2347 at least 5 days prior to the meeting date.

Dated: July 15, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–18307 Filed 7–18–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 071296E]

Endangered Species; Permits

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

ACTION: Receipt of an application for modification 5 to scientific research/enhancement permit 848 (P507D).

SUMMARY: Notice is hereby given that the Washington Department of Fish and Wildlife in Olympia, WA (WDFW) have applied in due form for a modification to a permit that authorizes takes of a threatened species for the purpose of scientific research/enhancement.

DATES: Written comments or requests for a public hearing on this application must be received on or before August 19, 1996.

ADDRESSES: The application and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: WDFW requests a modification to a permit under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

Permit 848 (P507D) authorizes WDFW takes of adult and juvenile, ESA-listed, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) from the Tucannon River in Washington for scientific research and hatchery supplementation of the wild stock. On an annual basis, permit 848 also authorizes WDFW to release the progeny of the ESA-listed adult salmon collected for broodstock. For modification 5, WDFW requests an increase in the number of hatchery smolts to be released annually from its supplementation program in the Tucannon River Basin. Also for modification 5, WDFW requests to retain all of the adult, ESA-listed, natural-origin salmon that return to the Tucannon Hatchery adult trap for broodstock if the total annual adult returns to the trap is less than 105 fish. If the total annual adult returns to the trap is greater than or equal to 105 fish, WDFW requests to retain up to 70 percent of the adult, ESA-listed natural-origin salmon that return to the adult trap for broodstock and to release the remaining percentage of ESA-listed adult salmon above the trap for natural spawning. Permit 848 currently authorizes WDFW to collect up to 100 adults or 35 percent of the adult, ESA-listed, natural-origin salmon for broodstock annually, whichever is less.

This year, WDFW would like to collect more of the returning adult fish for broodstock because: 1) The returns of both wild and hatchery fish are lower than expected, and 2) the returning adult fish are exhibiting head injuries and fungus infections which are contributing to a significant prespawning mortality rate. Previous evaluations of WDFW's supplementation program have shown about a four-to-one survival advantage for fish reared in the hatchery as compared to natural production. Based on this large survival advantage, and the fact that natural production has been at less than replacement levels in recent years, the requested level of adult take, and any subsequent artificially-propagated progeny production of these fish, will serve to perpetuate the ESA-listed species. Modification 5 to permit 848 is requested for the duration of the permit. Permit 848 expires on March 31, 1998.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: July 15, 1996.

Robert C. Ziobro,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–18306 Filed 7–18–96; 8:45 am]

BILLING CODE 3510–22–F

Patent and Trademark Office

Submission for OMB Review; Correction

In document 96–17449 appearing on page 36025 in the issues of Tuesday, July 9, 1996, make the following correction:

In column 1, in the heading, ''Office of the Secretary'' should read ''Patent and Trademark Office''.

Dated: July 15, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–18370 Filed 7–18–96; 8:45 am]

BILLING CODE 3510–16–M

DEPARTMENT OF DEFENSE

Proposed Collection; Comment Request

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of Pub. L. 104–13, the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection and seeks

public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through December 31, 1996. DoD proposes that OMB extend its approval for use through December 31, 1999.

DATES: Consideration will be given to all comments received by September 17, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite OMB Control Number 0704–0250 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602–0131. A copy of the information collection requirements contained in the DFARS text is available electronically via the Internet at: http://www.dtic.mil/dfars/

A copy of the information collection requirements contained in associated forms is available electronically via the Internet at: http://web1.whs.osd.mil/diorhome.htm

Paper copies of the information collection requirements may be obtained from Mr. Rick Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062.

Title, Associated Forms, and Associated OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 242, Contract Administration, and related clauses in DFARS 252; DD Forms 375, Production Progress Report, 375C, Production Progress Report (Continuation), and 1659, Application for U.S. Government Shipping Documentation/Instructions; OMB Control Number 0704–0250.

Needs and Uses: This collection requirement supporting the administration of contracts is used for the following purposes:

a. The information required by DFARS 242.11, and submitted on DD Forms 375 and 375C, is used by the contract administration office to determine contractor progress and to identify any factors that may delay performance.

b. The information required by DFARS 252.242–7003 and submitted on DD Form 1659, Application for U.S. Government Shipping Documentation/Instructions, is used by the contract administration office or the transportation officer in providing U.S. Government bills of lading to contractors.

c. The information collected as a result of the requirement in DFARS 242.73 is used by the Administrative Contracting Officer to determine the reasonableness of insurance/pension costs in Government contracts.

d. The information collected as a result of the requirement in DFARS 252.242–7004 is used by contracting officers to determine if contractors' Material Management and Accounting Systems conform with established DoD standards.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 204,625.

Number of Respondents: 159,425.

Responses per Respondent: Approximately 1.

Annual Responses: 191,225.

Average Burden per Response: 1 hour.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The information collection includes the requirements relating to DFARS Part 242, Contract Administration.

a. DFARS 242.11 requires DoD contract administration personnel to conduct production reviews to determine contractor progress and to identify any factors that may delay performance. Contractors are required to support the reviews and to submit production progress reports.

b. DFARS 242.1404–2–70(b) prescribes use of the clause at DFARS 252.242–7003, Application for U.S. Government Shipping Documentation/Instructions, which requires contractors to request Government bills of lading.

c. DFARS 242.73 describes the requirements for conducting a Contractor Insurance/Pension review. Contractors are required to provide documentation to support the reviews.

d. DFARS 252.242–7004 requires contractors to establish and maintain a material management and accounting system. Contractors are required to disclose and demonstrate their systems.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 96–18433 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–M

Proposed Collection; Comment Request

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of Pub. L. 104–13, the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of DOD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection is currently approved by the Office of Management and Budget (OMB) for use through December 31, 1996. DoD proposes that OMB extend its approval for use through December 31, 1999.

DATES: Consideration will be given to all comments received by September 17, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, PDUSD (A&T) DP (DAR), Regulations Council, Attn: Mr. Rick Layser, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite OMB Control Number 0704–0246 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602–0131. A copy of the information collection requirements contained in the DFARS text is available electronically via the Internet at: http;//www.dtic.mil/dfars/.

A copy of the information collection requirements contained in associated forms is available electronically via the Internet at: http://web1.whs.osd.mil/diorhome.htm.

Paper copies of the information collection requirements may be obtained from Mr. Rick Layser, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062.

Title, Applicable Form, and Applicable OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 245, Government Property, and related clauses in DFARS 252; DD Forms 1149, Requisition and Invoice/Shipping Document, 1342, Property Record, 1419, Industrial Plant Equipment Requisition, 1637, Notice of Acceptance of Inventory Schedules, 1639, Scrap Warranty, 1640, Request for Plant Clearance, and 1662, Property in the Custody of Contractors; OMB Control Number 0704–0246.

Needs and Uses: This collection concerns requirements supporting Government property provided to contractors, contractor use and management of Government property, and reporting, redistribution, and disposal of contractor inventory. The information generated by the requirements of this collection is used by contractors, property administrators, and contracting officers to maintain Government-furnished property records and material inspection, shipping, and receiving reports.

Affected Public: Business or other for-profit and not-for-profit institutions.

Annual Burden Hours: 52,690.

Number of Respondents: 14,890.

Responses per Respondent: Approximately 3.

Annual Responses: 43,617.

Average Burden per Response: 1.2 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This requirement provides for the collection of information related to providing Government property to contractors; contractor use and management of Government property; and reporting, redistribution, and disposal of contractor inventory. This information collection covers the requirements relating to DFARS Part 245, and related clauses and forms:

a. DFARS 245.302–1(b)(1)(A)*(1)* requires contractors to submit DD Form 1419 to the Defense Industrial Plant Equipment Center to ascertain whether existing reallocable Government-owned facilities can be used.

b. DFARS 245.302–1(b)(1)(B) requires contractors to submit requests for proposed acquisition of Automatic Data Processing Equipment (ADPE) through the Administrative Contracting Officer.

c. DFARS 245.405(1) requires contractors to obtain Government approval to use Government production and research property on work for foreign governments and international organizations.

d. DFARS 245.407(a)(iv) requires contractors to submit requests for non-Government use of Industrial Plant Equipment (IPE) to the contract administration office.

e. DFARS 245.505–5, 245.505–6, and 245.606–70 require contractors to use DD Form 1342 (1) to report information concerning IPE, (2) as a source document for establishing property records, and (3) to list excess IPE.

f. DFARS 245.603–70(c) requires contractors who perform plant clearance duties to identify, report and ensure that inventory schedules are satisfactory for storage or removal purposes (DD Form 1637).

g. DFARS 245.607–1(a)(i) permits contractors to request a pre-inventory scrap determination, made by the plant clearance officer after an on-site survey, if inventory is considered without value except for scrap.

h. DFARS 245.7101–2 permits contractors to use DD Form 1149 for transfers and donations of excess or surplus contractor inventory.

i. DFARS 245.7101–4 requires contractors to use DD Form 1640 to request plant clearance assistance or to transfer plant clearance.

j. DFARS 245.7303 and 245.7304 require contractors to use Invitations for Bid to dispose of excess surplus property.

k. DFARS 245.7308(a) requires certain information to be sent to the Department of Justice and the General Services Administration when contractor inventory, with a fair market value of $3 million or more, or any patents, processes, techniques or inventions, regardless of cost, are sold or otherwise disposed of.

l. DFARS 245.7310–7 requires the purchaser of scrap to represent and warrant that the property will be used only as scrap (DD Form 1639).

m. DFARS 252.245–7001 requires contractors to provide an annual report for contracts with Government property (DD Form 1662).

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 96–18434 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 9 a.m., Tuesday, August, 13, 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: July 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–18288 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, July 24, 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: July 15, 1996.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–18289 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, July 25, 1996.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: July 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–18290 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Military Personnel Information Management; Notice of Advisory Committee Meeting

SUMMARY: The Defense Science Board Task Force on Military Personnel Information Management will meet in open session on July 29, 1996 at the Sheraton, 1800 Jefferson Davis Highway, Crystal City, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call Ms. Norma St. Clair at (703) 696–8710.

Dated: July 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–18291 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–M

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 189. This bulletin lists revisions in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 189 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: August 1, 1996.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 188. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office.

The text of the Bulletin follows:

BILLING CODE 5000–04–M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA:				
ADAK	$ 10	$ 34	$ 44	10-01-91
ANAKTUVUK PASS	83	57	140	12-01-90
ANCHORAGE				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
ANIAK	73	36	109	07-01-91
ATQASUK	129	86	215	12-01-90
BARROW	110	76	186	03-01-96
BETHEL	84	54	138	05-01-96
BETTLES	65	45	110	12-01-90
COLD BAY	110	54	164	07-01-93
COLDFOOT	95	59	154	10-01-92
CORDOVA	74	76	150	03-01-96
CRAIG				
05-01--08-31	97	96	193	05-01-96
09-01--04-30	75	94	169	03-01-96
DENALI NATIONAL PARK	113	68	181	05-01-94
DILLINGHAM	85	64	149	11-01-93
DUTCH HARBOR-UNALASKA	110	77	187	08-01-96
EIELSON AFB				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
ELMENDORF AFB				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
EMMONAK	62	61	123	10-01-93
FAIRBANKS				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
FALSE PASS	80	37	117	06-01-91
FT. RICHARDSON				
05-05--09-30	147	70	217	05-05-96
10-01--05-04	76	64	140	05-01-96
FT. WAINWRIGHT				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
GUSTAVUS	70	62	132	03-01-96
HOMER				
05-01--09-30	115	68	183	05-01-96
10-01--04-30	90	65	155	03-01-96
JUNEAU				
05-01--09-30	$ 89	$ 82	$171	05-01-96
10-01--04-30	78	80	158	03-01-96
KATMAI NATIONAL PARK	89	59	148	12-01-90
KENAI-SOLDOTNA				
05-01--09-30	109	74	183	05-01-96
10-01--04-30	76	71	147	03-01-96

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA: (CONT'D)				
KETCHIKAN				
05-16--09-15	86	72	158	05-16-96
09-16--05-15	73	70	143	03-01-96
KING COVE	85	69	154	03-01-96
KING SALMON	77	68	145	03-01-96
KLAWOCK				
05-01--08-31	97	96	193	05-01-96
09-01--04-30	75	94	169	03-01-96
KODIAK	79	68	147	03-01-96
KOTZEBUE	133	87	220	05-01-93
KUPARUK OILFIELD	75	52	127	12-01-90
METLAKATLA				
06-01--10-01	95	58	153	06-01-94
10-02--05-31	72	56	128	02-01-94
MURPHY DOME				
05-15--09-15	112	59	171	05-15-96
09-16--05-14	70	55	125	03-01-96
NELSON LAGOON	102	39	141	06-01-91
NOATAK	133	87	220	05-01-93
NOME	86	67	153	05-01-96
NOORVIK	133	87	220	05-01-93
PETERSBURG	77	62	139	03-01-96
POINT HOPE	99	61	160	12-01-90
POINT LAY	106	73	179	12-01-90
PRUDHOE BAY-DEADHORSE	73	60	133	11-01-93
SAND POINT	64	67	131	08-01-94
SEWARD				
05-16--08-31	115	60	175	05-16-96
09-01--05-15	83	57	140	03-01-96
SHUNGNAK	133	87	220	05-01-93
SITKA-MT. EDGECOMBE				
04-01--10-31	94	58	152	04-01-96
11-01--03-31	83	57	140	03-01-96
SKAGWAY				
05-16--09-15	86	72	158	05-16-96
09-16--05-15	73	70	143	03-01-96
SPRUCE CAPE	79	68	147	03-01-96
ST. GEORGE	100	39	139	06-01-91
ST. MARY'S	77	59	136	06-01-93
ST. PAUL ISLAND	62	63	125	10-01-93
TANANA	86	67	153	05-01-96
TOK				
05-01--09-30	70	51	121	05-01-96
10-01--04-30	50	49	99	03-01-96
UMIAT	97	63	160	12-01-90
VALDEZ				
05-01--09-14	99	66	165	05-01-96
09-15--04-30	83	64	147	03-01-96
WAINWRIGHT	90	75	165	12-01-90

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
WALKER LAKE	82	54	136	12-01-90
WRANGELL				
05-16--09-15	86	72	158	05-16-96
09-16--05-15	73	70	143	03-01-96
YAKUTAT	77	58	135	11-01-93
OTHER	60	56	116	03-01-96
AMERICAN SAMOA	73	48	121	11-01-94
GUAM	190	85	275	05-01-96
HAWAII:				
ISLAND OF HAWAII: HILO	74	60	134	07-01-96
ISLAND OF HAWAII: OTHER	105	63	168	07-01-96
ISLAND OF KAUAI	114	75	189	07-01-96
ISLAND OF KURE	10	8	18	07-01-96
ISLAND OF MAUI				
04-16--12-14	100	63	163	07-01-96
12-15--04-15	113	65	178	07-01-96
ISLAND OF OAHU	110	70	180	07-01-96
OTHER	79	62	141	06-01-93
JOHNSTON ATOLL	22	24	46	07-01-96
MIDWAY ISLANDS	10	8	18	07-01-96
NORTHERN MARIANA ISLANDS:				
ROTA	83	90	173	05-01-96
SAIPAN	138	89	227	05-01-96
TINIAN	61	72	133	06-01-95
OTHER	20	13	33	12-01-90
PUERTO RICO:				
BAYAMON				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
CAROLINA				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
FAJARDO (INCL CEIBA, LUQUILLO AND HUMACAO)				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
MAYAGUEZ	93	70	163	11-01-95
PONCE	107	64	171	11-01-95
ROOSEVELT ROADS				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
SABANA SECA				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)				
04-16--12-23	96	65	161	11-01-95
12-24--04-15	130	70	200	12-24-95
OTHER	75	52	127	11-01-95

Dated: July 15, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LOCALITY	AMOUNT (A)	+	RATE (B)	=	RATE (C)	DATE
VIRGIN ISLANDS OF THE U.S.:						
ST. CROIX	127		78		205	08-01-96
ST. JOHN						
04-16--12-21	242		89		331	08-01-96
12-22--04-15	391		100		491	08-01-96
ST. THOMAS						
04-12--12-15	168		93		261	08-01-96
12-16--04-11	268		103		371	08-01-96
WAKE ISLAND	30		25		55	10-01-94
ALL OTHER LOCALITIES	20		13		33	12-01-90

[FR Doc. 96–18287 Filed 7–18–96; 8:45 am]

BILLING CODE 5000–04–C

Corps of Engineers

Coastal Engineering Research Board (CERB)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Dates of Meeting: August 20–23, 1996.

Place: U.S. Army Engineer Waterways Experiment Station, Coastal Engineering Research Center, Vicksburg, Mississippi.

Time: 8:30 a.m. to 4:30 p.m. (August 20, 1996); 8:30 a.m. to 5:00 p.m. (August 21, 1996); 8:30 a.m. to 5 p.m. (August 22, 1996); 8:30 a.m. to 10:30 a.m. (August 23, 1996).

FOR FURTHER INFORMATION CONTACT:

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Bruce K. Howard, Executive Secretary, Coastal Engineering Research Board, U.S. Army Engineer Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda

The 1997 Coastal Engineering Program Review is to be held August 20–23, 1996. On Monday, August 20, there will be a review of work units concerning coastal navigation and storm damage reduction, coastal navigation hydrodynamics, coastal sedimentation and dredging, and coastal structure evaluation and design. On Wednesday, August 21, there will be demonstrations and presentations concerning the Coastal Field Research Facility, Coastal Field Data Collection Program, and Monitoring Coastal Navigation Projects Program. On Thursday, August 22, nominations on Monitoring Coastal Navigation Projects will be presented and presentations on the Coastal Inlets Research Program will be discussed. On Friday, August 23, there will be a wrap-up.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advanced notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Bruce K. Howard,

Colonel, Corps of Engineers Executive Secretary.

[FR Doc. 96–18459 Filed 7–18–96; 8:45 am]

BILLING CODE 3710–PU–M

DEPARTMENT OF ENERGY

Physical Optics Devices

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice of intent to grant exclusive patent license.

SUMMARY: Notice is hereby given of an intent to grant to Physical Optics Devices, of Santa Fe, New Mexico, an exclusive license to practice the inventions described in U.S. Patent No. 5,029,528, entitled ''FIBER OPTIC MOUNTED LASER DRIVEN FLYER PLATES,'' and No. 5,046,423, entitled ''LASER-DRIVEN FLYER PLATE.'' The inventions are owned by the United States of America, as represented by the Department of Energy (DOE).

DATES: Written comments or nonexclusive license applications are to be received at the address listed below no later than September 17, 1996.

ADDRESSES: Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION: John T. Lucas, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Forrestal Building, Room 6F–067, 1000 Independence Avenue, S.W., Washington, D.C. 20585; Telephone (202) 586–2939.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 209(c) provides the Department with authority to grant exclusive or partially exclusive licenses in Department-owned inventions, where a determination can be made, among other things, that the desired practical application of the inventions has not been achieved, or is not likely expeditiously to be achieved, under a nonexclusive license. The statute and implementing regulations (37 C.F.R. 404) require that the necessary determinations be made after public notice and opportunity for filing written objections. Physical Optics Devices, of Santa Fe, New Mexico, has applied for an exclusive license to practice the inventions embodied in U.S. Patent No. 5,029,528 and No. 5,046,423, and has a plan for commercialization of the inventions. The inventions consist generally of so-called ''flyer plates,'' metal foil material accelerated by a focused laser beam, which first converts a layer of foil to a plasma which accelerates a layer of the metal foil toward a target. One of the patents incorporates optical fibers to enhance flexibility of operation.

The proposed license will be exclusive as deemed appropriate, subject to a license and other rights retained by the U.S. Government, and subject to a negotiated royalty and other terms and conditions.

DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Technology Transfer and Intellectual Property, Department of Energy, Washington, D.C. 20585 receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention, in which applicant states that he already has brought the inventions to practical application or is likely to bring the inventions to practical application expeditiously. The Department will review all timely written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of any written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, D.C., on July 15, 1996.

Agnes P. Dover,

Deputy General Counsel for Technology Transfer and Procurement.

[FR Doc. 96–18345 Filed 7–18–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

CNG Transmission Corporation; Notice of Request Under Blanket Authorization

July 15, 1996.

Take notice that on July 11, 1996, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP96–635–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205,

157.211) for authorization to upgrade the existing Johnsonburg Measuring and Regulation Station (Johnsonburg M&R Station) in Elk County, Pennsylvania under CNG's blanket certificate issued in Docket No. CP82–537–000 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.

CNG states that the upgraded Johnsonburg M&R Station will serve as an upgraded delivery point to Hanley and Bird, Inc. (Hanley), a local distribution company, for delivery of up to 14,000 Dth of natural gas per day. CNG states that Hanley will utilize these volumes for re-delivery to Willamette Industries, Inc's (Willamette) existing paper plant near the town of Johnsonburg, Pennsylvania. CNG states that Hanley and Willamette will be making arrangements to transport the 14,000 Dth per day on an interruptible or capacity release basis on CNG's interstate pipeline system.

CNG further states that the upgrade is necessary to deliver Hanley's and Williamette's gas because of the deterioration of the facilities at the existing Johnsonburg M&R Station. CNG states that the upgrade would consist of a new heater, control valves, SCADA equipment, M&R piping and valves and buildings at the point of interconnection with CNG's Line 20. CNG states that the maximum daily design capacity of the upgraded Johnsonburg M&R Station will be 14,000 Dth per day.

CNG also states that Hanley and Williamette have agreed to reimburse CNG for the majority of the costs of the upgrade, which are estimated to be $250,000, and that CNG will continue to be the owner of the Johnsonburg M&R Station.

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 § 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. 96–18311 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–631–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

July 15, 1996.

Take notice that on July 10, 1996, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 24314–1599, filed in Docket No. CP96–631–000 a request pursuant to §§ 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216) for authorization to modify a point of delivery to Commonwealth Gas Services, Inc. (Commonwealth) in Shenandoah County, Virginia as well as abandon certain natural gas facilities under Columbia's blanket certificate issued in Docket No. CP83–76–000 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.

Columbia proposes to modify the existing delivery point to Commonwealth, which provides service to Rocco Farm Foods. Columbia proposes to abandon its existing Measurement and Regulating Station No. 804710 in order to facilitate a new measurement and regulating station constructed by Commonwealth. Columbia would construct a new two-inch tap at a cost of approximately $2,000 and would retire its existing facilities at a cost of approximately $7,000.

Columbia states that the proposed facility modification and abandonment would not result in any reduction, abandonment or increase in service to the customer. Columbia states that the maximum daily delivery obligation at the subject delivery point is 318 Dth.

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 § 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. 96–8310 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1947–000]

LS Power Marketing, LLC.; Notice of Filing

July 15, 1996.

Take notice that on July 5, 1996, LS Power Marketing, LLC tendered for filing an amendment to its May 29, 1996, filing submitted in the above-referenced docket.

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 July 25, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18313 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1387–000]

New Energy Ventures, Inc.; Notice of Filing

July 15, 1996.

Take notice that New Energy Ventures, Inc.'s earlier filing relied, in turn, on the filing by Tucson Electric Power Company (Tucson) of an open access transmission tariff in compliance with Order No. 888, that Tucson made this filing on July 9, 1996 in Docket No. OA96–140–000, and that for purposes of Docket No. ER96–1387–000 Tucson's filing will be treated as an amendment to New Energy Venture, Inc.'s earlier filing in Docket No. ER96–1387–000.

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 July 25, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18312 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER96–1663–000; EC96–19–000; EL96–48–000]

Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company; Notice of Technical Conference

July 15, 1996.

Notice is hereby given that the Commission will convene a technical conference in the captioned proceedings on Thursday, August 1, 1996, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The technical conference will commence at 9:30 a.m. and will consist of five panels, as outlined on the Attachment to this Notice.

Lois D. Cashell,

Secretary.

Attachment

WEPEX CONFERENCE AGENDA

Docket Nos. ER96–1663–000, EC96–19–000, EL96–48–000

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC.
August 1, 1996, 9:30 am

Introduction—Elizabeth Moler, Chair

California Public Utilities Commission's Orders

California commissioners will present an overview of the California Public Utilities Commission orders requiring restructuring of the electric power industry in the State of California

The Honorable P. Gregory Conlon,

President.

The Honorable Daniel Wm. Fessler,

Commissioner.

Applications of the Three California Public Utilities

Panelists will present an overview of the applications made to this Commission by the California public utilities in compliance with the California PUC orders.

John E. Bryson,

Chairman and Chief Executive Officer, Southern California Edison Company.

Thomas A. Page,

Chairman of the Board, San Diego Gas and Electric Company.

Jim Macias,

Vice President and General Manager, Transmission Business, Pacific Gas and Electric Company.

Issues of Governance of the ISO and Power Exchange

Panelists will address the governance of the ISO and power exchange.

The Honorable Charles R. Imbrecht, President, California Energy Commission
William R. McCarley, General Manager, Los Angeles Dept. of Water and Power
David Sokol, Chief Executive Officer and Chairman, CalEnergy Company, Inc.
Lloyd Harvego, Executive Director, Transmission Agency of Northern California
Robert Finkelstein, Attorney, Toward Utility Rate Normalization

Market Power Issues

Panelists will address market power issues raised by the applications.

Paul Joskow, Elizabeth and James Killian Professor of Economics and Management Head, Department of Economics, Massachusetts Institute of Technology
Michael McDonald, General Manager, Northern California Power Agency
Keith R. McCrae, California Manufacturers Association
Eric Woychik, Utility Consumers Action Network
Jan Smutny-Jones, Executive Director, Independent Energy Producers Association

Transmission Issues

Panelists will address issues related to transmission service, including pricing and the proposed classification of facilities as transmission and local distribution for purposes of retail transmission.

Steve Keane, Vice President, Enron Capital and Trade
Jan Schori, General Manager, Sacramento Municipal Utility District
Lee Stewart, Senior Vice Presidents, Southern California Gas Company
Dan Herdocia, Chief, Power Contracts, California Department of Water Resources
John Ballance, Manager of Grid Dispatch, Southern California Edison Company
William W. Hogan, Thornton Bradshaw Professor of Public Policy and Management, Kennedy School of Government, Harvard University

[FR Doc. 96–18368 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2123–000]

PECO Energy Company; Notice of Filing

July 15, 1996.

Take notice that on June 12, 1996, PECO Energy Company (PECO) filed a Service Agreement dated June 4, 1996 with Carolina Power and Light Company (CP&L) under PECO's FERC Electric Tariff, First Tariff Volume No. 4 (Tariff). The Service Agreement adds CP&L as a customer under the Tariff.

PECO requests an effective date of June 4, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to CP&L and to the Pennsylvania Public Utility 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 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 July 25, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18314 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2336–000]

Southern Indiana Gas and Electric Company; Notice of Filing

July 15, 1996.

Take notice that on July 5, 1996, Southern Indiana Gas and Electric Company (Southern Indiana), tendered for filing an optional Rate Schedule RS2 for full requirements service to the Cities of Boonville, Huntingburg, Ferdinand and Tell City, Indiana under Rate Schedule FERC Nos. 34.35, 36 and 37, respectively.

Southern Indiana indicates that the purpose of this filing is to allow the Cities to receive service under an optional Rate Schedule RS2 which

establishes a new term, fixes the Capacity and Base Energy charges at present rate levels for a five year period commencing on the effective date of the agreement. Southern Indiana has filed new Riders which are applicable for the Cities choosing to take service under the optional Rate Schedule RS2 which allow cities' end-use customers to receive incentives and/or bill credits for complying with the provisions of Southern Indiana's retail rate riders for ''Efficiency Incentives'' and ''Interruptible Power''.

The proposed revisions reflect a desire on the part of both parties to provide for the supply of power at more stable rates and other provisions to maximize the benefit from the interconnection of their systems. The revisions do not result in any increase in rates.

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 July 26, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18369 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–629–000]

Texas Eastern Transmission Corporation; Notice of Application for Abandonment

July 15, 1996.

Take notice that on July 5, 1996, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1642, Houston, Texas 77521–1642, filed an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations for an order granting permission and approval to abandon five transportation agreements on file with the Commission in its FERC Gas Tariff, Original Volume No. 2. Texas Eastern states that this abandonment of service is in the public interest and will have no effect on any existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its application, Texas Eastern requests authorization to abandon five transportation agreements (and their respective rate schedules) with Tennessee Gas Pipeline Company (Rate Schedule X–100), El Paso Natural Gas Company (Rate Schedule X–101), Transcontinental Gas Pipe Line Corporation (Rate Schedule X–102, Southern Natural Gas Company (X–103), and Florida Gas Transmission Company (X–104). Texas Eastern entered into these transportation agreements to transport gas purchased and received from Border Gas, Inc. (Border Gas). Texas Eastern and the above-named shippers formed Border Gas to purchase up to 300,000 Mcf per day of imported gas from Petroleos Mexicanos (PEMEX) at the U.S.-Mexico border. Texas Eastern states that PEMEX suspended sales to Border Gas on November 1, 1984 and has not offered to sell gas to Border Gas since that time. Accordingly, no gas has been transported by Texas Eastern under the referenced transportation agreements. Texas Eastern also states that restructuring under Order No. 636 is incompatible with the bundled merchant service underlying the Border Gas project. Texas Eastern states that no facilities will be abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein 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 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 permission and approval for the proposed abandonment are 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 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 Texas Eastern to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18309 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2241–000]

Thicksten Grimm Burgum, Inc.; Notice of Filing

July 15, 1996.

Take notice that on June 26, 1996, Thicksten Grimm Burgum, Inc., tendered for filing an application for Blanket Authorizations, Certain Waivers, and Order approving Rate Schedule.

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, 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 July 26, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18315 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5276–036 New York]

Niagara Mohawk Power Corp Northern Electric Power Co., L.P.; Notice of Availability of Environmental Assessment

July 15, 1996.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR Part 380 (Order

486, 52 F.R. 47897), the Commission's Office of Hydropower Licensing has reviewed a capacity-related license amendment application for the Hudson Falls Project, No. 5276–036. The Hudson Falls Project is located on the Hudson River in Saratoga and Warren Counties, New York. As licensed, the installed and hydraulic capacities are 36.034 MW and 7,500 cfs, respectively. The licensee is applying to amend the license to reflect the as-built installed and hydraulic capacities of 44 MW and 8,750 cfs, respectively. An Environmental Assessment (EA) was prepared for the application. The EA finds that approving the application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Commission's Reference and Information Center, Room 1C–1, 888 First Street, N.E., Washington, D.C. 20426.

Please submit any comments within 30 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix Project No. 5276–036 to all comments. For further information, please contact the project manager, Ms. Hillary Berlin, at (202) 219–0038.

Lois D. Cashell,

Secretary.

[FR Doc. 96–18316 Filed 7–18–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5537–7]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Certification of Retrofit/Rebuild Equipment on the Basis of Life Cycle Cost Requirements

AGENCY: Environmental Protection Agency.

ACTION: Notice of agency certification of equipment on the basis of compliance with life cycle cost ceiling of the urban bus retrofit/rebuild program.

SUMMARY: This notice announces the decision of the Director of the Engine Programs and Compliance Division to expand the certification of certain equipment to include the basis of compliance with the life cycle cost requirements of the urban bus retrofit/rebuild program.

The effective date of certification of Detroit Diesel Corporation's (DDC) equipment for upgrading its 1979 through 1989 model year urban bus engines of model 6V92TA equipped with mechanical unit injection (MUI) is October 2, 1995 (60 FR 51472). That certification was based on reduction in particulate matter (PM) of 25 per cent or more, but not on DDC's guarantee to make the equipment available to all operators for less than the applicable life cycle ceiling (hereinafter referred to as ''life cycle cost requirements''). Expanding the basis of certification of DDC's upgrade kit to include the basis of life cycle cost requirements will be beneficial to the urban bus program objective of reducing ambient levels of PM emissions. This notice affects only those bus operators choosing compliance program 2.

As a result of today's notice, the certification level of the DDC kit may be considered by the Agency when ''post-rebuild'' PM levels are established in mid-1996. The post-rebuild levels to be established in mid-1996 must be used by operators complying with compliance program 2 when calculating average fleet emissions for 1998 and thereafter. Therefore, today's Federal Register notice will tend to lower ambient levels of PM emissions from fleets which comply with compliance program 2.

The Agency has reviewed DDC's notification of intent to certify, other information, as well as comments received, and determines that certification of the DDC equipment should be expanded to include the basis of life cycle cost requirements. Copies of both DDC's notification and other relevant information are available for review in the public docket located at the address indicated above.

Category VII of Public Docket A–93–42, entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment'' contains DDC's notification of intent to certify, the new cost information, and comments received, and other relevant materials. This docket is located at the address below.

DATES: A letter dated June 24, 1996, from the Director of the Engine Programs and Compliance Division to DDC establishes the effective date of certification on the basis of complying with the applicable life cycle cost requirements. A copy of this letter can be found in the public docket at the address listed below.

ADDRESSES: U.S. Environmental Protection Agency, Public Docket A–93–42 (Category VII), Room M–1500, 401 M Street SW., Washington, DC 20460.

The DDC notification of intent to certify, as well as other materials specifically relevant to it, are contained in the public docket indicated above. Docket items may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

FOR FURTHER INFORMATION CONTACT: William Rutledge, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202) 233–9297.

SUPPLEMENTARY INFORMATION:

I. Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The retrofit/rebuild program is intended to reduce the ambient levels of particulate matter (PM) in urban areas and is limited to 1993 and earlier model year urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance options: Program 1 sets particulate matter emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Program 2 is a fleet averaging program that establishes specific annual target levels for average PM emissions from urban buses in an operator's fleet. In general, to meet either of the two compliance options, operators of the affected buses must use equipment which has been certified by the Agency.

A key aspect of the program is the certification of retrofit/rebuild equipment. Emissions requirements under either of the two compliance options depend on the availability of retrofit/rebuild equipment certified for each engine model. To be used for Program 1, equipment must be certified as meeting a 0.10 g/bhp-hr PM standard or, if equipment is not certified as meeting the 0.10 PM standard, as achieving a 25 percent reduction in PM. Equipment used for Program 2 must be certified as providing some level of PM reduction that would in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program. For Program 1, information on life cycle costs must be

submitted in the notification of intent to certify in order for certification of the equipment to initiate (or trigger) program requirements. To trigger program requirements, the certifier must guarantee that the equipment will be available to all affected operators for a life cycle cost of $7,940 or less at the 0.10 g/bhp-hr PM level, or for a life cycle cost of $2,000 or less for the 25 percent or greater reduction in PM emissions. Both of these values are based on 1992 dollars and are increments above costs associated with a standard rebuild. If the Agency determines that the life cycle cost requirements are met, then certification would be based on life cycle cost requirements in addition to reducing PM emissions.

Under program 2, operators calculate their average fleet emissions using specified ''pre-rebuild'' and ''post-rebuild'' engine PM emission levels (as well as other factors). The final rulemaking of April 21, 1993, established the pre-rebuild emissions levels, and intended that post-rebuild levels be established at two subsequent points in time, based on the certification levels of equipment certified by those points. Post-rebuild levels were established for the first two years of the program in a Federal Register notice of September 2, 1994 (59 FR 45626).

Section 85.1403(c) requires that final post-rebuild levels be established based on equipment certified by July 1, 1996, to meet the PM standard *and* as being available to all operators for less than an appropriate life cycle cost ceiling. These ''post-rebuild'' levels are to be used in the calculations of fleet target levels for 1998 and thereafter, for engines scheduled for retrofit/rebuild in calendar years 1997 and thereafter. Section 85.1403(c)(1)(iii) requires that post-rebuild emission levels be the *lowest* emission level (greater than 0.1 g/bhp-hr) certified as meeting the emission *and* cost requirements of 85.1403(b)(2), for any engine model for which no equipment has been certified by July 1, 1996 as meeting the requirements of 85.1403(b)(1).

The Agency announced certification of the DDC upgrade kit for the 1979–1989 6V92TA engines in the Federal Register on October 2, 1995 (60 FR 51472) based on compliance with the 25% reduction standard, but without determination of compliance with the life cycle cost ceiling. That certification does not restrict use of the upgrade kit by operators under compliance program 1, until other equipment is certified which triggers the 0.10 g/bhp-hr standard, nor does it restrict its use under compliance program 2.

II. Information Concerning Life Cycle Cost

By a notification of intent to certify signed March 16, 1995, and with cover letter dated April 11, 1995, Detroit Diesel Corporation (DDC) applied for certification of equipment applicable to it's 6V92TA model engines having mechanical unit injectors (MUI) that were originally manufactured between January 1979 and December 1989. DDC, in its notification of intent to certify, requests certification on the basis of life cycle cost requirements and guarantees to make the equipment available to all operators for less than the applicable life cycle ceiling (hereinafter referred to as ''life cycle cost requirements''). Several public comments were received which discussed the life cycle cost requirements of the DDC kit. As stated in the Federal Register notice of October 2, 1995, however, the Agency saw no advantage to such certification at that time because the emission standard had been triggered earlier by certification of other equipment, and did not respond to those comments at that time.

As explained in Federal Register notice of March 4, 1996 (61 FR 8275), the Agency upon reconsideration believes that it may be beneficial to the program to expand the basis of certification of DDC's upgrade kit to include the basis of life cycle cost requirements.

In its notification of intent to certify, DDC states that the equipment will be offered to all affected urban bus operators for a maximum purchase price of $5,562, and has submitted life cycle cost information. DDC states that there is no incremental cost associated with the upgrade kit compared to a standard rebuild, and guarantees that it will offer the kit to all affected operators for less than the incremental life cycle cost ceiling of $2,000 (1992 dollars). Cost information provided by DDC indicates that the suggested transit list price of the upgrade kit is less than the sum of the suggested list prices of the individual components, if purchased separately. DDC indicates that all of the components of the upgrade kit, with exception of the blower by-pass valve assembly, are currently replaced or reworked during ''standard rebuild'' by the majority of operators. DDC states that there is no incremental additional installation cost, fuel cost, or maintenance cost compared to that related to a standard engine overhaul. Additionally, when an engine (before rebuild with the kit) is not identical to the certified configuration, certain components must be changed. DDC states that there are no ''conversion'' charges associated with such ''non-like'' core components of their certified upgrade kit.

In addition to its initial request in its notification of intent to certify, DDC reiterated its request that this equipment be certified on the basis of life cycle cost requirements in a letter to the Agency dated December 15, 1995, and provided additional information concerning transit pricing level. Other new information in the docket include a summary of a survey on engine rebuilding practices of 23 transit systems, entitled ''American Public Transit Association Transit Bus Diesel Engine Rebuilding Survey'', and dated January 1991. A Federal Register notice of March 4, 1996 (61 FR 8275) announced that the Agency was considering certification of the DDC equipment on the basis of life cycle cost requirements, receipt of new information available for public review, and the initiation of a 45-day public comment period during which the Agency would receive comments regarding certification on the basis of life cycle cost requirements. That comment period officially ended on April 18, 1996.

Comments were received from two parties during the comment period of the March 4, 1996, Federal Register notice, consisting of a bus operator and a manufacturer of exhaust catalysts applicable to diesel engines. Summaries of these comments are provided below, along with Agency responses.

During the comment period of the June 5, 1995, Federal Register notice, two parties commented about the DDC costs. The March 4, 1996, Federal Register notice provided summaries of these comments along with Agency responses. No further cost information, discussion of cost information, or discussion of Agency responses has been received from these two parties.

III. Summary and Analyses of Comments

Two parties provided comments in response to the March 4, 1996 Federal Register notice—an urban bus operator and the Johnson Matthey Corporation. The following is a summary of these comments, and the Agency's response.

Comments of the Tri-County Metropolitan District of Oregon (TRI–MET) suggest that terminology (''cost/availability'') used in the March 4, 1996, Federal Register notice is confusing. While the term ''cost/availability'' was intended to be a more concise expression, the Agency believes that other wording may be more appropriate. Today's Federal Register notice uses the

phrase ''life cycle cost requirements'' to be more consistent with language used in the program regulations.

TRI–MET also asks whether the kit will be a trigger (of program requirements) if the Agency certifies the DDC kit on the basis of life cycle cost requirements.

Certification of the Engelhard Corporation's CMX catalyst on May 31, 1995 (60 FR 28402) triggered program requirements for the engines in question. The CMX catalyst is certified on the bases of reducing PM emissions by at least 25 percent and complying with life cycle cost requirements. That certification affects operators using compliance program one (1), until equipment is certified which triggers the 0.10 g/bhp-hr standard. When applicable engines are rebuilt or replaced six (6) months or more after the date of the CMX certification (that is, rebuilt or replaced on or after December 1, 1995), operators must use equipment certified to reduce PM by at least 25 percent.

Johnson Matthey, Incorporated (JMI), provided three comments, the first two of which are relevant to the emission testing performed by DDC to determine PM reduction attributed to the upgrade kit. First, JMI comments that a review of DDC service manuals shows that no new urban bus engines were manufactured with the serial number of the test engine used by DDC. JMI questions the origins of the test engine, and indicates that data derived from the engine is not valid and should not be used for program certification for consistency reasons because the engine is not representative of a bus engine. Second, JMI notes that a complete list of parts for the rebuild and upgrade of the test engine were not provided by DDC. JMI believes that such a parts list is needed to determine whether the DDC rebuild is ''* * * typical of the current practice exercised by the transits * * *''.

In its notification of intent to certify, DDC states that the core engine was a 1979 model year with an automotive model number, but that the original history of the core engine is not known. Prior to baseline testing, the engine was completely rebuilt to a typical high-volume coach rating (294 horsepower) of an original 1979 urban bus configuration. As discussed below, the Agency believes that the original configuration of the bus engine, prior to it being used in the DDC certification test program, is not relevant in this case.

Generally speaking, the Agency's interest in review of test engine history is to reasonably assure that PM reductions predicted by testing candidate equipment can be attained on in-use urban bus engines. Testing of engines in urban bus configurations is preferred because the testing demonstration of the urban bus program is minimal, when compared with the new engine certification program. Testing of engines in non-urban bus configurations, or of engines equipped with inappropriate emission-related parts, may be of uncertain value toward meeting the assurance needed. Further, if engines are tested in a pre-rebuild condition, then engine origins and maintenance history may be important. The Agency believes that knowledge of the condition and configuration of test engines, both pre-rebuild and post-rebuild, and for baseline and candidate configurations, are valid concerns and the bases for our general expectation that test engines for certification testing be urban bus configurations.

The Agency believes that the concerns regarding test engine origins expressed by JMI should not prevent certification. DDC does not need to test the engine in its as-received, pre-rebuild configuration—the emission level of the as-received configuration is not relevant because DDC's upgrade kit is used only upon engine rebuild. DDC, in its notification of intent to certify, states that baseline emissions data were developed after rebuilding the test engine to an original 1979 urban bus configuration. Given that DDC did not test in the pre-rebuild configuration, but only after rebuild to the urban bus configuration, the serial number of the block is not important. The Agency received no comments requesting a parts lists or questioning DDC's rebuild before the upgrade kit was certified on October 2, 1995 (60 FR 51472) to reduce PM by at least 25 percent.

Notwithstanding the previous discussion, JMI's comment regarding the lack of a list of parts used by DDC in the rebuild and upgrade is valid, and the Agency believes such information should be available for public review. Lists of the emission-related parts used in test engine(s) will document the actual tested engine configurations and should be part of the public record. The Agency has requested DDC to provide these lists to be made part of its notification in the public docket. JMI's comment, however, suggesting that the list is needed to determine whether the DDC rebuild is ''* * * typical of the current practice exercised by the transits * * *'' should not prevent certification because the baseline rebuild does not have to be ''* * * typical * * *'' to be a valid baseline. Sections 85.1403(b) and 85.1406(a)(2)(v)(B) of the program regulations are clear—PM reduction is based on the emissions levels of the original engine configuration. DDC states that its baseline PM level was developed using its test engine rebuilt to a 1979 model year configuration.

While some rebuilds, as of yet uncertified and not required under the urban bus program, may result in lower PM exhaust levels than the original engine configurations, this is not necessarily the case for all rebuilds. The urban bus program requires engine configurations having PM levels lower than the original engine configuration. Certification is available for other rebuild kits or equipment which reduce PM and meet other program requirements.

JMI's final comment concerns life cycle costs of the DDC kit. JMI comments that operators and rebuilders typically rebuild engines using a combination of reworked components and either DDC/original equipment (OE) parts or non-OE parts. JMI says that OE parts are often purchased through a bid process at an average 18 percent less than list price, and non-OE parts are usually purchased at an average 40 percent less than OE price. JMI presents two analyses of costs, one for a scenario using discounted OE parts and another for a scenario using non-OE parts. Both analyses assume cylinder kits, blower, turbocharger, and heads are reworked by the transit's or rebuilder's labor force for 45 percent of the cost of a new OE part. The analysis including OE parts with reworked components indicates that this scenario is $2,243.22 less than the suggested price of the DDC kit. The scenario including non-OE parts with reworked components indicates a greater difference from the suggested price of the DDC kit. This analysis indicates a typical rebuild of $2,913, which JMI states is $2,649 less than the suggested price of the DDC kit. JMI states that it believes the DDC kit exceeds the $2,000 life cycle ceiling for a typical overhaul.

The Agency appreciates the effort put forth by JMI in providing these cost analyses, and recognizes that a range of parts costs can exist due to factors such as discounts from suggested retail prices due to normal competitive practice, discounts incident to bid processes or large purchases, and non-OE parts pricing. As a result of such price differences, plus the extent to which components are reworked ''in-house'', the cost of a rebuild might vary widely. It is therefore difficult to determine an accurate figure for the cost of a ''standard'' rebuild. The Agency believes that further modification can be applied to the JMI analyses to depict actual rebuild practice concerning cylinder kits, and to take into account

the relative usage of non-OE parts versus OE parts. The Agency modifies the JMI analysis, as discussed below, to construct a ''weighted'' cost for a rebuild, based on information provided by DDC, the APTA survey, and in comments of the Engelhard Corporation. This ''weighted'' cost approach is used to more closely characterize what typically occurs in the field, on the average, based on the information available.

The first modification reflects replacing, not reworking, cylinder kits. The JMI scenarios include cylinder kits that JMI states are typically reworked for $830.03, which is 45 percent discount from DDC's suggested price (if purchased separately). DDC indicated, in a telephone conversation with the Agency, that most operators do not rework cylinder kits. This is supported by the previously-mentioned APTA survey and a study conducted by the Agency (see the report entitled ''Heavy-Duty Rebuild Practices'', dated March 21, 1995, by T. Stricker and K. Simon), both of which support that most operators replace, and not rework, cylinder kits. Copies of the report ''Heavy-Duty Rebuild Practices'', and the APTA survey can be found in the public docket located at the address above. Engelhard, in its comments of July 19, 1995, indicates that aftermarket cylinder kits cost $1,139.94.

The second modification reflects weighting the reported costs for non-OE and OE parts, to reflect usage. The APTA survey indicates that 67.4 percent of operators parts business is with OE parts suppliers, and 32.6 percent is with non-OE suppliers. Use of this information is discussed below to determine a weighted cost for certain components.

The construction of the ''weighted'' cost of a rebuild, based on available information, is summarized as follows. The APTA survey indicates that roughly 95 percent rebuild engines in-house. Therefore, for simplicity, the ''weighted'' rebuild assumes that the blower, turbocharger, and heads are reworked in-house as stated by JMI. Except for the cylinder kits, it is assumed that the costs associated with reworking these three components are the values presented by JMI (that is, reworked at 45 percent of OE price, purchased individually). For the other parts, including cylinder kits, a weighted cost is determined as the sum of the non-OE cost, weighted 32.6 percent, plus the DDC suggested cost of parts, weighted 67.4 percent. This weighting is based on the APTA survey showing the relative split in operators' parts business between OE and non-OE parts suppliers. The costs used for the non-OE parts (except for the cylinder kits) and OE parts are the values used in the JMI analyses. The non-OE cost for cylinder kits is taken as the aftermarket list price reported in Engelhard's comments. The cost of the blower bypass valve is not included in the ''weighted'' rebuild, because DDC indicates that it is not always replaced.

The table below details the cost of a ''weighted'' rebuild, based on the available information, and permits comparison with the suggested price of the certified DDC upgrade kit. Program regulations do not define ''standard rebuild'', nor instruct that the lowest possible or highest possible cost of a rebuild is appropriate for determining compliance with life cycle cost requirements. The Agency recognizes that there are a number of uncertainties and assumptions involved with this ''weighted'' approach, but believes, based on the available information, that this approach is more likely to characterize what typically occurs in the field.

COST [1] OF A ''WEIGHTED'' REBUILD

Item in DDC kit	Non-OE cost	OE cost (−18%)	''Weighted'' rebuild	DDC kit
Cylinder Kits	$1,139.94	$1,512.51	$1,391.05	
Gasket kit	132.10	180.53	164.74	
Air Inl Hose	8.97	12.26	11.19	
Blower Bypass Valve not always replaced:		0.00		
Fuel Injectors	266.98	364.87	332.96	
LB Camshaft	349.10	477.11	435.38	
RB Camshaft	349.10	477.11	435.38	
Blower Asm.	199.26		199.26	
Turbo Asm.	352.35		352.35	
Heads Asm.	425.35		425.35	
Totals:			3,747.66	5,561.92

[1] The costs used for the non-OE parts (except for the cylinder kits) and the OE parts are the values used in the JMI analyses. The non-OE cost for cylinder kits is based on data from Engelhard Corporation. The OE costs are based on suggested DDC costs for parts purchased separately, and discounted 18 percent as JMI suggests. The individual parts costs within the DDC kit are not relevant to this comparison.

While it is difficult to accurately establish the cost of a ''standard'' rebuild, the Agency believes that the direct comparison of suggested retail prices that DDC has presented, supported by the above comparison of costs, adequately demonstrates compliance with the applicable life cycle cost requirements.

Only one operator has challenged DDC's costs. Muncie Indiana Transit System, commenting on the Federal Register notice of June 5, 1995, stated that the ''cost associated with the use of this kit is obviously far in excess of the limits required by the EPA's Retrofit/Rebuild Program'', but provided no other information or further discussion on its concern with cost. The Agency believes that the above comparison of costs disputes this comment.

JMI also comments that the DDC kit takes away an operator's element of choice regarding which scenario it uses to rebuild engines, by requiring that all or part of a rebuild come from DDC. The Agency believes that the parts in DDC's upgrade kit are emission-related components, and as such can reasonably be included in a certified kit because it provides assurance that engines so rebuilt will result in a known condition and a known engine emissions configuration. Both engine condition and configuration are important to in-use emissions performance. The urban bus program clearly provides for certification of upgrade kits which bring engines to a later model year configuration that is certified at a lower emission level than the original configuration. DDC's certified upgrade

kit meets this programmatic intent. Certification under the urban bus program is available to other parties complying with program requirements.

In summary, the Agency believes that the information that DDC has presented, supported as discussed above, adequately demonstrates compliance with the applicable life cycle cost requirements of the urban bus program.

IV. Certification

The Agency has reviewed the information of the DDC notification of intent to certify, comments received from interested parties, and other information, and finds that the notification of intent to certify complies with the life cycle cost requirements specified in section 85.1403(b)(2)(ii). These findings do not change the Agency's findings stated in the notice of October 2, 1995 (60 FR 51472).

Today's Federal Register notice announces certification for the above-described equipment on the basis of compliance with the life cycle cost requirements. The effective date of certification is the date of a letter provided earlier from the Director of the Engine Programs and Compliance Division to DDC. A copy of this letter can be found in the public docket at the address listed above.

V. Operator Responsibilities and Requirements

Today's Federal Register notice does not change the responsibilities and/or requirements of bus operators affected by the urban bus retrofit/rebuild program.

Today's Federal Register notice announces that the above-discussed DDC equipment complies with the life cycle cost requirements specified in section 85.1403(b)(2)(ii). Therefore, the certification emission levels of the equipment will be considered by the Agency when it establishes final post-rebuild levels as required pursuant to 85.1403(c)(1)(iii). DDC's upgrade kit is certified to emission levels of 0.30 g/bhp-hr for 1979 through 1987 model year 6V92TA MUI engines, and 0.23 g/bhp-hr for 1988 and 1989 model year 6V92TA MUI engines. If either or both of those certification levels are established as post-rebuild values, then operators complying with compliance program 2 would use such levels, as appropriate, in calculations for determining fleet target emissions for 1998 and thereafter.

Copies of the DDC notification, DDC's letter to the Agency dated December 15, 1995, the summary of the APTA survey, and public comments are available for review in the public docket located at the address indicated above.

Dated: July 3, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96–18179 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5540–3]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Approval of a Notification of Intent To Certify Equipment

AGENCY: Environmental Protection Agency.

ACTION: Notice of Agency Certification of Equipment for the Urban Bus Retrofit/Rebuild Program.

SUMMARY: The Agency received a notification of intent to certify equipment signed January 2, 1996, from the Detroit Diesel Corporation (DDC) with principal place of business at 13400 Outer Drive, West; Detroit, Michigan, 48239, for certification of urban bus retrofit/rebuild equipment pursuant to 40 CFR Sections 85.1401–85.1415. The equipment is applicable to Detroit Diesel Corporation's (DDC) petroleum-fueled 6V92TA model engines having Detroit Diesel Electronic Control (DDEC II) fuel injection. Certification is restricted to 1988 through 1990 model year engines. On April 17, 1996, EPA published a notice in the Federal Register that the notification had been received and made the notification available for public review and comment for a period of 45 days (61 FR 16739). EPA has completed its review of this notification, and the comments received, and the Director of the Engine Programs and Compliance Division has determined that it meets all the requirements for certification. Accordingly, EPA has approved the certification of this equipment effective June 28, 1996. (EPA provided a letter to DDC on this date stating Director of the Engine Programs and Compliance Division had granted certification.)

The certified equipment provides 25 percent or greater reduction in exhaust emissions of particulate matter (PM) for the engines for which it is certified (see below), and meets the requirements of the urban bus retrofit/rebuild program for certification. Therefore, as discussed below, this equipment may be used by operators choosing compliance program 2 and operators choosing compliance program 1 unless rebuild equipment is certified to trigger the 0.10 g/bhp-hr standard for these engines under the urban bus retrofit/rebuild program.

EPA anticipated reviewing the cost information supplied by DDC to determine whether it complied with the life cycle cost requirements. In general, equipment certified as meeting both the emissions requirements *and* cost requirements can be considered by EPA when revising the post-rebuild PM levels to be used by transit operators choosing to comply with Option 2 (the averaging program). However, equipment has already been certified for these engines as meeting both the emissions requirements and cost requirements of the regulations (i.e. the 25 percent PM reduction standard has already been triggered for these engines). Two current equipment certifications (Engelhard Corporation (60 FR 28402, May 31, 1995), and Johnson Matthey (61 FR 16773, April 17, 1996)) are certified to the same PM level as the DDC equipment certified today. Because the DDC rebuild equipment will not have a lower certification level than the equipment already certified, EPA sees no program benefit for basing certification on the basis of meeting life cycle costs.

The DDC notification, as well as other materials specifically relevant to it, are contained in Public Docket A–93–42, category XII, entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment''. This docket is located in room M–1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by the Agency for copying docket materials.

DATES: The effective date of certification is June 28, 1996, which is the date on which the Director of the Engine Programs and Compliance Division notified DDC in writing that certification was approved.

FOR FURTHER INFORMATION CONTACT: Tom Stricker, Engine Programs and Compliance Division (6303J), U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Telephone: (202) 233–9322.

SUPPLEMENTARY INFORMATION:

I. Background

By a notification of intent to certify signed January 2, 1996, Detroit Diesel Corporation (DDC) applied for certification of equipment applicable to its 1988 through 1990 model year 6V92TA model urban bus engines

having Detroit Diesel Electronic Control (DDEC II) fuel injection. The equipment to be certified, referred to as an upgrade kit, is basically later model-year components (such as turbocharger, blower, fuel injectors, and cylinder kits) which replace the original parts on the engine.

All parts of the certified equipment are contained in two basic types of kits. One of each basic type of kit is required for the rebuild of an engine. Three combinations of the two basic types of kits are certified—the specific combination to be used with a particular engine depends upon the direction of engine rotation, orientation of the engine block, and engine power level. One basic type of kit includes a gasket kit, cylinder kit, and remanufactured fuel injectors. The other basic type of kit includes remanufactured parts, including camshafts, blower assembly, turbocharger, and cylinder head assemblies. In addition, the kit includes an updated computer program for the engine's computer.

The DDC upgrade kit is intended for use on 1988 through 1990 model year 6V92TA model urban bus engines having Detroit Diesel Electronic Control (DDEC II) fuel injection. The 1988 through 1990 6V92TA DDEC II models were originally manufactured to either a 253 horsepower (hp) configuration or a 277 hp configuration. Use of today's certified upgrade kit will result in a 277 hp engine configuration, regardless of the engine configuration of the original engine. DDC did not attempt to certify the 253 hp version of the 1991 engine configuration. To ensure that transit operators only upgrade their engines to the 277 hp engine configuration, DDC will only provide the computer program (or, as DDC refers to it, the certification word code) for the 1991 model year 277 hp engine configuration.

In accordance with 40 CFR 85.1406, and consistent with the discussion in the preamble to final rule (58 FR 21359, April 23, 1993), DDC based its certification demonstration on existing new engine certification data. The baseline test data are from a 1988 6V92TA DDEC II engine (253 hp) tested in DDC's 1989 new engine certification program. Test data for the upgraded engine configuration are from a 1991 6V92TA DDEC II engine (277 hp), tested in DDC's 1991 new engine certification program. Emission test data supplied by DDC in its notification are shown below in Table A.

TABLE A.—EMISSION TEST DATA (g/bhp-hr)

Gaseous and particulate emissions	Baseline 1988 6V92TA DDEC II (253 hp)	Upgrade 1991 6V92TA DDEC II (277 hp)
HC	0.66	0.43
CO	1.44	1.85
NO_X	8.19	4.77
PM	0.315	0.218
Smoke emissions:		
Accel	3.3%	5.4%
Lug	1.8%	0.9%
Peak	4.7%	10.6%

Although baseline test data are only provided for the 253 hp engine configuration, and not the 277 hp engine configuration, EPA believes that the 1988 through 1990 models with the 277 hp engine configuration will still achieve at least a 25 percent reduction in PM with the upgrade kit installed. DDC provided test data from engine development testing which show the 1988 through 1990 277 hp engine configuration emits 0.319 g/bhphr, essentially equal to the 0.315 g/bhphr level shown by the 253 hp baseline engine.

In addition to demonstrating reductions in PM exhaust emissions, the data indicate that applicable engines with the certified equipment installed will comply with the federal 1988 model year emission standards for hydrocarbon (HC), carbon monoxide (CO), oxides of nitrogen (NO_X), and smoke emissions.

DDC is certifying this equipment to a PM emission level of 0.23 g/bhp-hr for the 1988 through 1990 model year upgrade. The certification level represents a 27 percent reduction in PM from the 1988 baseline configuration. The certification levels for this equipment in the urban bus program are indicated below in Table B, and apply only to the model numbers listed.

TABLE B.—RETROFIT/REBUILD PM CERTIFICATION LEVELS FOR DDC EQUIPMENT

Engine model	Model year	Model No.	Certification level (g/bhp-hr)
6V92TA DDEC II	1988–1990	8067–7B27 8067–7B28 8067–7B21 8067–7B22 8067–3B21 8067–3B22 8067–7B23 8067–7B24 8067–4B23 8067–4B25	0.23

DDC submitted life cycle cost information in its application for certification and indicated that this equipment would meet the life cycle cost requirements ($2,000 in 1992 dollars) for all urban bus operators. The suggested list price of the kit was stated to be $6,581.81, compared to $6,966.27 for a standard rebuild. DDC also calculated a $1,440 fuel penalty, resulting from a fuel economy decrease of approximately 4.7 percent with the upgrade kit installed.

As discussed in the Summary section above, EPA had anticipated reviewing the cost information supplied by DDC to determine whether it complied with the life cycle cost requirements of the regulations (that is, whether the equipment would be available for less than the life cycle cost limit of $2,000 (in 1992 dollars) incremental to a standard rebuild). However, because equipment has already been certified for these engines as meeting both the emissions requirements *and* cost requirements of the regulations (i.e., the

25 percent PM reduction standard has already been triggered for these engines), EPA sees no program benefit for basing certification on the basis of complying with life cycle cost requirements, and therefore, has not reviewed the cost information supplied by DDC.

Section IV below discusses operator requirements and responsibilities, including use of the DDC equipment to meet program requirements.

II. Summary and Analysis of Comments

EPA received comments from two parties on this DDC notification: Johnson Matthey (JMI) and students of Florida International University (FIU).

Johnson Matthey, a manufacturer of exhaust system aftertreatment devices, has comments in two general areas: cost and compliance. Regarding costs associated with use of the DDC equipment, JMI believes that the DDC equipment does not meet the life cycle cost requirements of the regulations. JMI believes the fuel economy penalty calculated by DDC does not accurately reflect typical transit operator fuel costs. In addition, JMI believes that most transit operators do not use strictly original equipment (OE) parts to rebuild their engines. JMI comments that use of less expensive non-OE parts is typical, and would make the cost of a standard rebuild less expensive than the cost provided by DDC. In addition, JMI comments that transit operators typically rebuild or recondition certain components in-house, for a cost less than the cost provided by DDC.

Finally, JMI comments that certain fleets are not properly installing certified equipment. Specifically, JMI states that although some fleets are purchasing certified engine upgrade kits, they are rebuilding certain parts rather than the using the appropriate part contained in the upgrade kit. JMI asks whether such engines are in a certified configuration, how EPA ensures the product is used properly, and what method of traceability is in place for the components of a certified kit.

EPA appreciates the effort put forth by JMI to provide comments regarding this equipment. As discussed above, the Agency believes that there is no need to evaluate the life cycle cost data nor to respond at this time to comments concerning life cycle costs because the requirement to reduce PM by 25 percent has been triggered for applicable engines with the certification on May 31, 1995, of an exhaust catalyst manufactured by the Engelhard Corporation (60 FR 47170). Certification of this DDC equipment on the basis of meeting life cycle cost requirements would not influence EPA's revision of post-rebuild PM levels in mid-1996, because the 0.23 g/bhphr certification level of the DDC equipment is equal to the certification level of both the Engelhard catalyst and the Johnson Matthey catalyst (61 FR 16773, April 17, 1996). Thus, EPA sees no programmatic benefit, at this time, to basing certification on compliance with the life cycle cost requirements.

Regarding JMI's comments on improper installation of certified equipment, EPA notes that equipment manufacturers must supply instructions for proper installation of certified equipment. Transit operators who improperly install, or fail to install, certified equipment, may not be in compliance with either of the two compliance programs. EPA has authority to conduct, and plans to conduct, transit operator audits to determine whether transit operators are complying with program regulations.

Regarding traceability of certified parts, equipment manufacturers are required to provide part numbers in their notification of intent to certify, that will assist EPA in determining whether a transit operator has used appropriate parts on an engine.

Comments from FIU, in general, support the need to reduce PM in urban areas, however, FIU has provided comments that, in general, appear relevant to the promulgation of the original retrofit regulations, rather than to this particular certification. FIU mistakenly comments that this DDC certification would affect all pre-94 model year urban buses, noting that approximately 35,000 of these buses exist. In addition, FIU implies in their comments that, as a result of this certification, rebuilds of affected engines will cost $8,000 over the cost of a standard rebuild. Finally, FIU comments that students of the university, based on an informal survey, support the certification of the DDC equipment.

Although the retrofit program, in general, may affect as many as 35,000 or more buses of 1993 and earlier model year, this particular certification applies only to 1988 through 1990 model year DDC 6V92TA DDEC II engines, less than 20 percent of the total urban bus fleet. Regarding FIU's discussion of the cost of a rebuild using the DDC equipment, the Agency is not analyzing costs related to this equipment. Further, the $8,000 cost FIU associated with this equipment would be substantially higher than what the Agency would expect from an engine upgrade kit. FIU appears to have confused the $7,940 life cycle cost (in 1992 dollars) associated with the 0.10 g/bhphr PM standard as the cost for the DDC equipment. While certain comments provided by the students of FIU are not entirely appropriate or consistent with program background and intricacies, the Agency appreciates the review of and support for the urban bus program and DDC's notification that the students have provided.

III. Certification Approval

The Agency has reviewed this notification, along with comments received from interested parties, and finds that the equipment described in this notification of intent to certify:

(1) reduces particulate matter exhaust emissions by at least 25 percent, without causing the applicable engine families to exceed other exhaust emissions standards;

(2) will not cause an unreasonable risk to the public health, welfare or safety;

(3) will not result in any additional range of parameter adjustability; and

(4) with the exception of the life cycle cost requirements of 85.1403(b)(2)(ii), meets other requirements necessary for certification under the Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (40 CFR Sections 85.1401 through 85.1415).

The Agency hereby certifies this equipment for use in the urban bus retrofit/rebuild program as discussed below in Section IV.

IV. Operator Requirements and Responsibilities

In a Federal Register notice dated May 31, 1995 (60 FR 28402), the Agency certified an exhaust catalyst manufactured by the Engelhard Corporation, as a trigger of program requirements. For urban bus operators affected by this program and electing to comply with program 1 requirements, that certification means that rebuilds and replacements of model year 1988 through 1990 6V92TA DDEC IIs (and all other engines for which that catalyst is applicable) performed 6 months or more after that date of certification, must be performed with equipment certified to reduce PM emissions by 25 percent or more. The certified DDC equipment may be used immediately by urban bus operators who have chosen to comply with either program 1 or program 2, as follows.

Today's Federal Register notice certifies the above-described DDC equipment, when properly applied, as meeting the requirement to reduce PM by 25 percent. Urban bus operators who choose to comply with program 1 may use the certified DDC equipment until

equipment is certified which triggers the 0.10 g/bhphr standard for the 1988 through 1990 6V92TA DDEC II engines.

Operators that have chosen to comply with program 2 may use the certified DDC equipment, as discussed in the above paragraph, along with the respective PM certification level from Table B when calculating their average fleet PM level.

As stated in the program regulations (40 CFR 85.1401 through 85.1415), operators should maintain records for each engine in their fleet to demonstrate that they are in compliance with the requirements beginning on January 1, 1995. These records include purchase records, receipts, and part numbers for the parts and components used in the rebuilding of urban bus engines.

Richard Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 96–18387 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5539–3]

Protection of Stratospheric Ozone: Notice of Revocation for Technician Certification Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of revocation.

SUMMARY: Through this action EPA is announcing the revocation of six programs previously approved to provide the technician certification exam in accordance with the regulations promulgated at 40 CFR 82.161. These six programs—AcuPro Refrigerant Recovery located in Phoenix, Arizona; Country Trade School located in Melbourne, Florida; Dundalk Community College located in Baltimore, Maryland; Northeast Institute located in Buffalo, New York; National Training Center located in Newport Beach, California; and National Training Fund located in Alexandria, Virginia—were issued letters of revocation on June 11, 1996, that included an explanation of the basis for EPA's decision.

These six programs have not complied with the recordkeeping and reporting requirements established for all technician certification programs pursuant to section 608 of the Clean Air Act Amendments (the Act). In accordance with those requirements, all approved technician certification programs must submit an activity report to EPA on a semi-annual basis. EPA sent to each of the above programs an information collection request issued pursuant to section 114(a) of the Act, in which EPA requested that the programs submit the required activity report. That information request indicated that failure to respond could result in revocation. Subsequent attempts by EPA to contact these programs were unsuccessful.

In accordance with 40 CFR 82.161(e), EPA revoked approval of these programs on June 11, 1996. These programs are no longer authorized to certify technicians or issue valid certification credentials. However, technicians certified by these programs during the period that the programs operated an EPA-approved program will remain certified in accordance with 40 CFR 82.161(a).

DATES: The six programs listed above had their approval as a technician certification programs revoked, effective June 11, 1996.

FOR FURTHER INFORMATION CONTACT: Cindy Newberg, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205–J), 401 M Street, SW., Washington, DC 20460. The Stratospheric Ozone Information Hotline at 1–800–296–1996 can also be contacted for further information.

Dated: July 2, 1996.

Paul M. Stolpman,

Director, Office of Atmospheric Programs.

[FR Doc. 96–18181 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5471–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared July 1, 1996 Through July 5, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of FEDERAL ACTIVITIES AT (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1996 (61 FR 15251).

Draft EISs

ERP No. D–AFS–K65184–CA Rating EC2, Rock Creek Recreational Trails Management Plan, Implementation, Eldorado National Forest, Georgetown Ranger District, Eldorado County, CA.

Summary: EPA expressed environmental concerns about potential noise impacts, the proposed level of use, funding feasibility, and the integration of management on intermixed private lands. EPA recommended reconsideration of the level of participation, number of special events allowed and the ability to enforce road/trail closures with an all-season road.

ERP No. D–AFS–L61208–00 Rating EC2, Hells Canyon National Recreation Area (HCNRA), Comprehensive Management Plan, Implementation, Wallowa-Whitman National Forest, Nez Perce and Payette National Forests, Bake and Wallowa Counties, OR and Nez Perce and Adam Counties, ID.

Summary: EPA expressed environmental concerns based on potential adverse impacts of the action from roads, grazing and increased usage to air quality, riparian habitat and water quality.

ERP No. D–AFS–L65266–AK Rating EC2, King George Timber Sale Project, Timber Harvesting and Road Construction, Implementation, Tongass National Forest, Stikine Area, Etolin Island, AK.

Summary: EPA expressed environmental concerns about road closure methods, water quality, wildlife habitat, especially fish habitat and suggested the final EIS include this information.

ERP No. D–BLM–K67035–NV Rating EC2, Bootstrap/Capstone and Tara Open-Pit Gold Mine Project, Construction and Operation Approval, Plan of Operation, Elko and Eureka Counties, NV.

Summary: EPA expressed environmental concerns due to potential impacts to water quality and suggested that complete or partial backfilling of the Bootstrap/Capstone pit be included in the preferred alternative. The FEIS should further address impacts to water and air quality, wildlife, and wetlands; as well as cumulative impacts; mitigation; and waste rock characterization and handling.

ERP No. D–DOE–K11068–NV Rating EO2, Nevada Test Site (NTS) and Off-Site Locations, Implementation, at the Following Sites: Tonopah Test Range; Portions of the Nellis Air Force Range (NAFR) Complex; the Central Nevada Test Area and Shoal Area Project, Nye County, NV.

Summary: EPA expressed environmental objections due to a lack of mitigation to offset or reduce potential adverse impacts; a tendency to locate the proposed facilities in undisturbed rather than already-disturbed areas; and a lack of pollution prevention features.

ERP No. DS–AFS–L65201–OR Rating LO, Eagle Creek Timber Sale and Road Construction, Additional and Updated Information, Implementation, Mt. Hood

National Forest, Zigzag and Estacada Ranger District, Clackama County, OR.

Summary: Our abbreviated review has revealed no EPA concerns on this project.

Final EISs

ERP No. F–AFS–K61136–00 Heavenly Ski Resort Master Plan, Improvement, Expansion and Management, Lake Tahoe Basin Management Unit, Special-Use-Permit, Douglas County, NV and El Dorado and Alpine Counties, CA.

Summary: EPA continued to express environmental objections to this expansion based on air quality, noise, traffic, fish and wildlife, and visual/scenic features as a result of past construction and current operation of Heavenly Ski Resort If the proposed level of development is approved, we strongly recommended that the Record of Decision (ROD) clearly commit to: a subsequent environmental review and cumulative watershed effects analysis, an if the analysis shows continued or potentially significant adverse environmental impacts, then continued development will be limited or prohibited.

ERP No. F–BLM–K65158–CA, Clear Creek Management Area, Land and Resource Management Plan Amendment, Implementation, San Benito and Fresno Counties, CA.

Summary: EPA registered a Formal protest through BLM's appeal process because EPA believes that implementing the preferred alternative would impose the potential for significant adverse impacts on area users, nearby residents, and BLM employees, and would continue to significantly and adversely impact environmental resources. Serious potential impacts include fugitive emissions of asbestos in excess of Occupational Safety and Health Administration action levels, severe soil erosion; and sedimentation of several streams in and downstream of the Clear Creek Management Area, which appears to violate State water quality objectives for the protection of several designated beneficial uses.

ERP No. F–COE–K32048–CA, Port of Long Beach (POLB) Main Channel Deepening and Navigation Improvements, Implementation, Queen's Gate, San Pedro Bay, Los Angeles County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–NPS–K65171–CA, Cabrillo National Monument, General Management Plan/Development Concept Plans, Implementation, San Diego County, CA.

Summary: EPA's environmental concerns have been addressed, therefore we have no objections to the project as proposed.

ERP No. F1–NAS–A12038–00, International Space Station, Assembly and Operation, Space Station Freedom (SSF).

Summary: EPA had identified no potentially significant impacts and continues to lack objections to the proposed project.

Dated: July 16, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–18420 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5471–4]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements filed July 8, 1996 through July 12, 1996 pursuant to 40 CFR 1506.9.

EIS No. 960319, FINAL EIS, DOE, OR, Hood River Fisheries Project, Construction, Operation and Maintenance; Habitat Improvement and Research Program Development, Funding, Hood River Basin, Hood River County, OR, Due: August 19, 1996, Contact: Nancy Weintraub (503) 230–5373.

EIS No. 960320, FINAL EIS, COE, NC, Cape Fear-Northeast Cape Fear Rivers Comprehensive Study for Deepening of the Wilmington Harbor Ship Channel, Navigation Improvement, New Hanover and Brunswick Counties, NC, Due: August 19, 1996, Contact: Frank Yelverton (910) 251–4640.

EIS No. 960321, FINAL SUPPLEMENT, AFS, WA, OR, Pacific Northwest Region National Forests, Nursery Pest Control Management Plan, Additional Information concerning Changes to a List of Chemical Pesticides and Streamlining the Process for Future Changes Approved for Use at J. Herbert Stone, Bend Pine and Wind River Nurseries and Dorena Tree Improvement Center, WA and OR, Due: August 19, 1996, Contact: Diane Hidebrand (503) 326–6697.

EIS No. 960322, FINAL SUPPLEMENT, FHW, UT, West Valley Highway/Norman H. Bangerter Highway Transportation Improvements, 9000 South to 12600 South, Additional Information concerning 9800 South at Bangerter Highway, Funding, Salt Lake County, UT, Due: August 19, 1996, Contact: Tom Allen (801) 963–0182.

EIS No. 960323, DRAFT EIS, NPS, NB, SD, Missouri/Niobrara/Verdigre Creek National Recreational Rivers General Management Plan, Implementation, Gregory, Charles Mix and Bon Homme Counties, SD and Knox and Boyd Counties, NB, Due: September 03, 1996, Contact: Warren Hill (402) 336–3970.

EIS No. 960324, DRAFT EIS, AFS, UT, High Uintas Wilderness Forest Plan Amendment, Implementation, Ashley and Wasatch-Cache National Forests, Duchesne and Summit Counties, UT, Due: September 17, 1996, Contact: Julie Hubbard (801) 524–5188.

EIS No. 960325, DRAFT EIS, AFS, AK, South Lindenberg Timber Sale(s), Timber Harvesting, Tongass National Forest, Stikine Area, Kupreanof Island, AK, Due: September 03, 1996, Contact: Jim Thompson (907) 772–3871.

EIS No. 960326, FINAL EIS, USN, CA, Port Hueneme Naval Civil Engineering Laboratory (NCEL) Disposal and Reuse, Implementation, Ventura County, CA, Due: August 19, 1996, Contact: Mary Doyte (415) 244–3024.

EIS No. 960327, DRAFT EIS, FHW, NY, NY–17 Highway Conversion from a Partial to a Full Access Control Facility, Five-Mile Point to Occanum and NY–17 Rehabilitation or Reconstruction, Funding and COE Section 404 Permit Issuance, Towns of Kirkwood and Windsor, Broome County, NY, Due: September 03, 1996, Contact: Harold J. Brown (518) 472–3616.

EIS No. 960328, DRAFT EIS, BLM, CA, Eagle Mountain Landfill and Recycling Center Project, Land Exchange, Right-of-Way Grants and COE Section 404 Permit Issuance, Riverside County, CA, Due: September 10, 1996, Contact: Joan Oxendine (909) 697–5365.

Amended Notices

EIS No. 960007, DRAFT EIS, GSA, DC, Central and West Heating Plants (CHP/WHP) Construction and Operation, Air Quality Improvement Project, District Heating System (DHS), City of Washington, DC, Contact: Frank L. Thomas (202) 708–5334.

Published FR 01–19–96—Officially Withdrawn by the Preparing Agency.

Dated: July 16, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–18421 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

[OPP–66228; FRL 5380–8]

Metalaxyl; Re-opening of Comment Period for Voluntary Cancellation of Ciba Crop Protection Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the re-opening of the comment period for the voluntary cancellation of Ciba Crop Protection Registrations of Metalaxyl Technical and End-Use Products that contain Metalaxyl.

DATES: Written comments must be submitted by July 26, 1996.

ADDRESSES: By mail submit comments identified by the document control number [OPP–66228] and the case number (noted below) 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, 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–66228]. 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.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice (including comments and data submitted electronically). The public docket and docket index, including printed paper versions of electronic comments, which does not include any information claimed as CBI will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Product Manager (PM) 21, Office of Pesticide Programs, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM#2, 2801 Jefferson Davis Highway, Arlington, VA, (703) 305–6226; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of May 1,1996 (61 FR 19281), announcing the voluntary cancellation of Ciba-Crop Protection Registrations of Metalaxyl Technical and End-Use Products that contain Metalaxyl. Upon the Agency's further review of this notice and requests from other persons seeking extension to the 30-day comment period provided in the May 1, 1996 notice, the Agency has determined that it will re-open the comment period to allow additional time for further evaluation before acting on Ciba's request for voluntary cancellation. The comment period will end on July 26, 1996.

Accordingly, the voluntary cancellation of Ciba Crop Protection's products became effective on May 31, 1996. The Agency is hereby reinstating the registration of these products to correct an error in the notice which referenced provisions under the Federal Food, Drug and Cosmetic Act (FFDCA) regarding hearing requests and procedures, and re-opening the comment period on the voluntary cancellation request.

This request for voluntary cancellation was submitted pursuant to section 6 (f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which provides interested persons with the right to comment on voluntary cncellation requests, but does not include hearing rights. It was not the Agency's intention to provide an opportunity for hearing in connection with this action.

The Agency regrets any confusion the inclusion of this language may have caused and is granting this extension request in part to avoid any prejudice to parties that may have been misled by the provisions of the May 1 notice. The Agency is also re-opening the comment period for the purpose of seeking clarification from Ciba regarding the nature of the proposed voluntary cancellation action. After the close of the comment period, the Agency will take action on Ciba's request and publish its determination in the Federal Register.

A record has been established for this notice under docket number [OPP–66228] (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 notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: June 8, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–18389 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5536–4]

Notice of Availability of Permits Improvement Team; Concept Paper on Environmental Permitting and Task Force Recommendations; Final Draft Recommendation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comments.

SUMMARY: This notice announces the availability of the document ''Concept Paper on Environmental Permitting and Task Force Recommendations'' and the Agency's request for stakeholder comment. As part of the Administration's program to ''Reinvent Environmental Regulation,'' the U.S. Environmental Protection Agency created a Permits Improvement Team (PIT) to evaluate the Agency's permitting programs, those administered by states, tribes and local agencies and those administered directly by EPA, and to develop recommendations to improve the effectiveness and efficiency of the permitting process.

DATES: Written comments must be postmarked or submitted by hand or electronically by no later than September 3, 1996. Due to the previous stakeholder involvement in the development of the PIT recommendations, including the recent (May 10, 1996) Federal Register notice, this comment period will not be extended. Thus, this is the final opportunity for public comment on these recommendations.

ADDRESSES: To submit comments, the public must send an original and two copies to Docket Number F–96–PT2A–FFFFF, located at the RCRA Docket. The official address is: RCRA Information Center, U.S. Environmental Protection Agency (5035W), 401 M Street, S.W., Washington, D.C. 20460. Although the mailing address for the RCRA Information Center has not changed, the office was physically moved in November 1995. Therefore, hand-delivered comments should be taken to the new address: 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. (Also see the section under ''Supplementary Information'' regarding the paperless office effort for submitting public comments.) The RCRA Information Center is open for public inspection and copying of supporting information from 9:00 am to 4:00 pm Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: Lance Miller, PIT Executive Director at Permits Improvement Team, Mail Stop 100, 2890 Woodbridge Ave., Edison NJ 08837, phone: (908) 321–6782.

SUPPLEMENTARY INFORMATION:

Availability of Document

The PIT Concept Paper on Environmental Permitting and Task Force Recommendations follows this notice. In addition, the document can be obtained via the internet at 'gopher://gopher.epa.gov' or 'http://www.epa.gov'. After reaching either of these internet sites, locate the search function and type 'Permit Improvement Team' to locate the Concept Paper on Environmental Permitting and Task Force Recommendations.

Background Information

The PIT was established in July 1994 and is composed of representatives from EPA Headquarters and Regional offices and state, tribal and local permitting agencies. The PIT held numerous stakeholder meetings to solicit input on the most critical permitting issues as well as to obtain feedback on the PIT's initial recommendations.

Although significant input on the PIT's recommendations has been received through the stakeholder meetings, a final opportunity to review and comment on the recommendations is being provided to ensure that all stakeholders have an opportunity to participate in the development of the significant change in direction for permitting programs that is being contemplated. The Agency intends to use the concept paper on environmental permitting as an overall guide for reforms to permit programs, where appropriate. The individual recommendations contained in the document will be considered by program and regional offices as they develop specific plans in response to the concepts discussed in the PIT recommendations. These plans will include providing assistance to states and tribes that choose to consider and implement appropriate permit reform. As specific program changes are developed, opportunities for stakeholder input will be provided. It is anticipated that stakeholders will use the final concept paper, as well as other relevant documents and authorities such as applicable statutes, in their review of specific permit program changes. This will help to provide all stakeholders with a common context when commenting on these specific changes.

For some permitting programs, minor changes may be needed to implement many of the concepts specified in the document; while other programs may require more significant modifications. Some of these modifications may also require changes to statutes and regulations and could necessitate technical research and analysis prior to revising permit programs to conform with the recommendations. Therefore, the time-frame to implement the recommendations could range from several months to many years. The Agency notes that current permitting system were developed over the last three decades, and that changes need to be made within the existing systems while they evolve to the approach envisioned in the concept paper. Furthermore, as implementation proceeds, it is likely that some of the concepts will require revision based on new information.

Paperless Office Effort

EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted to ACSII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter. Rather, EPA is experimenting with this procedure as an attempt to expedite our internal review and response to comments. This expedited procedure is in conjunction with the Agency ''Paperless Office'' campaign.

Elliott P. Laws,

Designated Federal Official.

[FR Doc. 96–18196 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5539–7]

Notice of Proposed Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(I) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), notice is hereby given of a proposed administrative cost recovery settlement under Section 122(h)(1) of CERCLA concerning the Midwest United Industries, Inc. Site in Greenville, Ohio, which was signed by the Superfund Division Director of EPA, Region V, on June 6, 1996. The settlement resolves an EPA claim under Section 107(a) of CERCLA against Arthur Dearing and Midwest United Industries, Inc. The settlement requires the settling parties to pay $5,000 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Greenville Public Library, 520 Sycamore St., Greenville, Ohio 45331, and at the U.S. EPA, Records Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: Comments must be submitted on or before August 19, 1996.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at U.S. EPA, Records Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from U.S. EPA, Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments should reference the Midwest United Industries, Inc. Site, Greenville, Ohio and EPA Docket No. V–W–96–C–355 and should be addressed to Ms. Maria Gonzalez, U.S. EPA, Office of Regional Counsel (Mail Code: CS–29A), 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Maria Gonzalez, U.S. EPA, Office of Regional Counsel (CS–29A), 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886–6630.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–18385 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5539–6]

Proposed de Minimis Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as Amended by the Superfund Amendments and Reauthorization Act—Hansen Container Site, Grand Junction, Colorado

AGENCY: Environmental Protection Agency.

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122 (i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), notice is hereby given of a proposed de minimis settlement under section 122(g), concerning the Hansen Container site in Grand Junction, Colorado (Site). The proposed Administrative Order on Consent (AOC) requires two (2) Potentially Responsible Parties to Pay an aggregate total of $17,874.57 to address their liability to the United States Environmental Protection Agency (EPA) related to response actions taken or to be taken at the Site.

OPPORTUNITY FOR COMMENT: Comments must be submitted by no later than August 19, 1996.

ADDRESSES: The proposed settlement is available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, North Tower, Denver, Colorado. Comments should be addressed to Maureen O'Reilly, Enforcement Specialist, (8ENF–T), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202–2405, and should reference the Hansen Container de minimis settlement (95–13).

FOR FURTHER INFORMATION CONTACT: Maureen O'Reilly, Enforcement Specialist, at (303) 312–6402.

SUPPLEMENTARY INFORMATION: Notice of section 122(g) de minimis settlement: In accordance with section 122(i)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (ARC) have been agreed to by the following two (2) parties, for the following amounts (in alphabetical order):

United States Bureau of Reclamation—$117.94

United States General Services Administration—$17,756.63

Total—$17,874.57

By the terms of the proposed AOC, these parties will together pay $17,874.57 to the Hazardous Substance Superfund. This payment represents approximately .003% of the total anticipated costs for the Site upon which this settlement is based.

In exchange for payment, EPA will provide the settling parties with a limited covenant not to sue for liability under sections 106 and 107(a) of CERCLA, including liability for EPA's past costs, the cost of the remedy, and future EPA oversight costs, and under section 7003 of the Solid Waste Disposal Act, as amended (also known as the Resource Conservation and Recovery Act).

The amount that each individual PRP will pay, as shown above, reflects the number of drums that each PRP sent to the Site that had hazardous materials in them. The cost per drum is $3.24. The total amount of settlement dollars owed by each party to the settlement was arrived at by multiplying the price per drum by the number of drums a party sent to the Site (Base Amount) plus a premium payment of 30% of the Base Amount.

For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to this proposed de minimis settlement.

A copy of the proposed AOC may be obtained from Maureen O'Reilly (8ENF–T), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2405, (303) 312–6402. Additional background information relating to the de minimis settlement is available for review at the Superfund Record Center at the above address.

It Is So Agreed.

Dated: July 12, 1996.

Jack W. McGraw,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 96–18386 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5533–8]

Proposed Issuance of the NPDES General Permit for Discharges From the Offshore Subcategory of the Oil and Gas Extraction Point Source Category to the Territorial Seas of Louisiana (LAG260000)

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed NPDES General Permit Issuance.

SUMMARY: The Regional Administrator of Region 6 today proposes to issue National Pollutant Discharge Elimination System (NPDES) general permit No. LAG260000 for existing source facilities and New Source facilities in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart A) located in and discharging to lease blocks in the Territorial Seas of Louisiana. The discharge of produced water to the Territorial Seas of Louisiana from Offshore Subcategory facilities located in the Outer Continental Shelf (OCS) waters off of Louisiana is also covered by this permit.

As proposed, the permit limitations conform to Oil and Gas Extraction Offshore Subcategory Guidelines and contain additional requirements to assure that state water quality standards will be met and there will be no unreasonable degradation of the marine environment as required by Section 403(c) of the Clean Water Act. Specifically, the draft permit proposes to prohibit the discharge of drilling fluids and drill cuttings and prohibit the discharge of produced sand. Produced discharges water are limited for oil and grease, toxic metals and organics, and chronic toxicity. In addition, limits are placed on oil and grease and a requirement of no discharge of priority pollutants except in trace amounts for well treatment, completion, and workover fluids, and the requirement of No Free Oil is placed on a number of other waste discharges associated with oil and gas operations.

ADDRESSES: Comments should be sent to: Regional Administrator, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

DATES: Comments must be received by September 17, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 655–7513.

A copy of the draft permit or an explanatory fact sheet may be obtained from Ms. Caldwell. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Caldwell 24 hours advanced notice.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those which operate offshore oil and gas extraction facilities located in the Outer Continental Shelf of the western Gulf of Mexico.

Category	Examples of regulated entities
Industry	Offshore Oil and Gas Extraction Platforms.

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. Other types of entities not listed in the table could also be regulated. To determine whether your [facility, company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in Part I. Section A.1. of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 301(a) of the Clean Water Act (CWA or the Act), 33 USC 1311(a), renders it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 USC 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, 306, 401 and 403. Those statutory provisions require that NPDES permits include effluent limitations requiring that authorized discharges (1) Meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards, (3) comply with other state requirements adopted under authority retained by states under CWA section 510, 33 USC 1370 and (4) cause no unreasonable degradation to the territorial seas, waters of the contiguous zone or the oceans.

Three types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS, and fecal coliform, CWA section 301(b)(1)(E) requires effluent limitations based on ''best conventional pollution control technology'' (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2) (A), (C) and (D) require effluent limitations based on ''best available pollution control technology economically achievable'' (BAT). For New Sources, CWA section 306 requires effluent limitations based on New Source Performance Standards (NSPS). Final effluent guidelines specifying BCT, BAT and NSPS for the Offshore Subcategory of the Oil and Gas Point Source Category (40 CFR 435, Subpart A) were issued January 15, 1993 and were published at 58 FR 12454 on March 4, 1993.

Other Legal Requirements

State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law. Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions that ensure compliance with applicable state water quality standards or limitations. The proposed permit contains limitations intended to ensure compliance with state water quality standards and has been determined by EPA Region 6 to be consistent with Louisiana's water quality standards and the corresponding implementation plan. The Region has solicited certification from the Louisiana Department of Environmental Quality.

Oil Spill Requirements

Section 311 of the CWA, ''the Act'', prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges that are in compliance with NPDES permits are excluded from the provisions of Section 311. However, the permit does not preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by Section 311 of the Act.

Endangered Species Act

The permit, as proposed, contains limitations to protect aquatic life. It is also much more stringent than the previous permit which covered discharges to the territorial seas of Louisiana (46 FR 20284 published April 3, 1981). The Region finds that adoption

of the proposed permit is unlikely to adversely affect any threatened or endangered species or its critical habitat. EPA is seeking written concurrence from the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) on this determination.

Environmental Impact Statement

EPA determined that issuance of the NPDES General Permit for Discharges from the Offshore subcategory of the Oil and Gas Extraction Category to the Territorial Seas of Louisiana was a major Federal action significantly affecting the quality of the human environment. Thus, pursuant to the National Environmental Policy Act of 1969 (NEPA) evaluation of the potential environmental consequences of the permit action in the form of an Environmental Impact Statement (EIS) was required.

On February 12, 1993, the U.S. Environmental Protection Agency (EPA), Region 6, published a Notice of Intent in the Federal Register, to prepare an Environmental Impact Statement FEIS) on its proposed New Source NPDES General Permit for the Offshore Subcategory of the Oil & Gas Extraction Category to the Territorial Seas of the Gulf of Mexico off Texas and Louisiana. The 45-day public review and comment period ended on March 16, 1994. A public hearing to receive comments on the Draft EIS and NPDES permit was held March 16, 1994.

Because the Draft EIS evaluated the NPDES general permits for oil and gas operations in the Territorial Seas of Texas and Louisiana, and all issues related to the Texas permit have not been resolved, EPA's Final EIS only covers the Louisiana NPDES general permit. The Final EIS will be made available for a 30-day review by interested agencies, environmental groups, and the public. Comments received on the Final EIS will be considered in EPA's Record of Decision, documenting the completion of the NEPA process and final decision of the Louisiana NPDES general permit.

Ocean Discharge Criteria Evaluation

For discharges into waters of the territorial sea, contiguous zone, or oceans CWA section 403 requires EPA to consider guidelines for determining potential degradation of the marine environment in issuance of NPDES permits. These Ocean Discharge Criteria (40 CFR 125, Subpart M) are intended to ''prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal'' (45 FR 65942, October 3, 1980). An Ocean Discharge Criteria Evaluation was conducted to determine compliance of this proposed permit with those criteria. Based on the terms and conditions of the territorial seas permit as it is proposed, EPA has determined that discharges authorized by the permit will not cause unreasonable degradation of the marine environment. Therefore, issuance of the permit will not violate Ocean Discharge Criteria promulgated under CWA 403 (c).

Coastal Zone Management Act

The proposed permit is more stringent than the general permit for New and Existing Sources in the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000) which has been determined to be consistent with Louisiana's Coastal Zone Management Plan (CZMP). Since it covers similar operations as that permit and is more stringent, EPA has determined that the activities authorized by this proposed permit are consistent with the local and state Coastal Zone Management Plans. The proposed permit and consistency determination will be submitted to the State of Louisiana for interagency review at the time of public notice.

Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 regulates the dumping of all types of materials into ocean waters and establishes a permit program for ocean dumping. In addition the MPRSA establishes Marine Sanctuaries Program, implemented by the National Oceanographic and Atmospheric Administration (NOAA), which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or aesthetic values. No marine sanctuaries designated under the Marine Research and Sanctuaries Act exist in the area to which this permit applies.

Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12866. It should be noted, however, that EPA in fact prepared a regulatory impact analysis in connection with its promulgation of the Guidelines, submitted it to the OMB, and included it in the public review. See 58 FR 12492. Each of the technology-based conditions in the proposed permit which will increase industry compliance costs was considered in that regulatory impact analysis and review.

Paperwork Reduction Act

The information collection required by this permit has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork

Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040–0086 (NPDES permit application) and 2040–0004 (discharge monitoring reports).

Since this permit is very similar in reporting and application requirements and in discharges which are required to be monitored as the Western Gulf of Mexico Outer Continental Shelf (OCS) general permit (GMG290000) the paperwork burdens are expected to be nearly identical. When it issued the OCS general permit, EPA estimated it would take an affected facility three hours to prepare the request for coverage and 38 hours per year to prepare discharge monitoring reports. It is estimated that the time required to prepare the request for coverage and discharge monitoring reports for this permit will be the same.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. In promulgating the Guidelines, EPA prepared an economic impact analysis showing they would directly impact no small entities. See 58 FR 12492. Based on those findings, EPA Region 6 certifies, pursuant to the provisions of 5 USC 605(b), that the permit proposed today will not have a significant impact on a substantial number of small entities.

Dated: April 18, 1996.

Oscar Ramirez,

Acting Director, Water Quality Protection Division, EPA Region 6.

[FR Doc. 96–18382 Filed 7–18–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the

Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217–011548.

Title: Hanjin/SINOTRANS Slot Charter Agreement.

Parties:

Hanjin Shipping Co., Ltd. (''Hanjin'')
China National Foreign Trade (''SINOTRANS'') Transportation Corp.

Synopsis: The proposed Agreement authorizes Hanjin to charter space to SINOTRANS in the trade between ports in China and Korea and ports on the West Coast of the United States.

Agreement No.: 224–200389–001.

Title: Houston Maritime Freight Handlers Discussion Agreement.

Parties:

Ceres Gulf, Inc.
Fairway Terminal Corporation
Southern Stevedoring Company
Harbor Freight Transport
SSA Ryan-Walsh, Inc.
Strachan Shipping Co. of Texas
Chaparral Stevedoring Co. of Texas
Port-Cooper/T. Smith Stevedoring Co.

Synopsis: The proposed amendment amends Articles I, II, V, and VI to permit the parties to share credit information and begin refusing to handle cargo of delinquent creditors.

Agreement No.: 224–200994.

Title: Wharfage Agreement between Jacksonville Port Authority/Autoliners, Inc.

Parties:

Jacksonville Port Authority (''Port'')
Autoliners, Inc. (''Autoliners'')

Under the proposed Agreement, Autoliners will pay the Port wharfage on automobiles crossing the Port's Blount Island Marine Terminal.

Dated: July 16, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–18348 Filed 7–18–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency information collection activities: Proposed collection; comment request

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Notice

BACKGROUND:

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1995, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number. Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the OMB 83-I and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

(a) whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

(b) the accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before September 17, 1996.

ADDRESSES: Comments, which should refer to the OMB control number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. McLaughlin, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Dorothea Thompson (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension, without revision, of the following reports:

1. Report title: OTC Margin Stock Report
Agency form number: FR 2048
OMB control number: 7100-0004
Frequency: quarterly
Reporters: corporations that have stock trading over-the-counter and that are being considered for inclusion on the Board's List of Marginable OTC Stocks
Annual reporting hours: 75
Estimated average hours per response: 0.25
Number of respondents: 75
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. §§78g and 78w) and is not given

confidential treatment (5 U.S.C. §552(b)(4)).

Abstract: The report is used to survey corporations with over-the-counter (OTC) stock traded on the National Association of Securities Dealers Automated Quotations System's (NASDAQ) SmallCap Market. These securities are being considered for initial and continued inclusion on the Board's List of Marginable OTC Stocks published each February, May, August, and November. The OTC List is part of the information the Federal Reserve uses in fulfilling its statutory obligation to regulate margin credit as mandated by the Securities Exchange Act of 1934.

2. Report title: Report of Broker Carrying Margin Accounts
Agency form number: FR 2240
OMB control number: 7100-0001
Frequency: annual
Reporters: member firms of the New York or American Stock Exchanges that are carrying margin accounts as of the last business day of June each year
Annual reporting hours: 232
Estimated average hours per response: 2.7
Number of respondents: 86
Small businesses are affected.

General description of report: This information collection is mandatory (12 U.S.C. §78q(g)) and is given confidential treatment (5 U.S.C. §552(b)(4)).

Abstract: The report collects certain balance sheet information required from securities brokers and dealers carrying margin accounts to fulfill the Board's responsibility to regulate margin credit under the Securities Exchange Act.

3. Report title: Consumer Satisfaction Questionnaire
Agency form number: FR 1379
OMB control number: 7100-0135
Frequency: on occasion
Reporters: individuals
Annual reporting hours: 8
Estimated average hours per response: .25
Number of respondents: 30
Small businesses are not affected.

General description of report: This information collection is voluntary (15 U.S.C. § 57a) and is not generally given confidential treatment, however, some respondents may provide information not specifically solicited on the form which may be exempt from disclosure (5 U.S.C. § 552(b)(4), (b)(6), or (b7)) upon specific request from the respondent.

Abstract: The FR 1379 is used to determine whether complainants are satisfied with the way the Federal Reserve System handled their complaints and to solicit suggestions for improving the complaint-handling process. The questionnaire is sent to consumers whose complaints against state member banks were referred by the Board of Governors to the appropriate Federal Reserve Bank for resolution.

4. Report title: Application for a Foreign Organization to Become a Bank Holding Company
Agency form number: FR Y-1f
OMB control number: 7100-0119
Frequency: on occasion
Reporters: foreign organizations seeking initial entry into the United States through the acquisition of a domestic bank
Annual reporting hours: 154
Estimated average hours per response: 77
Number of respondents: 2
Small businesses are not affected.

General description of report: This information collection is mandatory for any foreign organization seeking to become a U.S. bank holding company, and is authorized by the Bank Holding Company Act (12 U.S.C. §1842(a) and 1844(a) through (c)) and by Regulation Y (12 CFR §§225.5(a) and 225.11(f)). The FR Y-1f is not confidential unless the applicant specifically requests confidential treatment and the Board approves the request. For the Board to grant confidentiality, the applicant must demonstrate that disclosure of certain information would likely result in substantial harm to the competitive position of the bank holding company, its substitutes, or the bank to be acquired, or that disclosure of personal information would result in clearly unwarranted invasion of personal privacy.

Abstract: The application is filed by any company that is organized under the laws of a foreign country and that is seeking initial entry into the United States via establishment or acquisition of a U.S. subsidiary bank. The application must contain the most recent information available so that the staff can analyze the applicant's current competitive position, its financial condition, and its compliance with relevant statutory factors. While the application collects the minimum amount of information needed, the instructions explicitly state that the applicant may submit any additional information that it wants the Federal Reserve to consider; thus the applicant has latitude to present its best case. No other supervisory information is collected.

Proposal to discontinue under OMB delegated authority the following reports:

1. Report title: Survey of Debits to Selected Deposit Accounts
Agency form number: FR 2573
OMB control number: 7100-0081
Frequency: monthly
Reporters: selected commercial banks
Annual reporting hours: 3,000
Estimated average hours per response: 1.0
Number of respondents: 250
Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C.§ 248(a)(2)) and is given confidential treatment (5 U.S.C. § 552(b)(4)).

Abstract: The report collects the amount of debits (withdrawals during the month) for three deposit categories, which cover the major types of deposits that money stock holders can use directly or indirectly for transaction purposes:

(1) demand deposits of individuals, partnerships, corporations, and of states and political subdivisions;

(2) other checkable deposits (ATS, NOW, and telephone and preauthorized transfer accounts); and

(3) savings deposits (including money market deposit accounts). The Federal Reserve has used the FR 2573 data, together with deposit balance data obtained in large part from weekly deposits reports, in constructing universe estimates of bank debits and in calculating deposit turnover rates, which are published in the Federal Reserve's monthly statistical release, ''Debits and Deposit Turnover at Commercial Banks (G.6).'' These data have aided in explaining the behavior of the transaction accounts component of the monetary aggregates.

The usefulness of the FR 2573 data in understanding the behavior of the monetary aggregates has diminished in recent years as the distinction between transaction accounts and savings accounts has become increasingly blurred. Further, the emphasis on monetary aggregates as policy targets has decreased. In addition, respondent participation has declined over the last several years. For these reasons, the Federal Reserve proposes to discontinue the survey and the related statistical release.

2. Report title: Quarterly Report of Condition for a New York State Investment Company and Its Domestic Subsidiaries
Agency form number: FR 2886a
OMB control number: 7100-0207
Frequency: quarterly
Reporters: New York State investment companies
Annual reporting hours: 360
Estimated average hours per response: 18
Number of respondents: 5
Small businesses are not affected.

General description of report: This information collection is mandatory (12

U.S.C. § 3105(b)(1)) and is authorized by state law (New York State Banking Law §513). Data from Schedule M, ''Due to/Due from Related Banking Institutions in the U.S. and in Foreign Countries,'' is given confidential treatment (5 U.S.C. § 552(b)(4)).

Abstract: This report collects selected balance sheet items from New York State investment companies chartered under Article XII of New York state banking law that are engaged in banking and that are majority owned by foreign banks. The Federal Reserve uses data from the FR 2886a to construct various banking statistics, including money stock, bank credit aggregates, and nondeposit sources of funds for commercial banks. The New York State Banking Department uses data from the FR 2886a for supervisory purposes.

Over the last few years the number of respondents required to file this report has declined with asset coverage shrinking significantly. Because of the very small number of respondents and the diminished importance that they represent in the construction of the Board's various banking statistics, the Federal Reserve proposes to discontinue the collection of this report. The New York State Banking Department will continue to collect the FR 2886a on their own behalf for supervisory purposes.

Board of Governors of the Federal Reserve System, July 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96-18332 Filed 7-18-96; 8:45AM]

Billing Code 6210-01-F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The company listed in this notice has applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The application listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 12, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. ISB Financial Corporation, New Iberia, Louisiana; to merge with Jefferson Bancorp, Inc., Gretna, Louisiana, and thereby indirectly acquire Jefferson Federal Savings Bank, Gretna, Louisiana.

Board of Governors of the Federal Reserve System, July 15, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–18333 Filed 7–18–96; 8:45 am]

BILLING CODE 6210–01–F

Sunshine Act

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

TIME AND DATE: 10:00 a.m., Wednesday, July 24, 1996.

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

STATUS: Closed.

MATTERS TO BE CONSIDERED:

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

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

Dated: July 17, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–18482 Filed 7–17–96; 11:02 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Board on Welfare Indicators Meeting

AGENCY: Advisory Board on Welfare Indicators.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for the first meeting of the Advisory Board on Welfare Indicators. This notice also describes the functions of the Advisory Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATE AND TIME: August 2, 1996, 9:30 a.m. to 4:00 p.m.

ADDRESSES: The Snow Room, 5051 Cohen Building, 300 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Ann McCormick, Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation—Human Services Policy, 200 Independence Ave., S.W., Washington, D.C. 20201. Telephone: (202) 690–5880; FAX: (202) 690–6562.

SUPPLEMENTARY INFORMATION: The Advisory Board on Welfare Indicators was established by Subtitle D, section 232 of the Social Security Act Amendments of 1994 (Public Law 103–432). The duties of the Advisory Board include (A) providing advice and recommendations to the Secretary of Health and Human Services on the development of indicators of the rate at which and, to the extent feasible, the degree to which, families depend on income from welfare programs and the

duration of welfare receipt and (B) providing advice on the development and presentation of annual welfare indicators reports to the Congress required by the Social Security Act Amendments of 1994.

The meeting of the Advisory Board is open to the public. The agenda for the August 2 meeting includes presentations on longitudinal indicators of children's poverty and dependence and Aid to Families with Dependent Children (AFDC) caseload growth, discussion of issues raised by these presentations, the outline of the interim report, and preliminary discussion of data needs for the annual reports. A final agenda will be available from the offices of the Assistant Secretary for Planning and Evaluation—Human Services Policy on July 26, 1996.

Records will be kept of the Advisory Board proceedings, and will be available for public inspection at offices of the Assistant Secretary for Planning and Evaluation—Human Services Policy, 200 Independence Avenue, S.W., room 404–E, Washington, D.C. 20201 between the hours of 9:00 a.m.–5:00 p.m.

Ann Segal,

Deputy to the Deputy Assistant Secretary for Human Services Policy, ASPE.

[FR Doc. 96–18375 Filed 7–18–96; 8:45 am]

BILLING CODE 4150–04–M

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Accelerated Prevention Campaign Jail Surveillance Projects Guidance, Program Announcement 401: 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: Cooperative Agreements for Accelerated Prevention Campaign Jail Surveillance Projects Guidance, Program Announcement 401.

Time and Date: 8:30 a.m.–5 p.m., August 12, 1996.

Place: 11 Corporate Square, Building 11, Conference Room 2214, Corporate Square Boulevard, Atlanta, Georgia 30329.

Status: Closed.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 401.

The meeting will be closed to the public in accordance with provisions set forth in 5 U.S.C. Section 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: John R. Lehnherr, Chief, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, 1600 Clifton Road, NE, M/S E07, Atlanta, Georgia 30333, telephone 404/639–8025.

Dated: July 12, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–18338 Filed 7–18–96; 8:45 am]

BILLING CODE 4163–18–M

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Centers/National Center for Chronic Disease Prevention and Health Promotion—Teen Pregnancy Prevention, Program Announcement 641: 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: Cooperative Agreements for Prevention Centers/National Center for Chronic Disease Prevention and Health Promotion—Teen Pregnancy Prevention, Program Announcement 641.

Time and Date: 8:30 a.m.–5 p.m., August 6–7, 1996.

Place: Emory Inn Hotel, 1615 Clifton Road, NE, Atlanta, Georgia 30329.

Status: Closed.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 641.

The meeting will be closed to the public in accordance with provisions set forth in 5 U.S.C. Section 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: Michael Dalmat, Dr. P.H., Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K20, Atlanta, Georgia 30341, telephone 770/488–5227.

Dated: July 12, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–18339 Filed 7–18–96; 8:45 am]

BILLING CODE 4163–18–M

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Academic Medical Center/Community Health Network Childhood Immunization Demonstration Projects, Program Announcement 612: 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: Cooperative Agreements for Academic Medical Center/Community Health Network Childhood Immunization Demonstration Projects, Program Announcement 612.

Time and Date: 8:30 a.m.–5p.m., August 8–9, 1996.

Place: J.W. Marriott Hotel, 3300 Lenox Road, NE, Atlanta, Georgia 30326.

Status: Closed.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 612.

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.

Contract Person for More Information: Russ Havlak, Immunization Services Division, National Immunization Program, CDC, 1600 Clifton Road, NE, M/S E52, Atlanta, Georgia 30333, telephone 404/639–8569.

Dated: July 12, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–18340 Filed 7–18–96; 8:45 am]

BILLING CODE 4163–18–M

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

OMB No: 0970–0060.

Title: Low Income Home Energy Assistance Program (LIHEAP) Household Report.

Description: The report is an annual activity which is required by law of LIHEAP grantees for receipt of federal LIHEAP block grant funds. Statistics are to be reported for the previous federal fiscal year on the number and income levels of LIHEAP applicants and assisted households, and the number of LIHEAP assisted households with at least one member who is elderly,

disabled, or a young child. The information is being collected for the Department's annual LIHEAP report to Congress and is used to provide information about the need for and use of LIHEAP funds. The information may also may be used as performance measures under the Government Performance Results Act of 1993.

Respondents: State Governments, Tribal Governments and Territories.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Asst. Hhd. Report-LF	52	1	25	1,300
Asst. Hhd. Report-SF	128	1	1	128
Applic. Hhd. Report	51	1	13	663

Estimated Total Annual Burden Hours: 2,091

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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 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. Considerations will be given to comments and suggestions submitted within 60 days of this publication.

Dated: July 15, 1996.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 96–18377 Filed 7–18–96; 8:45 am]

BILLING CODE 4184–01–M

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: 45 CFR Part 95, Subpart F—Automatic Data Processing Equipment and Services—Conditions for Federal Financial Participation (FFP).

OMB No.: 0992–0005.

Description: The advance planning document (APD) process, established in the rules at 45CFR Part 95, Subpart F, is the procedure by which states request and obtain approval for federal financial participation in their cost of acquiring automatic data processing equipment and services. The State agency submitted APD, provides the Department of Health and Human Services (DHHS) with the following information necessary to determine the State's need to acquire the requested ADP equipment and/or services:

1. a statement of need;
2. a requirements analysis and feasibility study;
3. a cost benefits analysis;
4. a proposed activity schedule; and,
5. a proposed budget.

DHHS' determination, of a State agency's need to acquire requested ADP equipment or services, is authorized at sections 402(a)(5), 452(a)(1), 1902(a)(4) and 1102 of the Social Security Act.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

	Requested approval
Advance Planning Document Reporting Requirement	
Annual Number of Respondents	50
Number of Annual Reports	92
Average Burden Per Response	60
Total Burden Hours	5,520
RFP and Contract Reporting Requirement	
Annual Number of Respondents	50

ANNUAL BURDEN ESTIMATES—Continued

	Requested approval
Number of Annual Reports	77
Average Burden Per Response	1.5
Total Burden Hours	115.5
Emergency Funding Request Reporting Requirement	
Annual Number of Respondents	27
Number of Annual Reports	27
Average Burden Per Response	1
Total Burden Hours	27
Service Agreement Recordkeeping Requirement	
Annual Number of Respondents	14
Number of Annual Reports	14
Average Burden Per Response	1
Total Burden Hours	14
Recordkeeping Biennial Reports Requirement	
Annual Number of Respondents	50
Number of Annual Reports	50
Average Burden Hours	1.5
Total Burden Hours	75
Total State Burden Hours	5,751.5

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written

comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor,

Dated July 11, 1996.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 96–18376 Filed 7–18–96; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

Sulfadimethoxine and Ormetoprim in Chukar Partridge Feed; Availability of Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of target animal safety and effectiveness data and environmental data to be used in support of a new animal drug application (NADA) or supplemental NADA for use of Type C medicated feed containing sulfadimethoxine and ormetoprim in chukar partridges, for the prevention of coccidiosis caused by *Eimeria kofoidi* and *E. legionensis*. The data, contained in Public Master File (PMF) 5157, were compiled under National Regional Support Project No. 7 (NRSP–7) (formerly the Interregional Research Project No. 4 (IR–4)), a national agricultural program for obtaining clearances for use of new drugs in minor animal species or in any animal species for control of diseases that occur infrequently or in limited geographical areas.

ADDRESSES: Submit NADA's or supplemental NADA's to the Document Control Unit (HFV–199), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–3125.

FOR FURTHER INFORMATION CONTACT: Naba K. Das, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1659.

SUPPLEMENTARY INFORMATION: The use of sulfadimethoxine and ormetoprim in chukar partridge feed is a new animal drug use under section 201(v) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(v)). As a new animal drug, the combination of sulfadimethoxine/ormetoprim is subject to section 512 of the act (21 U.S.C. 360b) which requires that its use in chukar partridges be the subject of an approved NADA or supplemental NADA. Partridges are a minor species under § 514.1(d)(1)(ii) (21 CFR 514.1(d)(1)(ii)). The NRSP–7 Project, Northeastern Region, New York State College of Veterinary Medicine, Cornell University, Ithaca, NY 14853–6401, has filed data and information that demonstrate safety and effectiveness to chukar partridges consuming sulfadimethoxine/ormetoprim-containing feed for the prevention of coccidiosis caused by *E. kofoidi* and *E. legionensis*. NRSP–7 has also filed an environmental assessment (EA) that adequately addresses the potential impacts due to use of the drug product. Approval of an application based on the data and information in this file requires added information concerning the environmental impact of the manufacturing site. The EA will be displayed when the NADA is approved, so that the manufacturing site environmental impact can be included in the assessment. The EA may be seen at 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 use of the drug in chukar partridges has an inherent withdrawal period both when introduced into the game preserves and the period between dosing and maturity. Therefore, the Center for Veterinary Medicine has waived the requirements for conducting a tissue residue depletion study.

The data and information are contained in PMF 5157. Sponsors of NADA's or supplemental NADA's may, without further authorization, refer to the PMF to support approval of an application filed under § 514.1(d). An NADA or supplemental NADA must include, in addition to reference to the PMF, animal drug labeling and other data needed for approval, such as manufacturing methods, facilities, and controls, and information addressing the potential environmental impacts (including occupational) of the manufacturing process. Persons desiring more information concerning the PMF or requirements for approval of an NADA may contact Naba K. Das (address above).

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and 21 CFR 514.11(e)(2)(ii), a summary of target animal safety and effectiveness data and information in the PMF submitted to support approval of an application may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 11, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96–18349 Filed 7–18–96; 8:45 am]

BILLING CODE 4160–01–F

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Notice of Meeting

Pursuant to Pub.L. 92–463, notice is hereby given of a teleconference meeting of the Center for Substance Abuse Treatment (CSAT) National Advisory Council in July 1996.

The Council will discuss the Center's policy issues and current administrative, legislative and program development related to the Knowledge Development Application (KDA) Agenda for 1997. Public comments are welcome. Please contact the person listed below if you wish to participate in the meeting.

A summary of the meeting and roster of council members may be obtained from: Ms. Marjorie Cashion, Executive Secretary, National Advisory Council, CSAT, Rockwall II Building, Suite 840, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3821.

Substantive program information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: The Center for Substance Abuse Treatment, National Advisory Council.

Meeting Date/Time: July 23, 1996—1:00 p.m. to 2:30 p.m.

Place: Center for Substance Abuse Treatment, 5515 Security Lane, Rockwall II Building, Suite 615, Rockville, Maryland 20852.

Type: Open Session.

Contact: Marjorie M. Cashion, Rockwall II Building, Suite 840, Telephone (301) 443–3821, FAX: (301) 480–6077.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: July 16, 1996.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 96–18441 Filed 7–18–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3778–N–94]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR Part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number). HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR Part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GAS, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contract the appropriate landholding agencies at the following addresses: Air Force: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area-MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; COE: Mr. Bob Swieconek, Army Corps of Engineers, Civilian Facilities, Pulaski Building, Room 4224, 20 Massachusetts Avenue, NW., Washington, DC 20314–1000; (202) 761–1749; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0052; Interior: Ms Lola D. Knight, Department of the Interior, 1849 C Street, NW., Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; (These are not toll-free numbers).

Dated: July 12, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 07/19/96

Suitable/Available Properties

Buildings (by State)

Kansas

Washhouse/shower
Pomona Lake
Vassar Co: Osage KS 66543–
Landholding Agency: COE
Property Number: 319620002
Status: Excess
Comment: 1274 sq. ft. metal bldg., most recent use—storage, needs repair, off-site use only.

Water Treatment Bldg.
Pomona Lake
Vassar Co: Osage KS 66543–
Landholding Agency: COE
Property Number: 319620003
Status: Excess
Comment: 720 sq. ft. bldg., needs repair, off-site use only.

Missouri

Bldg. A
Harry S. Truman Project
Warsaw Co: Benton MO 65355–
Landholding Agency: COE
Property Number: 319620004
Status: Excess
Comment: 1440 sq. ft. residence, off-site use only.

Bldg. B
Harry S. Truman Project
Warsaw Co: Benton MO 65355–
Landholding Agency: COE
Property Number: 319620005
Status: Excess
Comment: 1440 sq. ft. residence, off-site use only.

Ohio

½ Duplex Dwelling
Michael J. Kirwan Dam
Wayland Co: Portage OH 44285–0058
Landholding Agency: COE
Property Number: 319620007
Status: Unutilized
Comment: 2541 sq. ft. residence, available for interim use for nonresidential purposes.

Pennsylvania

Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 319620008
Status: Unutilized

Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Vermont

Bennington Federal Building
118 South Street
Bennington VT 05201–
Landholding Agency: GSA
Property Number: 549620009
Status: Excess
Comment: 3326 sq. ft., most recent use—office/courts, listed on National Register of Historic Places/preservation restrictions
GSA Number: 1–G–VT–470.

Virginia

Metal Bldg.
John H. Kerr Dam & Reservoir Co: Boydton VA
Landholding Agency: COE
Property Number: 319620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.

Washington

Coast Guard Housing
9551 Avondale Rd., NE
Redmond Co: King WA 98052–
Landholding Agency: GSA
Property Number: 549620008
Status: Excess
Comment: 3.6 existing units, major rehab, maybe economically infeasible to rehab due to present zoning
GSA Number: 9–U–WA–1109.

Land (by State)

Montana

U.S. Army Reserve Center
Marcella Avenue
Lewistown Co: Fergus MT
Landholding Agency: GSA
Property Number: 219420009
Status: Excess
Comment: 4.16 acres open land
GSA Number: 7–D–MT–0607.

Virginia

4.619 (P) Atlantic Marine Ctr
561 Front Street
Norfolk VA 23510–
Landholding Agency: GSA
Property Number: 549620010
Status: Excess
Comment: 4.619 acres, most recent use—storage, easement/lease restrictions, subject to Chesapeake Bay Preservation Act
GSA Number: 4–C–VA–712.

Suitable/Unavailable Properties

Land (by State)

North Dakota

Tracts V–1971B, V–1971
Garrison Dam/Lake Sakakawea Co: McKenzie ND
Landholding Agency: COE
Property Number: 319620006
Status: Unutilized
Comment: approx. 4.49 acres, most recent use—cattle ranching operation, rough broken ground—Badlands.

Unsuitable Properties

Buildings (by State)

Arkansas

Fort Smith USAR Center
1218 South A Street
Fort Smith Co: Sebastian AR 72901–
Landholding Agency: GSA
Property Number: 219014928
Status: Excess
Reason: Extensive deterioration
GSA Number: 7–D–AR–551.

Michigan

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 21
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 30
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 98
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 103
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 116
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 129
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 152
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 156
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 181
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 509
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 562
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630012
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Facility 573
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630013
Status: Unutilized
Reason: Secured Area.

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 827
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630015
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 832
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 833
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1005
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630018
Status: Unutilized
Reason: Secured Area.

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630019
Status: Unutilized
Reason: Secured Area.

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630020
Status: Unutilized
Reason: Secured Area.

Facility 1025
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630021
Status: Unutilized
Reason: Secured Area.

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630022
Status: Unutilized
Reason: Secured Area.

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630023
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1445
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630024
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1514
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630025
Status: Unutilized
Reason: Secured Area.

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630026
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1576
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630027
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1578
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630028
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630029
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1582
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630030
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1583
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1584
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630032
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Facility 1585
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630033
Status: Unutilized
Reason: Secured Area.

New York

Fed. Bldg.
Multi Bldg. complex, 252 7th Avenue
New York NY 10001
Landholding Agency: GSA
Property Number: 549630001
Status: Excess
Reason: Extensive deterioration
GSA Number: NY–0783A.

Land (by State)

Idaho

Zanzow Sidewalk Sale
0.5 acres
Boise Co: Ada ID 83705–
Landholding Agency: Interior
Property Number: 619630001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Oregon

Portion/Oregon Landfill
3 acres
Ontario Co: Malheur OR 97914–
Landholding Agency: Interior
Property Number: 619630002
Status: Unutilized
Reason: Other
Comment: landlocked.

[FR Doc. 96–18240 Filed 7–18–96; 8:45 am]
BILLING CODE 4210–29–M

[Docket No. FR–4083–N–01]

Office of the Assistant Secretary for Public and Indian Housing; Notice of Fiscal Year 1996 Funding for the Section 8 Rental Voucher Program and Rental Certificate Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Fiscal Year (FY) 1996 funding for the Section 8 rental voucher program and rental certificate program.

SUMMARY: The Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134, 110 Stat. 1321, approved April 26, 1996) provides $400 million of certificate and voucher funding in FY 1996 for the following purposes: (a) for residents to be relocated from existing federally subsidized or assisted housing, (b) for replacement housing for units demolished or disposed of from the public and Indian housing inventory (including units disposed of pursuant to homeownership programs under section 5(h) or title III (HOPE I and HOPE II) of the U.S. Housing Act of 1937), (c) for funds related to litigation settlements, including court orders agreed to by the parties in settlement of litigation, (d) for conversion of Section 23 housing, (e) to enable public housing agencies to implement allocation plans approved by HUD headquarters for designated housing for elderly and disabled persons, (f) to carry out the family unification program, and (g) for the relocation of witnesses in connection with efforts to combat crime in public, Indian and other assisted housing pursuant to a request from a law enforcement or prosecution agency.

In addition to the $400 million Section 8 certificate and voucher funding, the FY 1996 Appropriations Act provides that HUD may designate up to 25 percent of amounts earmarked for Section 811 supportive housing for persons with disabilities for tenant-based certificate and voucher assistance. The FY 1996 Appropriations Act also provides for funding for renewal of Section 8 certificate and voucher Annual Contributions Contracts (ACCs), amendments to the original terms of ACCs for selected certificate and moderate rehabilitation programs, and for property disposition activities. Also, a portion of the FY 1996 community

development grant funding appropriated for supportive services will be used for family self-sufficiency (FSS) service coordinators.

This notice provides general information about the availability of Section 8 certificate and voucher program budget authority made available by the FY 1996 Appropriations Act (as well as FY 1996 community development grant funds for supportive services) and additional budget authority (carryover and recaptured budget authority) that is available for use in FY 1996. This notice also specifies the procedures to be followed by HUD when making these funds available to public housing agencies and Indian housing authorities, herein referred to as housing agencies (HAs). Except as indicated below, the Department will allocate the Section 8 funds on a non-competitive basis.

The ACC for all funding including renewals appropriated for FY 1996 will generally be for a term of two years. However, ACCs for tenant-based assistance from Section 811 funding will be five years.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Division, office of Rental Assistance, Office of Public and Indian Housing, Room 4220, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–8000, telephone (202) 708–0477. (This telephone number is not toll-free.) Hearing-impaired or speech-impaired individuals may access any of the voice telephone numbers listed in this notice by calling the Federal information relay services during working hours at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice 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 2577–0169. 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.

Background

The FY 1996 Appropriations Act provides funding for Section 8 certificate and voucher assistance, but the funds must be used for specified purposes. The law does not provide funds for such other purposes as ''fair share'' applications, portability reimbursements, or ''headquarters reserve'' applications to assist victims of natural disasters or other housing emergencies.

The following are the purposes for which Section 8 certificate and voucher funding will be provided during FY 1996: (1) Relocation or replacement housing, (2) litigation, (3) conversion of Section 23 housing, (4) mainstream housing opportunities for disabled persons, (5) family unification program, (6) relocation of witnesses involved in law enforcement and criminal prosecution, (7) tenant-based assistance under the Section 811 supportive housing for persons with disabilities program, (8) property disposition, (9) Section 8 counseling to achieve broader housing opportunities, (10) Section 8 certificate and voucher renewals, and (11) Section 8 cost amendments.

I. Relocation or Replacement Housing (Approximately 18,000 Units)

A. Categories

Funds will be awarded for relocation of families living in public housing and for replacement of public housing units. Listed below are six categories for the use of Section 8 funds for relocation or replacement housing. HUD expects that most of the $400 million of the Section 8 certificate and voucher funds will be used to relocate residents who are living in public and Indian housing that is deteriorated or obsolete or to provide replacement housing for vacant units. HUD may establish a maximum amount of funds that will be available for any of the six categories under the relocation or replacement housing set-aside. The six categories for relocation or replacement housing are as follows: (1) Relocation assistance for families for units approved for demolition or disposition prior to October 1, 1995, (2) relocation assistance for families for units approved for demolition or disposition on or after October 1, 1995, (3) replacement units for public or Indian housing units that were occupied at the time of demolition or disposition approval, (4) relocation assistance for families living in public housing displaced due to mandatory conversion of distressed units, (5) relocation assistance for families living in public housing undergoing vacancy consolidation, and (6) replacement units for vacant public or Indian housing units in projects approved for demolition or disposition.

The Section 8 program funds will be awarded to housing agencies for Category 1 applications until all Category 1 applications are funded or all the funds are awarded. If any funds are remaining after all the Category 1 applications are funded, HUD will award funds for Category 2 applications until all Category 2 applications are funded or all the funds are awarded and so on for each of the categories in order of priority until all the fund are awarded.

The following is a description, in order of priority for funding, of the relocation or replacement categories under which housing agencies may receive an award:

Category 1: Relocation Assistance for Families Living in Public or Indian Housing Units Approved for Demolition or Disposition Prior to October 1, 1995. Applications will be accepted from housing agencies with applications approved prior to October 1, 1995, for demolition or disposition of public and Indian housing units where families are still living in the units and need to be relocated.

Category 2: Relocation Assistance for Families Living in Public or Indian Housing Units Approved for Demolition or Disposition on or After October 1, 1995. Applications will be accepted from housing agencies with applications approved on or after October 1, 1995, for demolition or disposition of public and Indian housing units where families are still living in the units and need to be relocated. This category also includes demolition or disposition applications that are approvable in all respects, except that the time frames for the resident purchase option are still running and will be completed after the date for submission of applications for funding under this notice.

Category 3: Replacement Assistance for Families Living in Public and Indian Housing Units at the Time of Demolition or Disposition Approval. Applications will be accepted from housing agencies as replacement of public and Indian housing units that were occupied at the time of demolition or disposition approval, but the units are no longer occupied by the families. Replacement assistance may be provided from the Section 8 funds as long as the HA did not receive Section 8 funding for resident relocation or other replacement housing funding.

Category 4: Relocation Assistance for Families Living in Public Housing Displaced Due to Mandatory Conversion of Distressed Units. Applications will be accepted from housing agencies for assistance to families living in public housing who need to be relocated due to the conversion of the distressed public housing units mandated by federal regulation.

Category 5: Relocation Assistance for Families Living in Public Housing

Undergoing Vacancy Consolidation. Applications will be accepted from housing agencies for assistance to families living in public housing who need to be relocated from obsolete public housing because of vacancy consolidation.

Category 6: Replacement Units for Vacant Public and Indian Housing Units in Projects Approved for Demolition or Disposition. Applications will be accepted from housing agencies for public and Indian housing units vacant at the time of demolition or disposition approval.

B. Definitions

1. Mandatory Conversion

The FY 1996 Appropriations Act (Section 202) requires the conversion from assistance to distressed public housing developments to assistance for tenant-based certificates or vouchers. The law requires the removal of distressed units from the public housing inventory. The requirement applies to public housing developments (or portions of developments) of more than 300 units on the same or contiguous sites that (1) have a vacancy rate of at least ten percent for units not in funded, on-schedule modernization programs, (2) cannot assure long term public housing viability through reasonable revitalization, density reduction or broader range of resident incomes, and (3) cost more than Section 8 certificates or vouchers. These developments generally must be removed from the public housing inventory within five years. HUD will accept HA applications for Section 8 tenant-based assistance to relocate families of such developments. The implementation standards for mandatory conversion of distressed public housing will be provided in a separate notice.

2. Vacancy Consolidation

This is an initiative to allow residents of partially occupied, obsolete public housing to have immediate, improved housing opportunities through the Section 8 program, while also providing improved public housing management, maintenance, and security at the HA. The improved management, maintenance and security will be achieved by the HA reducing the number of partially occupied obsolete public housing buildings.

C. Application Date

HAs interested in obtaining FY 1996 Section 8 certificates or vouchers for public and Indian housing relocation or replacement purposes identified in Categories 1–6 above should submit a Section 8 application to the HUD field office by _____ (45 days from date of notice publication).

D. Applications

1. Applications for Categories 1, 2, 3, or 6

For these categories of funding, the application must include: (a) a Form HUD–52515, Funding Application for Section 8 Tenant-Based Assistance, (b) a statement identifying the public or Indian housing development being demolished or disposed and (c) whether there is any Section 8 funding previously provided by HUD to the HA for relocation or replacement that is no longer needed or Section 8 or other funding for relocation or replacement with respect to the same public housing units.

The HA's demolition/disposition application must be submitted with the Section 8 application unless HUD has already approved the public or Indian housing demolition/disposition application or the application for demolition/disposition is being reviewed by HUD. HAs must simultaneously submit a copy of the demolition/disposition application to the appropriate HUD processing center. The HUD State or Area office (field Office) should complete a Section 8 fund reservation worksheet for each Section 8 application received, and forward each worksheet to the Operations Division in the Office of Rental Assistance in Headquarters with a cover memorandum indicating the status of the HA demolition/disposition request. No further HUD field office review of the Section 8 application is necessary except for initiating the Section 213 local government comment process.

Section 8 funding will not be provided for relocation or replacement if funds for replacement, relocation or vacancy consolidation were previously provided (or will be provided) through the HOPE VI, public or Indian housing development, Section 8, or major reconstruction of obsolete projects (MROP) programs. If Section 8 funding is provided for relocation of a resident from a public or Indian housing unit due to demolition, disposition or vacancy consolidation, there will be no additional Section 8 funding for replacement purposes. Additionally, if Section 8 funding previously provided for relocation or replacement is no longer needed, FY 1996 Section 8 funding requests will be offset by the amount of funding no longer needed.

2. Application for Category 4

The application must include: (a) a Form HUD–52515, Funding Application for Section 8 Tenant-Based Assistance, (b) a statement identifying the public or Indian housing development affected by the mandatory conversion and (c) whether there is any Section 8 funding previously provided by HUD to the HA for relocation or replacement that is no longer needed.

3. Applications for Category 5

For Vacancy Consolidation requests, HAs must submit (a) a Form HUD–52515, Funding Application Section 8 Tenant-Based Assistance, and (b) a vacancy consolidation application consisting of (i) a description of the partially vacant and deteriorated public housing building or developments, including the vacancy rate, for which vacancy consolidation is being requested; (ii) a statement indicating whether there is any Section 8 funding previously provided to the HA for relocation/replacement or vacancy consolidation that is no longer needed because of receipt of subsequent HOPE VI funding, a change of HA plans, or because residents do not need or have declined the offer of a certificate or a voucher; (iii) a certification that the PHA will submit an approvable vacancy consolidation plan to the HUD field office within three months of notification of approval of the Section 8 application and after consultation with affected residents or their representatives, and promptly consolidate occupancy in particular buildings after departure of the residents and in accordance with the HUD approved vacancy consolidation plan; and (iv) any other information relevant to the vacancy consolidation application to be taken into consideration by HUD in determining the need for certificates or vouchers for vacancy consolidation.

The field office should submit the vacancy consolidation application to the Office of Capital Improvements in Headquarters with a cover memorandum indicating the field office's evaluation comments, a recommendation whether to approve the application, and comments regarding the status of any previously approved vacancy consolidation certificates or vouchers. The HUD field office should complete a Section 8 fund reservation worksheet for each Section 8 application received, and forward this worksheet to the Operations Division in the Office of Rental Assistance in Headquarters. No further HUD field office review of the Section 8 application is necessary except for initiating the Section 213 local government comment process.

Vacancy consolidation applications will be approved by HUD Headquarters based on HUD's judgement of the need for certificates or vouchers for vacancy consolidation. HUD will take into account, in its discretion, the magnitude of the deteriorated conditions faced by the HA; the availability of other means of addressing the problem (e.g., relocation of households into other public housing units); the local and national impact of the proposed initiative; and other relevant factors based on the expression of interest made available by the HA or known to HUD (including ability to implement the program).

II. Litigation (Approximately 2,500 Units)

The Department will continue to provide funds for settlement of litigation. When negotiations of the litigation settlement are complete, Headquarters will notify the HUD field offices of the number of vouchers and/or certificates to be provided to the HA. The HUD field office will invite Section 8 applications from the HAs eligible for these funds.

III. Section 23 Conversions (Approximately 1,000 Units)

Headquarters will allocate certificate funds directly to the HUD field offices for tenant-based rental assistance to assist residents of Section 23 leased housing for which leased are expiring during FY 1996. An HA that has a Section 23 leased housing project with a lease expiring during FY 1996 should submit a Section 8 application to the HUD field office.

IV. Mainstream Housing Opportunities for Persons With Disabilities (Approximately 2,000 Units)

As was done in FY 1995, HUD will provide vouchers and certificates to HAs to allow implementation of allocation plans for public housing developments designated for occupancy by elderly persons or persons with disabilities. The Department will publish a NOFA detailing the procedures for requesting Section 8 funding for designated housing. In order to be eligible to receive Section 8 units for a designated housing use, the HA must currently administer a Section 8 voucher or certificate program. Section 8 funding preference will be given to HAs with approved designated housing allocation plans that did not previously receive Section 8 funding for this purpose.

The Housing Opportunity Program Extension Act of 1996 amended some of the statutory requirements for designated housing, including requirements concerning the submission and review of designated housing allocation plans. HUD will soon issue a notice specifying the designated housing program changes and providing additional information on allocation plan requirements.

V. Family Unification Program (Approximately 1,600 Units)

On May 3, 1996, HUD published a NOFA soliciting applications for certificate funding for the family unification program. The funding will be provided by lottery to HAs in the sixteen states previously funded; California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, and Virginia.

VI. Relocation of Witnesses Involved in Law Enforcement and Criminal Prosecution (Approximately 200 Units)

The Department will provide funding for vouchers or certificates to accommodate requests from law enforcement agencies for relocation assistance to families that have cooperated in efforts to combat crime in public, Indian, and other assisted housing. The process for using Section 8 certificates and vouchers for witness relocation purposes will be provided in a separate HUD administrative notice.

VII. FSS Service Coorindators

Up to $9.2 million of the FY 1996 community development grant funding appropriated for supportive services will be used for FSS service coordinators. A separate NOFA will detail the application procedures for these funds.

VIII. Tenant-Based Assistance Under the Section 811 Supportive Housing for Persons With Disabilities Program (Approximately 2,300 Units)

The Department will publish a NOFA detailing the procedures for requesting funding for tenant-based supportive housing for persons with disabilities. It is anticipated that HA Section 8 applications will be selected by lottery.

IX. Property Disposition Units (Approximately 1,300 Units)

HUD Headquarters will assign funds for Section 8 tanant-based assistance directly to the HUD field offices to assist families living in a HUD-owned property when it is sold. HUD field office requests to Headquarters for funding under this category will be approved on a first-come, first-served basis.

X. Section 8 Counseling To Achieve Broader Housing Opportunities (Approximately $52 Million in Budget Authority)

Headquarters may provide Section 8 counseling funding from FY 1995 carryover funds to provide housing search assistance to certificate and voucher holders in connection with litigation, public housing relocation/replacement, and public housing vacancy consolidation activities. In addition, HUD may provide a portion of the funding available for Section 8 counseling activities to achieve broader housing opportunities. Housing agencies that are eligible for the special administrative fees for counseling activities will be notified by HUD.

XI. Section 8 Voucher and Certificate Renewals (Approximately 300,000 Units and $3.8 Billion in Two-Year Budget Authority)

HUD Headquarters will allocate funds directly to the HUD field offices for the renewal of voucher and certificate funding increments expiring in Fiscal Year 1996. Renewal funding will be provided on an ''as-needed'' basis. Generally, Section 8 certificate funds will be provided for the renewal of moderate rehabilitation funding increments expiring in fiscal year 1996.

XII. Section 8 Cost Amendments (Approximately $213 Million in Budget Authority)

HUD Headquarters will allocate certificate and moderate rehabilitation cost amendments within the original term of the housing assistance payments contracts or ACCs to provide budget authority increases to HA certificate and moderate rehabilitation programs. HUD Headquarters will allocate the funds on an ''as needed'' basis.

Other Matters

Environmental Finding

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 implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of General Counsel, the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, DC 20410.

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 notice 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. As a result, the notice is not subject to review under the Order. This notice is a funding notice and does not substantially alter the established roles of the Department, the States, and local governments, including HAs.

The Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 14.857 (Section 8 Rental Certificate Program).

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family,* has determined that this notice does not have potential for significant impact on family formation, maintenance, and general well-being within the meaning of the Executive Order and, thus, is not subject to review under the Order. This is a funding notice and does not alter program requirements concerning family eligibility.

Dated: July 15, 1996.

Michael B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

[FR Doc. 96–18443 Filed 7–16–96; 3:34 pm]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Incidental Take Permit for Surveying the Species Listed Below Within New Mexico

APPLICANT: Jerry Maracchini, Santa Fe, New Mexico.

SUMMARY: Jerry Maracchini has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(A)1(a) of the Endangered Species Act, for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents. The applicant has been assigned permit number PRT–815409. The requested permit, which is for a period of 2 years, would authorize the incidental take of the following endangered species:

1. Pecos gambusia (*Gambusia nobilis*)
2. Rio Grande silvery minnow (*Hybognathus amarus*)
3. Colorado squawfish (*Ptychocheilus lucius*)
4. razorback sucker (*Xyrauchen texanus*)
5. Gila trout (*Oncorhynchus gila*)
6. New Mexican ridge-nosed rattlesnake (*Crotalus willardi obscurus*)
7. Southwestern willow flycatcher (*Empidonax traillii extimus*)
8. brown pelican (*pelecanus occidentalis*)
9. bald eagle (*Haliaeetus leucocephalus*)
10. American peregrine falcon (*Falco peregrinus anatum*)
11. aplomado falcon (*F. femoralis septentrionalis*)
12. whooping crane (*Grus americana*)
13. piping plover (*Charadrius melodus*)
14. Interior least tern (*Sterna antillarum athalassos*)
15. Alamosa springsnail (*Tryonia alamosae*)
16. Socorro springsnail (*Pyrgulopsis neomexicana*)
17. Socorro isopod (*Thermosphaeroma thermophilum*)

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. The request must be received by the Assistant Regional Director within 30 days of the date of this publication. Please refer to permit number PRT–815409 when submitting comments.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–18342 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–55–P

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan (EA/HCP) and Receipt of Application for Incidental Take Permit for Construction and Operation of the Reed Estate Property by the Volente Group, Inc. in Austin, Travis County, Texas

SUMMARY: The Volente Group, Inc. (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 (Act). The Applicant has been assigned permit number PRT–806831. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Denroica chrysoparia*) and the black-capped vireo (*Vireo atricapillus*). The proposed take would occur as a result of the development of a lakefront mixed-use development and associated roads and utilities on 1,746 acres of the 2,572.8-acre Reed Estate Property. The property includes two tracts, Jonestown and Volente. The Jonestown tract is approximately 1,160.9 acres just south of Jonestown, Texas. The Volente tract includes approximately 1,411.9 acres, and is north of Volente, Texas. The proposed development will occur on both tracts approximately 16 miles northwest of Austin, Travis County, Texas.

The Service has prepared the EA/HCP for the incidental take application.

A determination of jeopardy to the species will likely result or a Finding of No Significant Impact (FONS) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received August 19, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Mary Orms, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the above U.S. Fish and Wildlife Service, Austin, Texas address. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor at the above address. Please refer to permit number PRT–806831 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mary Orms at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler and black-capped vireo. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise

lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

The Volente Group, Inc. plans to construct a lakefront mixed-use development and associated roads and utilities on 1,746 acres of the 2,572.8-acre Reed Estate Property. A more detailed description of the proposed development is available in the EA/HCP. This action will eliminate 1 to 5 black-capped vireo territories and approximately 557 acres in 23 warbler territories on the Jonestown tract. A total of 640 acres of warbler habitat and 29 warbler territories occur on the Volente tract and approximately 201 acres and 5 of the Warbler territories will be eliminated during development.

The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving and maintaining a 827-acre conservation area on the Volente tract, in perpetuity. Approximately 439 acres of the 640 acres of golden-cheeked warbler habitat will be included in the 827-acre conservation area and will include 24 of the 29 golden-cheeked warbler territories. The applicant will also include approximately 33 acres of vireo habitat on the Jonestown tract in a vireo open space preserve.

The conservation area will be within the Cypress Creek Macrosite Preserve and the Applicant will manage the conservation area until such time as the Lower Colorado River Authority (LCRA) or other public or private non-profit agency accepts fee title dedication and management responsibility of the land. A deed restriction will be recorded on the conservation area prohibiting uses of the area that are incompatible with the conservation needs of the golden-cheeked warbler and black-capped vireo. The proposed action and other mitigative measures are explained in detail in the EA/HCP.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–18397 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–55–M

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application to Amend Incidental Take Permit PRT–782829 to Allow Construction and Operation of a Residential and Commercial Development on Davenport Ranch in Austin, Travis County, Texas

SUMMARY: Davenport Limited (applicant) has applied to the Fish Wildlife Service (Service) to amend incidental take permit PRT–782829 pursuant to Section 10(a)(1)(b) of the Endangered Species Act (Act). The requested amendment, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the development of 185 residential lots and 2 commercial lots with associated streets and utilities on roughly 209 acres of a 272-acre parcel in Davenport Ranch located in Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the amendment. A determination of whether jeopardy to the species is likely to result, or a Finding of No Significant Impact (FONSI), will not be made before 30 days from the date of publication of this notice.

This notice is provided pursuant to Section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application should be received on or before August 19, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Mary Orms, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas (see **ADDRESSES** above). Please refer to permit number PRT–782829 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mary Orms at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler.

However, the Service, under limited circumstances, may issue or amend issued permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Davenport Limited plans to construct 185 residential lots and two commercial lots on a 272-acre parcel in Davenport Ranch. The construction will be located on the south end of approximately 112 acres of habitat and will impact two warbler territories. The applicant proposes to compensate for this loss of golden-cheeked warbler habitat by purchasing 55 acres of the 128-acre Vaughn Tract located north of F.M. 2769, roughly 1.6 miles west of its intersection with Bullick Hollow Road, within the Cypress Creek macrosite preserve area of the Balcones Canyonlands Conservation Plan are, in Travis County. The land will be donated to the Lower Colorado River Authority and funding will be provided for operation and maintenance of the acquired habitat.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 96–18399 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–55–M

Notice of Availability of a Draft Environmental Assessment on Development of a Bilateral Agreement Between the United States and Russia for the Conservation of Polar Bears and Notice of Public Meetings To Seek Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public meetings.

SUMMARY: This notice announces the availability to the public of a draft Environmental Assessment (EA) regarding the proposal to develop a United States/Russia Bilateral Agreement for the Conservation of Polar Bears in the Chukchi/Bering Seas. The Chukchi/Bering Seas and a portion of the Eastern Siberian Sea stock of polar

bears, hereafter referred to as the Alaska-Chukotka population, is shared between Russia and the United States. The U.S. Fish and Wildlife Service, the agency responsible for management and conservation of polar bears (*Ursus maritimus*) in the United States, proposes to develop a conservation agreement for the Chukchi/Bering Seas stock of polar bears as part of the Service's natural resource stewardship responsibilities in the management and conservation of this international resource. This notice also announces two public meetings that will be held by the Service to consider the draft EA.

DATES: Written comments on the draft EA should be submitted no later than September 17, 1996. Two public meetings are scheduled to promote discussion of the draft EA. The public meetings will be held as follows:

1. August 14, 1996, 7:30 p.m., Anchorage, Alaska.
2. August 21, 1996, 10 a.m., Washington, DC.

ADDRESSES: To request a copy of the draft EA or to submit comments, contact Supervisor, Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503 (telephone 907/786–3800; FAX 907/786–3816). The location of public meetings follows:

1. In Anchorage, Alaska: Wilda Marston Theater, 1st floor, Loussac Library, 3600 Denali Street.
2. In Washington, DC: U.S. Department of the Interior, Main Interior Building Auditorium, 1849 C Street NW.

FOR FURTHER INFORMATION CONTACT: Scott Schliebe, Marine Mammals Management, U.S. Fish and Wildlife Service, 800/362–5148 or 907/786–3812.

SUPPLEMENTARY INFORMATION: In 1973, Canada, Denmark (on behalf of Greenland), Norway, Russia, and the United States signed the international Agreement on the Conservation of Polar Bears (1973 Agreement). Each country is obligated to develop conservation programs to comply with the 1973 Agreement. The United States relies largely on the Marine Mammal Protection Act (MMPA) to comply with the terms of the 1973 Agreement. Also, in 1988 a local Native-to-Native subsistence users agreement was developed between the Inupiat of the North Slope Borough in the United States and the Inuvialuit of the Northwest Territories, Canada, to provide further protection for the shared Beaufort Sea polar bear population. No such agreement exists for the Alaska-Chukotka population that is shared between the United States and Russia. Section 113(d) of the 1994 Amendments to the Marine Mammal Protection Act states, ''. . . the Secretary of the Interior, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. . . .'' The Service, in consultation with the Department of State, the Marine Mammal Commission, and the State of Alaska proposes to enter into a government-to-government Bilateral Conservation Agreement with the Russian Federation,; and the Natives from Alaska and Chukotka, Russia, plan to enter into a Native-to-Native implementation agreement for the Alaska-Chukotka population.

The draft EA describes three alternatives for entering into conservation agreements. The purpose of the agreements is to unify management regimes, regulate take, enhance protection for polar bears and their habitat, and provide for non-consumptive uses such as eco-tourism, as well as consumptive uses.

Alternative 1 is the status quo where the U.S. Federal Government takes no new action. It describes three possible scenarios: (a) Neither country takes action; (b) Russia takes action independent of the U.S.; or (c) an Alaska/Chukotka Native-to-Native agreement is implemented. Under the first scenario, each country would retain its current conservation and management strategies. In Russia, the existing ban on polar bear hunting would likely remain in effect, and unquantified hunting would continue to pose a threat to the population. In Alaska, subsistence take of polar bears would continue provided the population remains non-depleted. Ongoing habitat protection would continue through the existing system of reserves in Russia, and parks and refuges in Alaska, and other existing authorities.

Under the second scenario, Russia could sanction hunting independent of cooperation with the U.S. This would likely increase the numbers of polar bears removed from the population and could have an impact on the availability of the polar bears for subsistence hunters in Alaska.

Under the third scenario, Alaska and Chukotka Natives could enter directly into cooperative agreements with each other without formal participation from their respective Federal governments. Such an agreement would not have official standing, harvest level restrictions would not be binding, and research and monitoring programs, habitat protection, and enforcement would continue to be conducted unilaterally by the governments of each country or as a part of existing international programs. Varying degrees of participation and coordination with Natives from each country would occur.

In Alternative 2, a unilateral cooperative agreement within each country between the Federal government and Natives would be developed. International bilateral conservation and co-management strategies would not be initiated. Subsistence hunting in Alaska would continue provided the population remains at a non-depleted level, and harvest level restrictions would not be binding. The population status could be affected by the level of unquantified hunting in Russia, and lack of enforcement. Research, monitoring, and enforcement would continue at current levels with little or no bilateral coordination. In Alaska, habitat protection would rely on the existing legal authority of the MMPA and other legislation.

The preferred alternative (Alternative 3) of the draft EA describes a bilateral management scenario where a government-to-government agreement establishes the guiding framework and ultimate oversight role for an Alaska-Chukotka Native-to-Native agreement. A harvest system would be established by an international joint commission composed of one Federal and one Native representative from each country. Harvest levels would be binding. Joint research and management, population and harvest monitoring, enforcement, and habitat protection would be the primary elements of the agreement. Alternative 3 is the preferred alternative because it provides the basis for a comprehensive and coordinated conservation program. The agreement would provide guidance for the Russian and American governments and Native entities to manage the shared population stock, and it would support Russian efforts to curb threats to polar bears associated with illegal, unquantified hunting and lack of enforcement. A government-to-government bilateral agreement would also ensure closer coordination and involvement in management decisions by the primary users, namely the Native peoples of Alaska and Chukotka.

The Service requests interested persons to submit comments, information, and suggestions concerning

these actions. Copies of the draft EA and this notice will be distributed to persons who have expressed a prior interest in this or related polar bear conservation issues. Copies are available upon request at the location under the **ADDRESSES** section. As identified above in the DATES Section, the Service will also conduct two public meetings to promote discussion of the draft EA. Comments and materials received in response to this action will be available for public inspection at this address during normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

Discussions regarding development of a unified management approach between Russia and the United States were initiated in Sochi, Russia in October 1988, at the International Union for Conservation of Nature and Natural Resources (IUCN) Polar Bear Specialists Group Meeting. Further talks occurred in May 1990, and correspondence supporting the development of a bilateral agreement followed. Between 1992 and 1995, protocols of agreement were developed between the natural resources agencies of the respective countries and the Native users of Alaska and Chukotka. During this period numerous discussions between the Service and Native representatives occurred on the possible development of a government-to-government conservation agreement and a companion Native-to-Native agreement. These agreements would be consistent with the terms of the 1973 Agreement and include the principles of sustainable yield, support for research and the collection of biological information and local knowledge, and habitat protection. In April 1994, a ''Protocol of Intentions Between the Indigenous Peoples of Chukotka and Alaska on the Conservation, Protection, Management, and Study of the Bering and Chukchi Seas Shared Polar Bear Population'' was signed. In the United States representatives of the Service, the Department of State, the Department of the Interior, the Marine Mammal Commission, the Alaska Department of Fish and Game, the North Slope Borough, the Alaska Nanuuq Commission, and the Audubon Society have met several times to discuss principles for a draft conservation agreement. The need for public input and review led to the development of the draft EA in June 1996. The Service plans to submit a request to the Department of State for authority to enter into formal negotiations with Russia, pending the consideration of public comments and development of a final EA.

Dated: July 16, 1996.

Gary Edwards,

Assistant Director—Fisheries, U.S. Fish and Wildlife Service.

[FR Doc. 96–18367 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[NM–070–4320–03]

Temporary Closure of Public Land to Public Use

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of closure of public lands known as the Rancho Largo Allotment #5119 to public use.

SUMMARY: Notice is hereby given in accordance with 43 CFR 8364.1, that the Farmington District, Bureau of Land Management (BLM) is closing the public land known as the Rancho Largo Allotment, No. 5119, to public use (see legal description below) to provide for public safety during livestock impoundment proceedings. Only the area involved in the impoundment will be closed to all public uses. The closure will be effective throughout the execution of the impoundment proceedings, with the time and date retained for safety reasons.

Legal Description of the Rancho Largo Allotment

NMPM

T. 25 N., R 6 W.,
Sec. 1, all public land within section;
Sec. 11 all public land within section;
Sec. 12 all;
Sec. 13 all;
Sec. 14 all public land within section;
Sec. 19 all public land within section;
Sec. 20 all public land within section;
Sec. 21 all public land within section;
Sec. 22 all public land within section;
Sec. 23 all public land within section;
Sec. 24 all public land within section;
Sec. 25 all;
Sec. 26 all;
Sec. 27 all public land within section;
Sec. 28 all public land within section;
Sec. 29 all;
Sec. 30 all public land within section;
Sec. 31 all;
Sec. 32 all public land within section;
Sec. 33 all public land within section;
Sec. 34 all public land within section;
Sec. 35 all public land within section;

T. 24 N., R. 6 W.,
Sec. 1 all public land within section;
Sec. 3 all public land within section;
Sec. 4 all public land within section;
Sec. 5 all public land within section;
Sec. 6 all public land within section;
Sec. 7 all public land within section;
Sec. 8 all public land within section;
Sec. 9 all public land within section;
Sec. 10 all public land within section;
Sec. 11 all;
Sec. 12 all public land within section;
Sec. 13 all public land within section;
Sec. 14 all public land within section;
Sec. 15 all public land within section;
Sec. 17 all public land within section;
Sec. 18 all public land within section;
Sec. 19 all public land within section;
Sec. 20 all public land within section;
Sec. 21 all;
Sec. 22 all public land within section;
Sec. 23 all;
Sec. 24 all;
Sec. 25 all;
Sec. 26 all;
Sec. 27 all;
Sec. 28 all;
Sec. 29 all public land within section;
Sec. 30 all public land within section;
Sec. 31 all;
Sec. 33 all;
Sec. 34 all;
Sec. 35 all public land within section;

T. 23 N., R. 6 W.,
Sec. 1 all;
Sec. 3 all public land within section;
Sec. 4 all;
Sec. 5 all public land within section;
Sec. 6 all public land within section;
Sec. 7 all public land within section;
Sec. 8 all public land within section;
Sec. 9 all public land within section;
Sec. 10 all;
Sec. 11 all;
Sec. 12 all;
Sec. 13 all;
Sec. 14 all;
Sec. 15 all public land within section;
Sec. 17 all public land within section;
Sec. 21 all public land within section;
Sec. 22 all public land within section;
Sec. 23 all;
Sec. 24 all public land within section;
Sec. 25 all public land within section.

T. 25 N., R. 7 W.,
Sec. 17 all public land within section;
Sec. 18 all public land within section;
Sec. 19 all;
Sec. 20 all public land within section;
Sec. 21 all public land within section;
Sec. 22 all public land within section;
Sec. 25 all public land within section;
Sec. 26 all public land within section;
Sec. 27 all public land within section;
Sec. 28 all;
Sec. 29 all;
Sec. 30 all;
Sec. 31 all;
Sec. 33 all;
Sec. 34 all;
Sec. 35 all.

T. 24 N., R. 7 W.,
Sec. 1 all public land within section;
Sec. 3 all;
Sec. 4 all;
Sec. 5 all;
Sec. 6 all;
Sec. 7 all public land within section;
Sec. 8 all;
Sec. 9 all;
Sec. 10 all;
Sec. 11 all;
Sec. 12 all public land within section;

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Sec. 27 all;
Sec. 28;
Sec. 29;
Sec. 30 all public land within section;
Sec. 31 all public land within section;
Sec. 33 all public land within section;
Sec. 34 all public land within section;
Sec. 35 all public land within section.
T. 23 N., R. 7 W.,
Sec. 1 all;
Sec. 3 all public land within section;
Sec. 4 all public land within section;
Sec. 5 all public land within section;
Sec. 9 all public land within section;
Sec. 10 all public land within section;
Sec. 11 all public land within section;
Sec. 12 all public land within section;
Sec. 13 all public land within section;
Sec. 14 all public land within section.
T. 25 N., R. 8 W.,
Sec. 12 all public land within section;
Sec. 13 all public land within section;
Sec. 23 all public land within section;
Sec. 24 all public land within section;
Sec. 26 all public land within section;
Sec. 27 all public land within section;
Sec. 34 all public land within section;
Sec. 35 all.
T. 24 N., R. 8 W.,
Sec. 1 all;
Sec. 3 all public land within section;
Sec. 10 all public land within section;
Sec. 11 all public land within section;
Sec. 12 all public land within section;
Sec. 13 all public land within section;
Sec. 14 all public land within section;
Sec. 15 all;
Sec. 22 all public land within section;
Sec. 23 all public land within section;
Sec. 24 all public land within section;
Sec. 25 all public land within section.

FOR FURTHER INFORMATION CONTACT: Ray Sanchez, Technical Advisor, BLM, Farmington District, 1235 La Plata Highway, Farmington, NM 87401 Telephone (505) 599–8900.

SUPPLEMENTARY INFORMATION: To prevent disruption of the impoundment proceedings and to provide for the safety of the public, all of the Rancho Largo Allotment (refer to legal description) is closed to all public use during the execution of the impoundment. The closure will be effective throughout the execution of the impoundment proceedings, with the time and date retained for safety reasons.

This closure will not apply to BLM personnel involved in administration find management of the land, nor will the closure apply to those persons or groups BLM has specifically authorized to go onto the land to assist him with the impoundment. Any person who fails to comply with the closure may be subject to a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months.

Dated: July 15, 1996.

Mike Pool,

District Manager.

[FR Doc. 96–18398 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–FB–M

[NV–060–1430–01; N–56217]

Notice of Realty Action; Nevada

AGENCY: Bureau of Land Management, DOI.

ACTION: Direct Sale of Public Lands in Esmeralda County, Nevada.

SUMMARY: The following described land in Fish Lake Valley, Esmeralda County, Nevada, has been examined and identified as suitable for disposal by direct sale, at the appraised fair market value, to the adjacent landowners, James Leland and Marlene Wallace, residents of Fish Lake Valley. The sale is authorized under Section 203 and Section 209 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1713 and 1719):

Mount Diablo Meridian, Nevada

T. 4 S., R. 36 E.,
Sec. 9, NW¼SW¼S½SW¼.

Comprising 120 acres, more or less.

The land will not be offered for sale until at least 60 days after the date of publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Nicholas Williams, Realty Specialist, Bureau of Land Management, Tonopah Field Station, P.O. Box 911, Building 102 Military Circle, Tonopah, NV, 89049.

SUPPLEMENTARY INFORMATION: The land has been identified as suitable for disposal by the Esmeralda/Southern Nye Resource Management Plan. The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. The Esmeralda Board of County Commissioners have been notified of the proposal.

The locatable and salable mineral estates have been determined to have no known value. Therefore, the mineral estate, excluding oil and gas, will be conveyed simultaneously with the surface estate in accordance with Section 209(b)(1) of Federal Land Policy and Management Act of 1976. Acceptance of the sale offer will constitute application for conveyance of the available mineral interests. The sale proponent will be required to submit a $50.00 nonrefundable filing fee for conveyance of the mineral interests specified above with the purchase price for the land. Failure to submit the nonrefundable fee for the mineral estate within the time frame specified by the authorized officer will result in cancellation of the sale. Upon publication of this Notice of Realty Action in the Federal Register, the lands will be segregated from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or disposals pursuant to Sections 203 and 209 of FLPMA. The segregation shall terminate upon issuance of a patent or other document of conveyance, upon publication in the Federal Register of a termination of segregation, or 270 days from date of this publication, which ever occurs first.

If allowed, the entry will be subject to the following third party rights: Excepting and Reserving to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1980 (43 U.S.C. 945).

2. Leasable Minerals. (43 CFR 2430.5(a)).

Subject to:

1. Those rights for powerline purposes granted to Valley Electric Association, its successors or assigns, by right-of-way No. NEV–051579, pursuant to the Act of October 21, 1976, (43 U.S.C. 1701).

2. Those rights for telephone line purposes granted to Nevada Bell, its successors or assigns, by right-of-way No. N–35352, pursuant to the Act of October 21, 1976, (43 U.S.C. 1701).

3. All other valid existing rights.

For a period of 45 days from the date of publication in the Federal Register, interested parties may submit comments to the District Manager, Battle Mountain District, 50 Bastian Way, Box 1420, Battle Mountain, NV 89820. Any adverse comments will be evaluated by the State Director, who may sustain, vacate or modify this realty action and issue a final determination. In the absence of timely filed objections, this realty action will become a final determination of the Department of the Interior.

Dated: July 9, 1996.

Gerald M Smith,

District Manager.

[FR Doc. 96–18317 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–HC–P

[ID–957–1430–00]

Idaho: Filing of Plats of Survey

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. July 11, 1996.

The plat representing the survey of lot 3 in section 32, T. 3 N., R. 3 E., Boise Meridian, Idaho, Group No. 929, was accepted, July 11, 1996.

This survey was executed to meet certain administrative needs of the Bureau of Land Management. All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706–2500.

Dated: July 11, 1996.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 96–18308 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–GG–M

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 157—Extension

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice to extend postsale evaluation period for Central Gulf of Mexico Lease Sale 157.

SUMMARY: This notice extends by 15 working days to August 12, 1996, the postsale evaluation period for the Central Gulf of Mexico Lease Sale 157. Because of the unanticipated and unprecedented response to Sale 157, MMS needs this extension to properly evaluate the bids received and to ensure the receipt of fair value.

DATES: The postsale evaluation period ends on August 12, 1996.

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

SUPPLEMENTARY INFORMATION: The MMS published the lease notice for Sale 157 in the Federal Register on March 25, 1996 (61 FR 12078). The time to accept or reject bids is established under the regulations at 30 CFR 256.47. Normally, the authorized officer must accept or reject the high bids within 90 days after the bid opening. Any bid not accepted within that period is deemed rejected. This regulation was recently amended to allow the authorized officer authority to extend the time period for 15 working days or longer when circumstances warrant (61 FR 34730, dated July 3, 1996). In amending the rule, we noted that recent examples include floods and furloughs; but specifically stated that other circumstances, such as an excessive unanticipated workload, might arise which could warrant the need for a longer time for bid evaluation.

In the Central Gulf of Mexico Sale 157, held April 24, 1996, we received 1,381 bids on 924 tracts, 632 of which passed to Phase 2 for detailed reviews. This unprecedented response by industry in Sale 157 resulted from the enactment of the Outer Continental Shelf Deep Water Royalty Relief Act (Pub. L. 104–58) and other factors, such as higher natural gas and oil prices. Consequently, MMS is unable to conduct and complete the entire bid review process within the 90 days, i.e., by July 22, 1996. Without an extension before the 90 days expire for Sale 157, dozens of high bids received on tracts offered in this sale might be rejected because of our inability to complete the statutorily mandated review for fair market value. The alternative of rejecting high bids not evaluated because of insufficient time does not serve the overall best interest of the companies or the Government. Therefore, we find an extension to assure that adequate time is available to give all high bids a full and appropriate review, to ensure the receipt of fair market value, and ultimately to increase natural gas and oil supplies is warranted and in the public interest. The MMS will complete evaluating all the bids received in this sale by August 22, 1996.

Dated: July 16, 1996.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 96–18419 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Channel Islands National Park; Santa Rosa Island Draft Environmental Impact Statement/Resources Management Plan; Notice of Extended Comment Period

EXTENSION FOR COMMENTS: The comment period for the Santa Rosa Island Draft Environmental Impact Statement/Resources Management Plan (DEIS) was originally scheduled to end on July 23, 1996. In deference to public interest expressed to date, the National Park Service is extending the comment period for the DEIS for 45 more days. Written comments and suggestions now must be received no later than September 9, 1996. Comments or/and requests for copies of the DEIS should be addressed to the Superintendent, Channel Islands National Park, 1901 Spinnaker Drive, Ventura, CA 93001.

PUBLIC MEETING: To facilitate public review and comment regarding the DEIS, a public meeting has been scheduled for Wednesday, August 21, 1996. This public meeting will be held at the Santa Barbara Museum of Natural History, beginning at 9 a.m. In addition to oral comments, written responses to the DEIS may also be submitted at the meeting. Additional information may be obtained by phoning the park at (805) 658–5700.

Dated: July 11, 1996.

Stanley T. Albright,

Field Director, Pacific West Area.

[FR Doc. 96–18364 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–70–P

Cleetwood Cove Development Concept Plan/Environment Impact Statement, Crater Lake National Park, Oregon

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to Prepare an Environment Impact Statement.

SUMMARY: Due to water levels dropping in Crater Lake, in June 1992, the National Park Service began studies for the redesign of boat docking facilities at the base of the Cleetwood Cove trail. The studies included the possibility of repair and/or replacement of facilities at the trail head, and the replacement of old and decaying retaining walls along the trail. As the studies progressed, it became clear that the project had potential for significant environmental impacts so a decision was made to prepare an Environmental Impact Statement (EIS) to analyze the various alternatives.

Scoping is the term given to the process by which the scope of issues to be addressed in the EIS is identified. Representatives of Federal, State and local agencies, American Indian tribes, private organizations and individuals from the general public who may be interested in or affected by the proposed EIS are invited to participate in the scoping process by responding to this Notice with written comments. In addition, a letter seeking ideas on issues involved with this project will be

distributed to potential interested parties. Information gained will be used in the plan/EIS. No public scoping meetings will be held. All comments received will become part of the public record and copies of comments, including names, addresses and telephone numbers provided by respondents, may be released for public inspection.

The EIS and accompanying plan options will guide the management of the Cleetwood Cove parking area, trail and dock area, and will describe a range of alternatives formulated to address major issues relating to visitor use and resource management and protection. A ''no action'' alternative will be included; other likely alternatives could include ones with an emphasis on recreation, a natural and cultural resources emphasis and/or some balanced combination of use and resource preservation. The environmental impacts associated with each alternative will be analyzed.

The draft EIS is expected to be available for public review by the fall of 1996; the final EIS and Record of Decision are expected to be completed approximately six months later.

The responsible official is Stanley T. Albright, Field Director, Pacific West Area, National Park Service.

DATES: Written comments about the scope of issues and alternatives to be analyzed in the EIS should be received no later than August 23, 1996.

ADDRESSES: Written comments concerning the plan/EIS should be sent to: Superintendent, Crater Lake National Park, P.O. Box 7, Crater Lake, OR 97604–0007.

FOR FURTHER INFORMATION CONTACT: Superintendent, Crater Lake National Park, at the above address or at telephone number (541) 594–2211.

Dated: July 9, 1996.

William C. Walters,

Deputy Field Director, Pacific West Area, National Park Service.

[FR Doc. 96–18366 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–70–M

Notice of Availability of Final General Management Plan and Final Environmental Impact Statement for Hagerman Fossil Beds National Monument, Gooding and Twin Falls Counties, Idaho

SUMMARY: Pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190, as amended), the National Park Service (NPS), Department of the Interior, has prepared a Final General Management Plan and Final Environmental Impact Statement (GMP/EIS) that describes and analyzes a proposal and two alternatives for the future management, use, and development of Hagerman Fossil Beds National Monument.

The Draft General Management Plan/Environmental Impact Statement for Hagerman Fossil Beds National Monument was released for public review on November 17, 1995 (60 FR 222, p. 57716; 60 FR 229, p. 61270). The public review period was extended to 113 days, ending March 8, 1996 (61 FR 25, p. 4483; 61 FR 42, p. 8061). A total of 63 letters of comment were received during the review period, and a total of 60 people participated in public meetings in Hagerman, Twin Falls, and Boise, Idaho.

Because of the nature of the comments received on the Draft GMP/EIS, the Final GMP/FEIS was prepared in an abbreviated format pursuant to the Code of Federal Regulations, Title 40, Part 1503.4. To substantially reduce printing costs, the full text of the draft document has not been reprinted, and the Final GMP/EIS must be used as a companion document with the draft. The Final GMP/EIS responds to public comments and includes copies of the comment letters, clarifying text changes in response to the public comments, and factual corrections. Changes made in the Final GMP/EIS (a) clarify important points regarding hunting, road and trail access, and other issues, and (b) delete services or facilities from the proposed action that can be accomplished through partnerships or the private sector and therefore will not require federal funds, further reducing costs.

Based upon the analysis contained in the Draft GMP/EIS, and taking into account all the comments received during the public review, alternative 2 remains the proposed action. As described in the Draft GMP/EIS and modified somewhat in the Final GMP/EIS, alternative 2 along with statements of the purpose and significance of the monument, management objectives, desired future conditions, management zoning, and interpretive themes constitutes the proposed General Management Plan for the monument. Alternative 2 would provide a plan for comprehensively meeting the monument's legislative mandate to provide a center for paleontological research and education, including the construction of a fully functional research center and museum. The National Park Service would perform professional research, educational, and resource management functions as peers and partners with various persons, institutions, and organizations that would help to staff, fund, equip, and implement these functions.

Two other alternatives were examined in detail. The no-action alternative would continue the present course of action with only minor changes from existing conditions. It would provide only for basic resource stewardship and limited interpretation functions and would not meet the monument's legislative mandate. In alternative 1, the present course of action would change only as much as necessary to meet the minimum requirements of the monument's legislative mandate. A research center and museum would be built and operated at a basic level, but most research and education functions would depend on non-NPS sources.

Major impact topics assessed for the proposed action and the alternatives include natural and cultural resources (including paleontological resources), the socioeconomic environment, facilities and infrastructure, access, visitor experience, National Park Service programs, and cumulative effects.

SUPPLEMENTARY INFORMATION: The no-action period on this Final GMP/EIS will extend for 30 days from the date the notice of availability is published by the Environmental Protection Agency in the Federal Register. After the 30-day period, a Record of Decision is expected to be signed by NPS representatives. The responsible officials are Pacific West Area Field Director Stanley Albright, Deputy Field Director William Walters, and Superintendent Neil King.

For copies of the Final GMP/EIS or for further information, please contact: Superintendent, Hagerman Fossil Beds National Monument, P.O. Box 570, 221 N. State Street, Hagerman, Idaho 83332; telephone (208) 837–4793. Copies will also be available at: Office of Public Affairs, National Park Service, 1849 C Street NW., Washington, DC; at National Park Service, Columbia-Cascades System Support Office, 909 First Ave., Seattle, WA; and at public libraries in the Hagerman area.

Dated: July 11, 1996.

William C. Walters,

Deputy Field Director, Pacific West Area, National Park Service.

[FR Doc. 96–18365 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Reclamation

Proposed Long-Term Water Service Contract Renewal; Frenchman-Cambridge and Bostwick Divisions; Pick-Sloan Missouri Basin Program; Nebraska and Kansas

AGENCY: Bureau of Reclamation, Interior.

ACTION: Announcement of schedule for public information/scoping meetings.

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) will prepare a draft environmental impact statement (EIS) on the proposed renewal of long-term water service contracts for the Frenchman-Cambridge, Frenchman Valley, Bostwick Irrigation District in Nebraska, and Kansas Bostwick No. 2 irrigation districts in the Republican River basin (Basin) in Nebraska and Kansas. Existing water service contracts begin to expire in December of 1996.

Reclamation published a notice of intent to prepare an EIS and a schedule for public information/scoping meetings in the Federal Register on February 29, 1996. The public information/scoping meetings were postponed in a notice published in the Federal Register on March 13, 1996. This notice reschedules the postponed meetings.

The purpose of the Federal action is to provide for the continued beneficial use of Federally developed water within the Basin. Reclamation is proposing to renew long-term water service contracts for the four irrigation districts in accordance with current law and policy while examining all reasonable alternatives to balance contemporary surface water needs within the Basin.

Reclamation has scheduled a series of public information/scoping meetings in connection with the development of the draft EIS. These meetings will be held in an open house format and will inform the public of the status of contract renewal, allow for public comment on the preliminary management scenarios being evaluated in the Resource Management Assessment (RMA) process, inform the public of significant issues identified to date, identify additional significant issues that should be analyzed in the draft EIS, and identify issues related to environmental justice or Indian trust assets. A draft EIS is expected to be completed and available for review and comment early in 1997. Supplementary information regarding this action can be reviewed in the February 29, 1996 Federal Register.

DATES: The schedule for the public information/scoping meetings is:

August 19, 6:30–9:30 p.m., McCook, NE, Fairgrounds Community Building
August 20, 6:30–9:30 p.m., Alma, NE, Alma Fire Hall & Community Center
August 21, 6:30–9:30 p.m., Superior, NE, Vestey Center
August 22, 6:30–9:30 p.m., Belleville, KS, Sacred Heart Center
August 23, 12:30–3:30 p.m., Manhattan, KS, Pottorf Hall in Cico Park.

FOR FURTHER INFORMATION: Anyone interested in additional information concerning the environmental compliance or water service contract renewal processes, having suggestions regarding significant environmental issues, or having input about concerns or issues related to environmental justice or Indian trust assets should contact Ms. Judy O'Sullivan, Public Involvement Specialist, Bureau of Reclamation, Nebraska-Kansas Area Office, Post Office Box 1607, Grand Island, Nebraska 68802–1607; Telephone: (308) 389–4553.

Dated: July 15, 1996.

Robert J. Gyllenborg,

Area Manager.

[FR Doc. 96–18344 Filed 7–18–96; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation, IDCA.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Agencies are required to publish a Notice in the Federal Register notifying the public that the Agency has prepared an information collection request for OMB review and approval and has requested public review and comment on the submission. OPIC published its first Federal Register Notice on this information collection request on May 14, 1996, in 61 FR 24329, at which time a 60-day comment period was announced. This comment period ended on July 15, 1996. No comments were received in response to this Notice. This information collection submission has now been submitted to OMB for review. Comments are again being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology.

The proposed form under review is summarized below.

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

ADDRESSES: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: *OPIC Agency Submitting Officer:* Lena Paulsen, Manager, Information Center, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336–8565.

OMB Reviewer: Victoria Wassmer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, N.W., Washington, D.C. 20503, 202/395–5871.

SUMMARY OF FORM UNDER REVIEW:

Type of Request: Revised form.

Title: Application for Political Risk Investment Insurance.

Form Number: OPIC–52.

Frequency of Use: Once per investor per project.

Type of Respondents: Business or other institutions (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 5 hours per project.

Number of Responses: 160 per year.

Federal Cost: $3,200 per year.

Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The application is the principal document used by OPIC to determine the investor's and project's eligibility, assess the environmental impact and developmental effects of the project, measure the economic effects for the United States and the host country economy, and collect information for underwriting analysis.

Dated: July 16, 1996.

James R. Offutt,

Assistant General Counsel, Department of Legal Affairs.

[FR Doc. 96–18412 Filed 7–18–96; 8:45 am]

BILLING CODE 3210–01–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP No. 1093]

RIN 1121–ZA43

Fiscal Year 1996 Discretionary Competitive Program Announcements and Application Kit

AGENCY: United States Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

ACTION: Announcement of Fiscal Year 1996 Competitive Programs and Application Kit.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has released its Fiscal Year 1996 Discretionary Competitive Program Announcements and Application Kit with funding opportunities to address violence by and against juveniles and to support intervention efforts for at-risk youth. The Application Kit focuses on three major new program areas: community assessment centers, partnerships to reduce juvenile gun violence, and improving community approaches to child abuse and neglect. OJJDP also will fund evaluations of these programs. In addition, training and technical assistance funds will be awarded in the areas of disproportionate minority confinement, Native American and Alaskan Native communities, and gender-specific services for female juvenile offenders. OJJDP is also soliciting proposals on juvenile mentoring programs and an evaluation of OJJDP's mentoring efforts to date. Finally, OJJDP is supporting a program of field-initiated research and evaluation.

DATES: The following represents the deadline dates of the Application Kit for the OJJDP Fiscal Year 1996 Competitive Programs:

(1) Community Assessment Centers: Planning for the Future—August 21, 1996;

(2) Community Assessment Centers: Enhancing the Concept—August 21, 1996;

(3) Evaluating Community Assessment Centers—September 3, 1996;

(4) Community Assessment Center Training and Technical Assistance—September 3, 1996;

(5) Partnerships To Reduce Juvenile Gun Violence—August 21, 1996;

(6) Evaluation of the Partnerships To Reduce Gun Violence—August 21, 1996;

(7) Safe Kids/Safe Streets (Community Approaches To Reducing Abuse and Neglect and Preventing Delinquency—September 9, 1996;

(8) Evaluation of the Safe Kids/Safe Streets Program—September 9, 1996;

(9) Technical Assistance to Native American Tribes and Alaskan Native Communities—August 16, 1996;

(10) Training and Technical Assistance Program To Promote Gender-Specific Program for Female Juvenile Offenders and At-Risk Girls—August 16, 1996;

(11) Field-Initiated Research and Evaluation Program—August 21, 1996;

(12) Training and Technical Assistance for National Innovations To Reduce Disproportionate Minority Confinement (The Deborah Ann Wysinger Memorial Program)—August 26, 1996;

(13) Juvenile Mentoring Program (JUMP)—September 20, 1996; and

(14) Evaluation of the Juvenile Mentoring Program—September 20, 1996.

ADDRESSES: The Application Kit is available free from the Juvenile Justice Clearinghouse by e-mail request to: askncjrs@ncjrs.org or by writing to P.O. Box 6000, Rockville, Maryland 20849 or by calling 1–800–638–8736. The Application Kit is also available electronically via the Internet and Fax-on-Demand. Consult OJJDP's World Wide Web Homepage, Highlights section, at http://www.ncjrs.org/ojjhome.htm. For copies via Fax-on-Demand, call 1–800–638–8736 and select option 1 for automated ordering services and select option 2 for Fax-on-Demand instructions and a list of available titles. Completed Application Kits should be addressed to the Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, Maryland 20849.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryll Bissell, Manager, The Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, Maryland 20849; 1–800–638–8736.

SUPPLEMENTARY INFORMATION: The Application Kit is organized into two major sections. The first section provides application and administrative requirements. The second major section contains competitive discretionary program announcements. Appendices include instructions and application forms, State contacts, peer review guidelines, excerpts from the Catalog of Federal Domestic Assistance and extra blank forms. The Application Kit is broken out by instructions, individual solicitations, and forms.

Shay Bilchik,

Administrator, Office of Juvenile Justice, and Delinquency Prevention.

[FR Doc. 96–18374 Filed 7–18–96; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collections; Comment Request; Notice

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

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

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

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

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

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics' Behavioral Science Research Laboratory (BSSRL) conducts cognitive psychological research in design and execution of the data collection process in order to improve the quality of data collected by the Bureau. BSRL conducts research aimed at improving data collection quality by assessing questionnaire and form management and administration, as well as issues which relate to interviewer training and interaction with respondents in the interview process. BSRL staff work closely with the economists and/or program specialists responsible for defining the concepts to be measured by the Bureau's collection programs. Questionnaire and forms are used in the Bureau's surveys.

Questionnaires specify the preferred wording of the questions to be asked, whereas forms specify the data items to be collected. Each possesses distinctive problems, which in many cases can be related to respondent characteristics, survey content, or format of administration. Such problems impede the effectiveness of particular surveys and the mission of the Bureau in general.

II. Current Actions

The purpose of this request for clearance for cognitive and psychological research and development activities by the BSRL is to enhance the quality of the Bureau's data collection procedures and overall data management. The basic goal of the BSRL is to improve through interdisciplinary research the quality of the data collected and published by the BLS. BLS is committed to producing the most accurate and complete data within the highest quality assurance guidelines. With this in mind, the BSRL was created to aid in the effort of not only maintaining, duty also improving the quality of the data collection process.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Cognitive and Psychological Research.

OMB Number: 1220–0141.

Affected Public: Individuals or households.

Total Respondents: 3000.

Frequency: One-time.

Total Responses: 3000.

Average Time Per Response: 1 Hour.

Estimated Total Burden Hours: 3000 Hours.

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

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

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

Signed at Washington, D.C., this 11th day of July, 1996.

Peter T. Spolarich,

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

[FR Doc. 96–18380 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–24–M

Proposed Collection; Comment Request; Notice

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection of the ''Movers Survey'' as a supplement to the Current Population Survey (CPS).

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before September 17, 1996.

The Bureau of Labor Statistics is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

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

SUPPLEMENTARY INFORMATION:

I. Background

The National Commission on Employment and Unemployment Statistics, better known as the Levitan Commission, recommended a variety of changes to the Current Population Survey (CPS) in its 1979 report. For the most part, these recommendations have been incorporated into the CPS, most notably in the complete revision to the survey implemented in January 1994.

In one area, a recommendation of the Levitan Commission has not been implemented. ''Gross flows'' data show the number of people making transitions from one labor force state (employed, unemployed, not in the labor force) to another from month to month. The Commission recommended that improvements be made to increase the usefulness of the CPS as a longitudinal data set, including improvements to the gross flows data so they can be published on a monthly basis. Because only a subset of CPS data was matchable from month to month, the month-to-month changes in the stocks of people in each labor force state did not match the sum of the flows into and out of each state. While the new survey's improved ability to match respondents between months reduced problems in the gross flows data, there are still problems which prevent monthly publication. In particular, respondents who move out of CPS housing units are not followed in CPS at present and are excluded from the gross flows estimates.

Because moving is often associated with a change in labor force status, movers may be an important source of discrepancies between the stock and the flows data. The proposed movers survey will improve the ability of BLS to understand and use CPS flows data.

II. Current Actions

The CPS has been the principal source of the official Government statistics on employment and unemployment for over 50 years. The labor force information gathered through the survey is of paramount importance in keeping track of the economic health of the Nation. The CPS data are used monthly, in conjunction with data from other sources, to analyze the extent to which the various components of the United States population are participating in the economic life of the Nation and with what success. At present, CPS gross flows data are not included in these uses. Data from the movers survey will be tabulated to examine the labor force characteristics of movers and their impact on gross flows estimates. Results will be used to develop adjustment factors for the flows data. They also will improve understanding of seasonal variations in the gross flows data.

Type of Review: New collection.

Agency: Bureau of Labor Statistics.

Title: CPS Movers Survey.

OMB Number: None.

Affected Public: Individuals or households.

Total Respondents: 800.

Frequency: Monthly.

Total Responses: 9600.

Average Time Per Response: 3.75 Minutes.

Estimated Total Burden Hours: 600 Hours.

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

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

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

Signed at Washington, DC, this 15th day of July, 1995.

Peter T. Spolarich,

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

[FR Doc. 96–18381 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–24–M

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Training of Mine Rescue Teams; Notice

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed reinstatement of the information collection related to the Training of Mine Rescue Teams. MSHA is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
* Enhance the quality, utility, and clarity of the information to be collected; and
* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the Addressee section of this notice.

DATES: Submit comments on or before September 17, 1996..

ADDRESSES: Written comments shall be mailed to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilveymsha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or 703 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mr. Fesak can be reached at gfesakmsha.gov (Internet E-mail), (703) 235–8378 (voice), or 703 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Congress considered the ready availability of mine rescue in the event of an accident to be vital protection to miners. The concern was that, too often in the past, rescue efforts at a disaster site have had to await the delayed arrival of skilled mine rescue teams. In responding to the direction of Congress, MSHA promulgated 30 CFR 49, Mine Rescue Teams. The regulations covered the required availability of mine rescue teams; alternate mine rescue capability for small and remote mines and special mining conditions; inspection and maintenance records of mine rescue equipment and apparatus; physical requirements for team members and alternates; and experience and training requirements for team members and alternates.

II. Current Actions

Standard 49.8 requires that prior to serving on a mine rescue team, each member must complete an initial 20-hour course of instruction in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. In addition, all team members are required to receive 40 hours of refresher training annually. A record of the training received by each mine rescue team member is required to be on file at the mine rescue station for a period of one year.

The purpose of the regulation is to assure that mine rescue teams will be properly trained in all phases of mine rescue work, including all conditions that might be encountered in the event of an actual emergency.

Type of Review: Reinstatement (without change).

Agency: Mine Safety and Health Administration.

Title: Training of Mine Rescue Teams.

OMB Number: 1219–0077.

Recordkeeping: One year.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc.: 30 CFR 49.8.

Total Respondents: 800.

Frequency: On occasion.

Total Responses: 7,200.

Average Time per Response: 0.25 hours.

Estimated Total Burden Hours: 1,800 hours.

Estimated Total Burden Cost: None.

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

Dated: July 15, 1996.

George M. Fesak,

Director, Program Evaluation and Information Resources.

[FR Doc. 96–18378 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–43–M

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Maintenance of Independent Contractor Register; Notice

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed reinstatement of the information collection related to the Maintenance of Independent Contractor Register. MSHA is particularly interested in comments which:

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

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

* Enhance the quality, utility, and clarity of the information to be collected; and

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

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **ADDRESSES** section of this notice.

DATES: Submit comments on or before September 17, 1996.

ADDRESSES: Written comments shall be mailed to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mr. Fesak can be reached at gfesak@msha.gov (Internet E-mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Independent contractors performing services or construction at mines are subject to the Federal Mine Safety and Health Act. Section 45.4 of the Act requires the mine operator to maintain a written summary of information concerning each independent contractor present on the mine site. The information includes the trade name, business address and telephone number; a brief description of the work to be performed; MSHA identification number, if any; and the contractor's address of record. This information is required to be provided for inspection and enforcement purposes by the mine operator to any MSHA inspector upon request.

II. Current Actions

The information obtained from the contractors, is used by MSHA during inspections to determine proper responsibility for compliance with safety and health standards.

Type of Review: Reinstatement (without change).

Agency: Mine Safety and Health Administration.

Title: Maintenance of Independent Contractor Register.

OMB Number: 1219–0040.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 45.5.

Total Respondents: 3,236.

Frequency: Semi-Annually (Surface mines) and Quarterly (Underground mines).

Total Responses: 90,760.

Average Time per Response: 0.1333 hours.

Estimated Total Burden Hours: 12,098 hours.

Estimated Total Burden Cost: None.

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

Dated: July 15, 1996.

George M. Fesak,

Director, Program Evaluation and Information Resources.

[FR Doc. 96–18379 Filed 7–18–96; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (96–077)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Kinetic Concepts, Inc., of San Antonio, Texas 78230–4726, has applied for an exclusive license to practice the invention protected by U.S. Patent No. 4,363,242, entitled ''PULSED PHASE LOCKED LOOP STRAIN MONITOR,'' which was issued on December 14, 1982, and U.S. Patent No. 5,214,955, entitled ''CONSTANT FREQUENCY PULSED PHASE-LOCKED LOOP MEASURING DEVICE,'' which was issued on June 1, 1993, both to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

DATES: Responses to this notice must be received by September 17, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. George F. Helfrich, Patent Counsel,

Langley Research Center, Hampton, VA 23681–0001; telephone (757) 864–9260; fax (757) 864–9190.

Dated: July 10, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–18410 Filed 7–18–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice (96–076)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Staged Vibration Corporation, of Norfolk, Virginia 23508, has applied for a partially exclusive license to practice the invention disclosed in NASA Case No. LAR–15348–1, entitled THIN-LAYER COMPOSITE-UNIMORPH PIEZOELECTRIC DRIVER AND SENSOR, ''THUNDER,'' for which a U.S. Patent Application was filed on April 4, 1995, by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the proposective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

DATES: Responses to this notice must be received by September 17, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. George F. Helfrich, Patent Counsel, Langley Research Center, Hampton, VA 23681–0001; telephone (757) 864–9260; fax (757) 864–9190.

Dated: July 10, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–18409 Filed 7–18–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–075]

Notice of prospective patent license

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Synkinetics, Inc., of Bedford, Massachusetts 01730, has applied for a partially exclusive license to practice the invention disclosed in NASA Case No. LAR–15348–1, entitled THIN-LAYER COMPOSITE-UNIMORPH PIEZOELECTRIC DRIVER AND SENSOR, ''THUNDER,'' for which a U.S. Patent Application was filed on April 4, 1995, by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

DATES: Responses to this notice must be received by September 17, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. George F. Helfrich, Patent Counsel, Langley Research Center, Mail Code 212, Hampton, VA 23681–0001; telephone (757) 864–9260; fax (757) 864–9190.

Dated: July 10, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–18408 Filed 7–18–96; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 12:30 p.m., Wednesday, July 24, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

BOARD BRIEFING:

1. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Midsession Budget Review.
3. Request from a Federal Credit Union to Expand its Community Charter.
4. Request from a Federal Credit Union to Convert to a Community Charter.
5. Final Rule: Amendment to Sections 701.12 and 701.13, NCUA's Rules and Regulations, Supervisory Committee Audits and Verifications.
6. Final Rule: Amendment to Part 760, NCUA's Rules and Regulations, Flood Insurance.
7. Requests from Corporate Credit Unions for Field of Membership Amendments.
8. Request from Corporate Federal Credit Union for a Bylaw Amendment.
9. Delegations of Authority.
10. General Indemnification Policy for NCUA Employees.

TIME AND DATE: 11:00 a.m., Wednesday, July 24, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Personnel Action(s). Closed pursuant to exemptions (2) and (6).

RECESS: 11:30 a.m.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–18534 Filed 7–17–96; 2:31 pm]

BILLING CODE 7535–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting: Regular Meeting of the Board of Directors

TIME AND DATE: 2:30 p.m., Wednesday, July 31, 1996.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, N.W., Suite 800, Board Room, Washington, D.C. 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary, 202/376–2441.

AGENDA:

I. Call to Order
II. Approval of Minutes: May 17, 1996, Eighteenth Annual Meeting
III. Resolution of Appreciation
IV. Budget Committee Report: July 22, 1996, Meeting
  a. Proposed FY 1996 Request for Budget Revision
  b. Proposed FY 1997 Budget Request
  c. Proposed Revised FY 1998 Budget Submission to OMB
V. Treasurer's Report
VI. Executive Director's Quarterly Management Report
VII. Adjourn

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 96–18496 Filed 7–17–96; 2:23 pm]

BILLING CODE 7570–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–0017]

DOW Chemical Company; Environmental Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Environmental Assessment, Finding of No Significant

Impact, and Opportunity for Hearing Related to Amendment of Materials License No. STB–527 for the Dow Chemical Company, Midland, Michigan.

The U.S. Nuclear Regulatory Commission is considering a license amendment request, submitted by The Dow Chemical Company (Dow). The proposed action is the removal of thorium contaminated slag storage piles at Dow's Midland and Bay City, Michigan, plant sites, and the disposal of the thorium-contaminated material at the Envirocare of Utah, Inc. (Envirocare) low-level radioactive waste disposal facility.

Summary of the Environmental Assessment

Dow submitted its current plans for the removal of its thorium material by letters dated October 12, 1995; December 6, 1995; March 11, 1996; and May 24, 1996. Dow will start the removal project by excavating and transporting, by truck, the contaminated material from the Midland facility to the Bay City facility. The thorium-contaminated material from both facilities will then be transported by rail for burial at the Envirocare facility.

The proposed action is necessary so that Dow can permanently remove and dispose of the large volume of thorium-contaminated material stored at the Midland and Bay City sites. These actions will facilitate both remediation of the current storage areas for release for unrestricted use and the termination of Dow's license.

Based on NRC staff's evaluation of Dow's removal plan, it was determined that the proposal complies with NRC's public and occupational dose and effluent limits, and that authorizing the license amendment would not be a major Federal action significantly affecting the quality of the human environment. The NRC staff concludes that a finding of no significant impact is justified and appropriate and that an environmental impact statement is not required.

The staff-identified alternatives for the disposal of Dow's thorium-contaminated waste material are: (1) No action; (2) excavation and disposal of the material at the Barnwell, South Carolina, low-level radioactive waste disposal facility; and (3) excavation and reclamation of the thorium in the waste material by chemical extraction or soil washing. In addition, the licensee had previously identified disposal in a hazardous waste design cell at Dow's Salzburg Landfill as a possible alternative.

Both licensed disposal sites eligible to receive Dow's waste (Envirocare and Barnwell) are regulated under rules for land disposal of radioactive wastes, which provide for long-term institutional control and minimize the potential for human intrusion. However, the Barnwell alternative would be considerably more expensive, with very little, if any, reduction of dose to the public. Likewise, the Salzburg Landfill would not be cost effective even if sufficient institutional controls were placed on the site. The chemical extraction/soil washing alternative does not guarantee success, and may produce more and different kinds of waste than exist now. The no-action alternative runs counter to the goals of 10 CFR Part 40 and protecting public health and safety and the environment.

The staff believes that disposing of Dow's thorium wastes at the Envirocare facility will not cause any significant impacts on the human environment and is acceptable. The conditions and restrictions placed on the Envirocare facility, combined with the facility design provisions and its location, provide the optimum level of protection of human health and safety and the environment among the various alternatives for disposal of this waste.

Finding of No Significant Impact

Based on the findings in the environmental assessment the NRC staff has determined that, under the National Environmental Policy Act of 1969, as amended, and NRC's regulations in 10 CFR Part 51, authorizing this license amendment would not be a major Federal action significantly affecting the quality of the human environment, and therefore an environmental impact statement is not required. The NRC staff concludes that a finding of no significant impact is justified and appropriate.

The staff believes that disposing of Dow's thorium wastes at the Envirocare facility will not cause any significant impacts on the human environment and is acceptable. The conditions and restrictions placed on the Envirocare facility, combined with the facility design provisions and its location, provide the optimum level of protection of human health and safety and the environment among the various alternatives for disposal of this waste.

Further Information

For additional information with respect to the proposed action, see the licensee's request for license amendment dated October 12, 1995, and supplementary information, the safety evaluation report, and the environmental assessment which are available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC.

For further information contact Jack D. Parrott, Division of Waste Management, USNRC, Mailstop T–8F37, Washington, DC 20555–0001, Telephone: (301) 415–6700.

Opportunity for a Hearing

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of the NRC's rules of practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By hand delivery to: Docketing and Service Branch, Office of the Secretary, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m. Federal workdays; or

2. By mail or telegram to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Each request for a hearing must also be served, by delivering it personally or by mail to:

1. The applicant, The Dow Chemical Company, Attention: Mr. Larry Giebelhaus, Project Manager, 1261 Building, Midland, MI 48667; and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail

addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dated at Rockville, Maryland, this 11th day of July, 1996.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–18372 Filed 7–18–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–368]

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License No. NPF–6, issued to Entergy Operations, Inc. (the licensee), for operation of Arkansas Nuclear One, Unit 2, located in Pope County, Arkansas.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow the licensee to utilize American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) Case N–514, ''Low Temperature Overpressure Protection'' to determine its low temperature overpressure protection (LTOP) setpoints and is in accordance with the licensee's application for exemption dated April 11, 1996. The proposed action requests an exemption from certain requirements of 10 CFR 50.60, ''Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation,'' to allow application of an alternate methodology to determine the LTOP setpoints for ANO–2. The proposed alternate methodology is consistent with guidelines developed by the ASME Working Group on Operating Plant Criteria (WGOPC) to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure relieving devices used for LTOP. These guidelines have been incorporated into Code Case N–514, ''Low Temperature Overpressure Protection,'' which has been approved by the ASME Code Committee. The content of this Code Case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI. However, 10 CFR 50.55a, ''Codes and Standards,'' and Regulatory Guide 1.147, ''Inservice Inspection Code Case Acceptability'' have not been updated to reflect the acceptability of Code Case N–514.

The philosophy used to develop Code Case N–514 guidelines is to ensure that the LTOP limits are still below the pressure/temperature (P/T) limits for normal operation, but allow the pressure that may occur with activation of pressure relieving devices to exceed the P/T limits, provided acceptable margins are maintained during these events. This philosophy protects the pressure vessel from LTOP events, and still maintains the Technical Specifications P/T limits applicable for normal heatup and cooldown in accordance with 10 CFR Part 50, Appendix G and Sections III and XI of the ASME Code.

The Need for the Proposed Action

Pursuant to 10 CFR 50.60, all lightwater nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary as set forth in 10 CFR Part 50, Appendix G. 10 CFR Part 50, Appendix G, defines P/T limits during any condition of normal operation including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in 10 CFR Part 50, Appendix G, may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent transients that would produce excursions exceeding the 10 CFR Part 50, Appendix G, P/T limits while the reactor is operating at low temperatures, the licensee installed an LTOP system. The LTOP system includes pressure relieving devices in the form of relief valves that are set at a pressure below the LTOP enabling temperature that would prevent the pressure in the reactor vessel from exceeding the P/T limits of 10 CFR Part 50, Appendix G. To prevent these valves from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting and shifting operating charging pumps) with the reactor coolant system in a solid water condition, the operating pressure must be maintained below the relief valve setpoint.

In addition, to prevent damage to reactor coolant pump seals, the operator must maintain a minimum differential pressure across the reactor coolant pump seals. Hence, the licensee must operate the plant in a pressure window that is defined as the difference between the minimum required pressure to start a reactor coolant pump and the operating margin to prevent lifting of the relief valves due to normal operating pressure surges. The 10 CFR Part 50, Appendix G, safety margin adds instrument uncertainty into the LTOP setpoint. The licensee's current LTOP analysis indicates that using this 10 CFR Part 50, Appendix G, safety margin to determine the relief valve setpoint would result in an operating window between the LTOP setpoint and the minimum pressure required for reactor coolant pump seals which is too small to permit continued operation. Operating with these limits could result in the lifting of relief valves or damage to the reactor coolant pump seals during normal operation. Using Code Case N–514 would allow the licensee to recapture most of the operating margin that is lost by factoring in the instrument uncertainties in the determination of the LTOP setpoint. Therefore, the licensee proposed that in determining the relief valve setpoint for LTOP events for ANO–2, the allowable pressure be determined using the safety margins developed in an alternate methodology in lieu of the safety margins required by 10 CFR Part 50, Appendix G. The alternate methodology is consistent with ASME Code Case N–514. The content of this Code Case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI.

An exemption from 10 CFR 50.60 is required to use the alternate methodology for calculating the maximum allowable pressure for LTOP considerations. By application dated April 11, 1996, the licensee requested an exemption from 10 CFR 50.60 to allow it to utilize the alternate methodology of Code Case N–514 to compute its LTOP setpoints.

Environmental Impacts of the Proposed Action

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) using a safety factor of two on the principal membrane (pressure) stresses, (b) assuming a flaw at the surface with a depth of one quarter (1/4) of the vessel wall thickness and a length of six (6) times its depth, and (c) using a conservative fracture toughness curve that is based on the

lower bound of static, dynamic, and crack arrest fracture toughness tests on material similar to the ANO–2 reactor vessel material.

In determining the relief valve setpoint for LTOP events, the licensee proposed the use of safety margins based on an alternate methodology consistent with the proposed ASME Code Case N–514 guidelines. ASME Code Case N–514 allows determination of the setpoint for LTOP events such that the maximum pressure in the vessel will not exceed 110% of the P/T limits of the existing ASME Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, use of the proposed criteria will provide adequate margins of safety to the reactor vessel during LTOP transients.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for ANO–2.

Agencies and Persons Consulted

In accordance with its stated policy, on May 13, 1996, the staff consulted with the Arkansas State official, Mr. Bernard Bevill Director of Radiation Control and Emergency Management, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated April 11, 1996, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Tomlinson Library, Arkansas Tech University, Russellville, AR 72801.

Dated at Rockville, Maryland, this 15th day of July, 1996.

For the Nuclear Regulatory Commission.

George Kalman,

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

[FR Doc. 96–18373 Filed 7–18–96; 8:45 am]

BILLING CODE 7590–01–P

Notice of Meeting

SUMMARY: The NRC will hold a public meeting in Rockville, Maryland to receive comments from licensees and the public on its initiative to perform research on electric cables to resolve technical issues related to the Environmental Qualification (EQ) process. All interested licensees, and members of the public are invited to attend this meeting. Interested parties, unable to attend the meeting, are encouraged to provide written comments pertinent to the proposed EQ research by August 2, 1996.

DATES: The meeting will be held on August 6–7, 1996, beginning at 8:30 a.m.

ADDRESSES: The public meeting will be held at the DoubleTree Hotel at 1750 Rockville Pike, Rockville, Maryland. Visitor parking is also available at the hotel, however, the hotel is located adjacent to the Twinbrook Station on the Metro Red Line.

FOR FURTHER INFORMATION CONTACT: For further information, contact Satish K. Aggarwal, Office of Nuclear Regulatory Research, Mail Stop T 10 E–10, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–415–6005; fax: 301–415–5074; INTERNET: SKA@NRC.GOV

Meeting Agenda

Tuesday, August 6, 1996

8:30 am—Welcome and Introductions
8:45 am—Overview of EQ Research
9:30 am—Overview of EQ Task Action Plan
10:15 am—Overview of Issues to be Resolved and Planned Research
11:00 am—Discussion of Issue 1
12:00 noon—Lunch Break
1:00 pm—Discussion of Issue 2
1:30 pm—Discussion of Issue 3
2:00 pm—Discussion of Issues 4 and 5
3:00 pm—Discussion of Issues 6 to 9
5:00 pm—Adjourn

Wednesday, August 7, 1996

8:30 am—Discussion of Issues 10 to 13
10:00 am—Discussion of Issues 14 and 15
12:00 noon—Lunch Break
1:00 pm—Discussion of Issues 16 to 19
4:00 pm—Adjourn

Unresolved Issues

The following issues have been identified for further research. Information that may help fully or partially resolve these issues may be presented at this meeting.

Issues 1 & 2: Thermal Preaging Process

—Arrhenius application
—Activation energies

Issue 3: Other Aging Factors

—The effects on humidity

Issues 4 & 5: Cable Construction

—Multiple vs. single conductor cables
—Bonded jacket cables

Issues 6, 7, 8 & 9: Installed Environment

—Hot spots
—Vibration
—Water/steam impingement
—Maintenance activities

Issues 10, 11, 12 & 13: Installed Configuration

—Bends, vertical runs, overhangs
—Cable trays, conduits
—Fire protection coatings
—Installation damage

Issues 14 & 15: Condition Monitoring

—Effectiveness
—LOCA survivability

Issues 16, 17, 18 & 19: Life Extension

—Requalification options
—Definition of qualified life
—Use of operating experience
—Extension of qualified life

Further information on these issues can be obtained from NUREG/CR–6384, Volumes 1 and 2, which are available from the Government Printing Office.

SUPPLEMENTARY INFORMATION: When the latest regulation for environmental qualification (EQ) of electric equipment, 10 CFR 50.49, was issued, it contained provisions that allowed licensees to meet different standards for qualification. In general, one standard required testing of electric equipment by exposing it to a harsh environment. The second standard required similar testing in addition to artificial radiation and thermal aging of equipment prior to LOCA testing. Although the first standard does not include consideration of the effects of aging, both standards include margin for operating temperature, radiation levels, and some physical damage mechanisms. It is believed that this margin compensates for any damage mechanisms which are not modelled precisely in the accelerated testing.

As a result of the staff's activities related to license renewal in the early 1990s, EQ was identified as an area that required further review. As discussed in SECY–93–049, a major concern related to EQ was whether the EQ requirements for older plants were adequate to support license renewal. Subsequently, the NRC staff concluded that differences in EQ requirements between older and newer plants constituted a potential generic issue which should be evaluated for backfit, independent of license renewal activities. Furthermore, recent test results raise questions with respect to the environmental qualification and accident performance capability of certain types of cables, and there have been some instances of cable failures as a result of exposure to high temperature and/or radiation during normal plant operation.

The NRC staff developed a task action plan (TAP) which has been designed to identify, evaluate and resolve EQ concerns. One item of the TAP was for the Office of Nuclear Regulatory Research to develop and implement a research program which will focus on (1) data collection and analysis, and (2) technical issues. Since most of the electrical equipment in operating nuclear power plants can be replaced with relative ease except for cables, the research program was subsequently developed to focus on low-voltage I&C cables within the scope of 10 CFR 50.49.

For the data collection and analysis, Brookhaven National Laboratory (BNL) was designated the lead laboratory to perform a literature review and establish an extensive database. The assessment of the literature has been completed and includes an analysis of available data, both domestic and foreign, to determine which EQ related technical issues can be resolved with existing information and which will require further research. For those issues identified which require further research, testing of both naturally aged and artificially aged cable samples will be performed.

The primary objective of this research program is to answer EQ questions related to electrical cables based upon actual testing. The testing phase of the program will provide information to assess the effectiveness of condition monitoring (CM) methods to determine the extent of degradation, if any, of qualified low voltage instrumentation and control (I&C) cables within the scope of 10 CFR 50.49, and evaluate the adequacy of accelerated aging techniques in the environmental qualification process.

This meeting will provide an opportunity for licensees and the public to provide input on the issues identified for further research, and the research to be performed. A transcript of this meeting will be available for inspection, and copying for a fee at the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555, on or about September 2, 1996.

The meeting will be open to the public, and the public will be provided opportunities throughout the workshop to comment on the issues under discussion.

Dated at Rockville, Maryland on this 15th day of July, 1996.

For the Nuclear Regulatory Commission.

Lawrence C. Shao,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 96–18371 Filed 7–18–96; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 15g–2; SEC File No. 270–381; OMB Control No. 3235–0434

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for approval of extension on the following rule:

Rule 15g–2 requires broker-dealers to provide their customers with a risk disclosure document, as set forth in Schedule 15G,[1] prior to their first non-exempt transaction in a ''penny stock.'' The rule requires broker-dealers to obtain written acknowledgement from the customer that he or she has received the required risk disclosure document. The rule also requires broker-dealers to maintain a copy of the customer's written acknowledgment for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place.

Approximately 270 broker-dealers are subject to Rule 15g–2, and each one of these firms will process an average of approximately 156 risk disclosure documents per year. The total ongoing respondent burden is approximately 4 minutes per response, or an aggregate total of 624 minutes per respondent. Since there are 270 respondents, the annual burden 2808 hours.

In addition, 270 broker-dealers will incur a recordkeeping burden of approximately one minute per response. Thus, respondents as a group will incur an aggregate annual recordkeeping burden of 702 hours. The total annual hour burden is 3510 hours.

The total cost of ongoing compliance for the respondents and recordkeepers is $70,200.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 and Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: July 10, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18298 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Schedule 15G explains the risks of investing in penny stocks; important concepts associated with the penny stock market; the broker-dealer's duties to customers; a toll-free telephone number through which a customer may inquire about the disciplinary history of a broker-dealer; the customer's rights and remedies in cases of fraud or abuse in connection with transactions in penny stocks; and certain other significant information.

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Revision:
Regulation 13D–G;
Schedule 13D and 13G
SEC File No. 270–137
OMB Control No. 3235–0145

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget request for approval of revision to the following:

Schedule 13D and 13G are filed by pursuant to Sections 13(d) and 13(g) of the Securities Exchange Act of 1934 (''Exchange Act'') and Regulation 13D–G thereunder to report beneficial ownership of equity securities registered under Section 12 of the Exchange Act. Regulation 13D–G is intended to provide investors and the subject issuer with information about accumulations of securities that may have the potential to change or influence control of the issuer. The proposed amendments will allow more individuals and non-institutional investors to file Schedule 13G in lieu of Schedule 13D. The Commission anticipates that 803 Schedules 13D would be filed each year if the proposals were adopted. Each Schedule 13D would impose an estimated burden of 14.75 hours for a total annual burden of 11,844.25 hours. It is estimated that 9,065 Schedules 13G would be filed each year if the proposals were adopted. Each Schedule 13G would impose an estimated burden of 10 hours for a total annual burden of 90,650 hours.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and schedules should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 11, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18299 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26542]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

July 12, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 5, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarat(s) at the addresse(s) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing and shall identify specifically the issues of fact of law are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central and South West Corporation, et. al. (70–3113; 70–7218)

Central and South West Corporation (''CSW''), a registered holding company, and its wholly-owned nonutility subsidiary, CSW Credit, Inc. (''Credit''), both at 1616 Woodall Rogers Freeway, P.O. Box 660164, Dallas, Texas 75202, have filed a post-effective amendment under sections 6, 7, 9, 10 and 12 of the Act and rule 45 thereunder to their application-declarations in the above files.

By orders of the Commission dated July 19, 1985 (HCAR No. 23767), July 31, 1986 (HCAR No. 24157), February 8, 1988 (HCAR No. 24575), December 24, 1991 (HCAR No. 25443) and December 22, 1995 (HCAR No. 26437), CSW was authorized to organize Credit to engage in the business of factoring accounts receivable for certain subsidiaries of CSW [1] and for nonassociate utility companies; Credit was authorized to borrow up to $520 million and $304 million in respect of its factoring of associate and nonassociate utility receivables, respectively; and CSW was authorized to make equity investments in Credit of up to $80 million and $76 million in connection with its factoring of associate and nonassociate utility receivables, respectively, in each case through December 31, 1996. Credit was required to limit its acquisition of nonassociate utility receivables so that the average amount of such nonassociate utility receivables for the preceding twelve-month period outstanding as of the end of any calendar month would be less than the average amount of receivables acquired from CSW assoicate companies outstanding as of the end of each calendar month during the preceding twelve-month period (''50% Restriction'').

In 1987, the applicants filed an application with the Commission seeking authorization for Credit to factor the accounts receivable of nonassociate utilities without regard to the 50% Restriction, increase Credit's aggregate borrowings and increase CSW's equity investment in Credit. This application was approved in an initial decision rendered by an administrative law judge on February 23, 1989 (File No. 3–7027). On review, the Commission, by order dated March 2, 1994 (HCAR No. 25995), reversed the initial decision, upheld the 50% Restriction and denied the application in its entirety.

The applicants state that on May 29, 1992, CSW and CPL entered into a settlement agreement with Houston Industries Incorporated and its subsidiary, Houston Lighting & Power Company (''HLP''), to resolve a number of disputes between the two systems (''1992 Agreement''). As part of the normalization of business relations between the parties, Credit and HLP agreed to arrangements whereby Credit would purchase accounts receivable from HLP. By order dated December 8, 1992 (HCAR No. 25696), Credit was authorized to borrow up to an additional $650 million in the aggregate outstanding at any one time during the 12½ year term of the 1992 Agreement for the sole purpose of purchasing

[1] These companies include Central Power and Light Company (''CPL''), Public Service Company of Oklahoma, Southwestern Electric Power Company, West Texas Utilities Company and Transok, Inc.

accounts receivable of HLP. The applicants (i) proposed that for so long as the 50% Restriction is applicable to Credit, after the purchase of HLP receivables, Credit would comply with the 50% Restriction and (ii) requested authorization to sell a sufficient amount of HLP accounts receivable such that Credit would remain in compliance with the 50% Restriction. By order dated December 29, 1992 (HCAR No. 25720), Credit was authorized to sell a sufficient amount of HLP receivables to unrelated third parties in order to comply with the 50% Restriction. This order also required Credit to provide additional information in its periodic reports filed with the Commission evidencing Credit's ongoing compliance with the 50% Restriction.

The applicants now seek authorization for Credit to factor accounts receivable of HLP without regard to the 50% Restriction. The applicants also seek authorization to engage in additional financing in connection with Credit's factoring business. Specifically: (1) Credit requests authority to borrow up to an additional $216 million through bank lines of credit or the issuance of commercial paper, thereby increasing the amount of debt it may incur to finance the purchase of nonassociate utility receivables, other than HLP receivables, from $304 million to $520 million; (2) CSW requests authority to increase its aggregate equity investment in Credit from $156 million to $260 million, of which up to $80 million could be used to purchase receivables of associate companies, up to $100 million could be used to purchase HLP receivables and up to $80 million could be used to purchase receivables from nonassociate utilities; and (3) CSW requests authority to extend loans to Credit and to provide guarantees of Credit's obligations in an aggregate amount not to exceed $850 million at any time outstanding. The applicants state that the sum of the aggregate of borrowings by Credit plus any equity contributions from CSW to Credit will not exceed $1.95 billion without further authorization from the Commission.

New England Electric System (70–8803)

New England Electric System (''NEES''), 25 Research Drive, Westborough, Massachusetts 01582, a registered holding company, has filed a post-effective amendment to its application-declaration previously filed under sections 6(a), (7), 9(a), 10, 12(b) and 13(b) of the Act and rules 45 and 54 thereunder.

By order dated May 23, 1996 (HCAR 26520) (''Initial Order''), the Commission authorized NEES to form one or more marketing companies in Massachusetts, New Hampshire, Rhode Island, Maryland, Delaware, Pennsylvania, New Jersey and New York (the ''Marketing Companies'') to engage in wholesale marketing of electric power and related transactions. The Initial Order also authorized Marketing Companies established in New Hampshire and Massachusetts to participate in each State's respective pilot program for retail electric power sales. Jurisdiction was reserved over the sale of electric power at retail by all other Marketing Companies pending completion of the record.

NEES now proposes to form one or more direct or indirect new subsidiaries (''Additional Marketing Companies'') in Connecticut, Maine, and Vermont to engage in the business of wholesale and retail marketing of electricity.

The Additional Marketing Companies also propose to provide a broad range of electrical-related services to customers, including but not limited to audits, power quality, fuel supply, repair, maintenance, construction, design, engineering and consulting. In addition, the Additional Marketing Companies may enter service agreements with NEES, New England Power (''NEP''), New England Power Service Company (''NEPSCO''), and/or NEES' electric utility operating companies (''Retail Companies'') under which they would provide technical and support staff to the Additional Marketing Companies needed for a particular project. No more than 2% of the employees of NEES, NEP, NEPSCO and/or the Retail Companies will render, directly or indirectly, services to the Additional Marketing Companies and the previously authorized Marketing Companies at any one time. All costs associated with such staff (including compensation, overhead and benefits) would be fully reimbursed by the Additional Marketing Company to which they were assigned in accordance with rules 90 and 91.

NEES proposes to finance each Additional Marketing Company by purchasing 1,000 shares of its common stock ($1.00 par value), for a total purchase price of $1,000. Subsequently, NEES intends to make capital contributions and/or loans to the Additional Marketing Companies from time to time through December 31, 1999, provided that such contributions and/or loans for all Additional Marketing Companies, together with the previously authorized Marketing Companies, will not exceed $15 million outstanding at any one time.[2] Any loans will be in the form of non-interest bearing subordinated notes payable in twenty years or less from the date of issue. The Additional Marketing Company may prepay any or all of its outstanding notes without premium or penalty.

General Public Utilities Corporation (70–8877)

General Public Utilities Corporation (''GPU''), 100 Interpace Parkway, Parisippany, New Jersey 07054, a registered holding company, has filed a declaration under sections 6(a), 7, 12(b), 32 and 33 of the Act and rules 45, 53 and 54 thereunder.

GPU proposes to issue and sell for cash, from time to time through December 31, 1998, up to 7,000,000 shares of its authorized but unissued common stock, $2.50 par value (''Additional Shares''), to the public through negotiated transactions with underwriters, sales or placements with selling or placement agents, direct sales to institutional or other purchasers or any combination of the above. GPU may also seek to sell the Additional Shares to a selling agent, as principal, for resale to the public on the New York Stock Exchange or a regional exchange and/or in private placement transactions.

GPU will use the net proceeds from the sale of the Additional Shares to make cash capital contributions to its electric and other operating subsidiaries, which in turn will apply the funds to repay or refinance outstanding indebtedness, to redeem or repurchase outstanding senior securities, to finance construction, for other corporate purposes, or for reimbursement of funds previously expended for these purposes. Net proceeds may also be applied to reimburse GPU's treasury for funds previously expended to make capital contributions, to repay or refinance outstanding GPU indebtedness and for other GPU corporate purposes, including the acquisition by certain of its subsidiaries of interests in qualifying facilities, exempt wholesale generators and foreign utility companies.

[2] Subsequent capital contributions or open account advances without interest, loans, and extensions of credit from NEES to the Marketing Companies, made in accordance with the terms of rule 45, will be exempt from prior Commission approval.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18303 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–22068; No. 812–10026]

EQ Financial Consultants, Inc., et al.

July 12, 1996.

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

ACTION: Notice of Application for an Order pursuant to the Investment Company Act of 1940 (the ''1940 Act'').

APPLICANTS: EQ Financial Consultants, Inc. (''EQ Financial'') and The Equitable Life Assurance Society of the United States (''Equitable'').

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 9(c) granting exemption from the provisions of Section 9(a).

SUMMARY OF APPLICATION: Applicants seek an order of the Commission pursuant to Section 9(c) of the 1940 Act to enable EQ Financial, Equitable and any subsidiary of Equitable affected in the future (collectively, ''The Equitable Subsidiaries'') to employ Paul Donnelly (''Donnelly''), who is subject to a securities related injunction described below.

FILING DATE: The application was filed on March 4, 1996, and amended on July 12, 1996.

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

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC. 20549. Applicants, c/o Marcia L. MacHarg, Debevoise & Plimpton, 555 Thirteenth Street, NW., Washington, DC. 20004.

FOR FURTHER INFORMATION CONTACT: Kevin M. Kirchoff, Senior Counsel, Office of Insurance Products (Division of Investment Management), at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. EQ Financial (formerly named Equico Securities, Inc.) is a corporation all of the outstanding shares of which are owned by Equitable. EQ Financial is a broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'') and a principal underwriter for various entities registered under the 1940 Act and may in the future be investment adviser or depositor for entities that are registered under the 1940 Act.

2. Equitable is a New York stock life insurance company, a broker-dealer registered under the Exchange Act and an investment adviser registered under the Investment Advisers Act of 1940. Equitable is the depositor for two separate accounts that are registered under the 1940 Act and may in the future be investment adviser or principal underwriter for entities that are registered under the 1940 Act.

3. The Equitable Subsidiaries are also, or may in the future be, investment advisers, principal underwriters and/or depositors for entities that are registered under the 1940 Act.

4. In 1985, Donnelly was permanently enjoined by consent from engaging in certain acts or practices. The injunction resulted from a complaint filed by the Commission alleging violations of Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933, Sections 10(b), 12(g), 13(a), 17A(c) and 17A(d) of the Exchange Act and Rules 10b–5, 12b–20, 13a–11, 13a–13, 17Ad–4, 17Ad–6, and 17Ad–7 thereunder. *SEC* v. *Netelkos,* Litigation Release No. 10918 (Oct. 30, 1985). The Commission's complaint alleged, among other things, that, from June 1982 to January 1984, Donnelly and others caused Falcon Sciences, Inc. (''Falcon'') to issue unregistered, unauthorized and counterfeit stock, that Donnelly knowingly instructed Falcon's public accountant to report certain contracts between Falcon and other companies as arm's length agreements when they were not and that Donnelly assisted in the preparation of various documents Falcon filed with the Commission, including annual and quarterly reports, that he knew contained untrue and misleading statements of material facts.

5. Donnelly became a life insurance agent for Equitable in 1984. For several months before the entry of the injunction, Donnelly was also a registered representative of EQ Financial and of Equitable. After the entry of the injunction, Donnelly ceased being a registered representative of EQ Financial and of Equitable. He continued to be a life insurance agent for Equitable and was acting in that capacity as of the date the application was filed.

6. EQ Financial and Equitable now propose to employ Donnelly as a registered representative. They are aware that to do so without an order of the Commission under Section 9(c) would disqualify them from acting in certain capacities to entities registered under the 1940 Act. In this regard, EQ Financial and Equitable note that they have extensive compliance registration procedures to ensure that they do not employ persons who are subject to a statutory disqualification under Section 9(a) of the 1940 Act until the Section 9 issues are resolved. Applicants also note that, as an agent for Equitable, Donnelly is not an employee of Equitable and thus Equitable is not currently disqualified from acting as a depositor for separate accounts.

Applicants' Legal Analysis

1. Section 9(a) of the 1940 Act provides, in relevant part, that:

It shall be unlawful for any of the following persons to serve or act in the capacity of employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered until investment trust, or registered face amount certificate company.

* * * * *

(2) any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker, dealer, investment adviser, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person, salesman, or employee or any registered investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(3) a company any affiliated person of which is ineligible, by reason of paragraph * * * (2), to serve or act in the foregoing capacities.

2. Section 9(c) of the 1940 Act provides that:

Any person who is ineligible, by reason of subsection (a), to serve or act in the capacities enumerated in that subsection,

may file with the Commission an application for an exemption from the provisions of that subsection. The Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

3. If Donnelly becomes an employee of EQ Financial, Equitable and/or any of The Equitable Subsidiaries, the employer will become subject to the disqualification provisions of Section 9(a) because Donnelly will be an affiliated person of the employer.

4. Applicants submit that the statutory standards set forth above will be satisfied with respect to the relief requested under Section 9(c) of the 1940 Act. In this connection, Applicants believe that the application of the prohibitions of Section 9(a) to Applicants and The Equitable Subsidiaries because of the employmenmt of Donnelly would be unduly and disproportionately severe. Applicants also assert that their conduct and the conduct of the Equitable Subsidiaries has been such as to make it not against the public interest or the protection of investors to grant the requested relief.

5. Donnelly will not serve in any capacity related in any way to the provision of investment advice to any registered investment company or to acting as principal underwriter to any registered open-end investment company or registered face-amount certificate company or as principal underwriter or depositor to any registered unit investment trust.[1] Donnelly will not be a corporate officer of EQ Financial, Equitable or any of The Equitable Subsidiaries or serve in a policy-making role or participate in the management or administrative activities of EQ Financial, Equitable or any of The Equitable Subsidiaries relating to registered investment companies.

6. Applicants state that the conduct complained of by the Commission on the part of Donnelly did not relate to investment company activities. The injunction against Donnelly was entered more than 10 years ago and the events to which it related occurred more than 12 years ago. Applicants state that Donnelly has not been subject to similar action, or any action relating to his conduct as an agent of Equitable, nor to the best knowledge of Applicants after reasonable inquiry have any complaints been filed against Donnelly with the Commission, any self-regulatory organization, any state securities commission or any insurance regulatory authority since the date of the injunction.

7. Applicants state that Donnelly has informed Applicants that he complied with the disgorgement and payment obligations imposed on him under the injunction.

8. Applicants assert that the balance of fairness requires that the requested relief be granted. If the exemption is not granted, EQ Financial, Equitable and The Equitable Subsidiaries will not employ Donnelly because to do so would subject them to a Section 9(a) bar on investment company activities. Consequently, Donnelly would continue to be unable to offer his clients the full range of financial services available to be provided by a registered representative of EQ Financial and Equitable. Applicants believe this would unduly limit his business activities.

9. Finally, Applicants assert that the relief they request is virtually identical in all material respects to relief the Commission has granted on numerous previous occasions. *See e.g.* Gruntal & Co., Incorporated, Inv. Co. Act Rel. No. 19793 (Oct. 18, 1993).

Applicants' Condition

Applicants agree that the Commission's order granting the requested relief shall be subject to the following condition:

EQ Financial, Equitable and The Equitable Subsidiaries will not employ Donnelly in any capacity related directly to the provision of investment advisory services for a registered investment company, or acting as a principal underwriter for a registered open-end investment company or registered face-amount certificate company, or as a principal underwriter or depositor for a registered unit investment trust.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18302 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicants expect that Donnelly will be involved to some degree in the retail sale of investment company securities, including variable insurance products funded by separate accounts organized as unit investment trusts.

[Rel. No. IC–22069; International Series Release No. 1004; File No. 812–10054]

The New South Africa Fund Inc.

July 12, 1996.

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

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

APPLICANT: The New South Africa Fund Inc.

RELEVANT ACT SECTION: Section 10(f).

SUMMARY OF APPLICATION: Applicant requests an order to permit it to purchase South African securities from an underwriting syndicate when applicant's investment adviser is an affiliated person of a principal underwriter in the syndicate.

FILING DATE: The application was filed on March 22, 1996 and amended on July 1, 1996.

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

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, c/o Bear Stearns Funds Management Inc. 245 Park Avenue, New York, N.Y. 10167.

FOR FURTHER INFORMATION CONTRACT: Mary T. Geffroy, Staff Attorney, at (202) 942–0553, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

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

Applicant's Representations

1. Applicant is a non-diversified, closed-end management investment company organized as a Maryland corporation. Applicant's investment objective is long-term appreciation

through investments principally in securities of issuers of South Africa, and, to a lesser extent, in other countries in the South African region. Under normal market conditions, at least 80% of applicant's assets will be invested in South African securities, including at least 65% of its assets in equity securities of South African issuers as well as up to 35% of its assets in certain fixed income securities which, in the investment adviser's judgment, have the potential for long-term capital appreciation.

2. Applicant's investment adviser is Fleming International Asset Management Limited (''FIAM''), a company organized under the laws of Great Britain. Robert Fleming Holding Limited (''RFHL'') is the ultimate corporate parent of FIAM.

3. Martin & Co. Inc., a South African brokerage firm, provides FIAM with research material containing factual, statistical and other information, including economic trends, concerning South Africa and other countries in the South African region, and their respective securities markets. Effective November 24, 1995, RFHL and Martin & Co. Inc formed a joint venture called Fleming Martin Holdings Lts. (''FMHL''). FMHL, together with FIAM, is deemed to be under the common control of RFHL, and, as such, is an affiliated person of FIAM within the meaning of section 2(a)A(3) of the Act.

4. Section 10(f) of the Act prohibits a registered investment company from purchasing, during the existence of any underwriting or selling syndicate, any security where a principal underwriter of such security is an officer, director, member of an advisory board, investment adviser, or employee of such investment company, or is a person with which any such listed person is affiliated. Because applicant's investment adviser is affiliated with FMHL, applicant is prohibited from purchasing securities in underwritten public offerings in South Africa in which FIAM, FMHL, RFHL, or any person of which these entities are affiliated, participate as principal underwriter.

5. Rule 10f–3 exempts a transaction from the provisions of section 10(f) if certain conditions are met. Subparagraph (a)(1) of rule 10f–3 requires that the securities purchased be part of an issue registered under the Securities Act of 1933 (the ''Securities Act''). Unless the South African securities are being offered publicly in the United States, they are not required to be registered under the Securities Act. Accordingly, most transactions in South African securities cannot meet the condition set forth in subparagraph (a)(1).

Applicant's Legal Analysis

1. In order to participate in underwritten public offerings in South Africa for which Fleming Martin Holdings Ltd., RFHL, or any of their respective affiliates acts as a principal underwriter, applicant requests an order exempting it from section 10(f) provided that (a) the securities purchased be listed or approved for listing on the Main Board of the Johannesburg Stock Exchange (''JSE''); [1] (b) with the exception of paragraph (a)(1) of rule 10f–3, all other conditions set forth in rule 10f–3 be satisfied; (c) the foreign securities subject to section 10(f) will be purchased in a public offering conducted in accordance with South African law and the rules and regulations of the JSE; and (d) all subject South African issuers will have available for prospective purchasers financial statements, audited in accordance with the accounting standards of South Africa, for the two years prior to the purchase.

2. An offering in South Africa is considered a public offering under South African law, and subject to various requirements in Schedule 3 of The South Africa Companies Act, 1973, if a prospectus is issued to a wide pool of persons. A prospectus also must be registered with the Registrar of Companies. The Registrar of Companies is the central registry for companies in South Africa. Its responsibilities include filing and maintaining public records relating to companies, including the Articles of Association, annual returns, information on directors and officers, and the existence of security interests over the assets of companies. The Registrar of Companies also reviews prospectuses filed with it to ensure that requirements as to form are satisfied.

3. 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 will be offered and sold under the same terms as to the general public. Applicant is not aware of any instances where the price of securities offered in a public offering was fixed at a premium to the market price. Applicant will not purchase securities that are offered in a public offering at a premium to the market price.

4. Applicant is not aware of any instance where a public offering was not addressed to the entire investment community of South Africa. In any event, applicant will not participate in any public offering unless the relevant offer is made to every class of investor who has the right to participate in the issue.

5. A public offering in South Africa usually is underwritten pursuant to an underwriting agreement in which the primary underwriters are obligated to purchase at a fixed price all of the securities being offered and which are not taken up by others under the offering. Applicant believes this underwriting arrangement effectively satisfies the ''firm commitment'' requirements of subparagraph (a)(3) of rule 10f–3.[2] Although other methods of underwriting exist, applicant will only purchase securities underwritten by such firm commitment method, or such other method that complies with the provisions of rule 10f–3(a)(3).

6. Securities purchased pursuant to the requested relief will be listed or approved for listing on the Main Board of the JSE. To be listed on the Main Board, a company must have: (a) a minimum subscribed capital, excluding revaluations of assets, of at least R2 million (approximately $461,800 under the current conversation rate) [3] in the form of not less than one million shares in issue; (b) a satisfactory profit history for the preceding three years, with a current audited level of earnings of at least R1 million (approximately $230,900), before taxation; (c) 10% of the total issued shares held by the public; (d) at least 300 public shareholders; and (e) a minimum initial price of shares not less than 100 cents per share (approximately, $.23).[4] In addition, listed companies are obliged to inform shareholders and the public of transactions by way of an announcement in the annual report, press announcement, or a circular to shareholders.

7. The only condition of rule 10f–3 that applicant cannot satisfy is the requirement that the securities to be

[1] The JSE is comprised of three separate markets: the Main Board, the Development Capital Market (''DCM''), and the Venture Capital Market (''VCM''). Applicant is not seeking relief with respect to any securities listed on either the DCM or VCM.

[2] Rule 10f–3(a)(3) provides that the securities to be purchased must be offered pursuant to an underwriting agreement under which the underwriters are committed to purchase all of the registered securities being offered, except those purchased by others pursuant to a rights offering, if the underwriters purchase any thereof.

[3] On July 12, 1996, applicants submitted a letter to the SEC (''July 12 letter'') indicating that as of July 11, 1996, the *Wall Street Journal* reported a conversion rate of .2309 U.S. dollars per Rand.

[4] In the July 12 letter, applicants indicated that the reference to 100 cents was to South African cents and that there are 100 South African cents per Rand.

purchased be registered under the Securities Act. Applicant believes that purchasing the securities at issue pursuant to a public offering conducted in accordance with South African law and the rules and regulations of the JSE, together with the requirement that audited financial statements for the previous two years be available to all prospective purchasers, provide an adequate substitute for the registration requirement. The availability of such financial statements, as well as the other information regarding the issuer required under The South Africa Companies Act, 1973 and the rules and regulations of the JSE, provides FIAM with sufficient information to make informed investment decisions. Applicant also believes that the underwriters' and issuers' liability protect applicant's shareholders from a loss resulting from reliance by FIAM on a misleading prospectus. Taken together with the requirement that securities subject to section 10(f) be purchased in public offerings conducted in accordance with South African law and the rules and regulations of the JSE, investors can be assured that the securities are issued in the ''ordinary course of business,'' and in compliance with regulatory requirements similar to those imposed by the U.S. securities laws.

8. Applicant further believes that the widespread distribution of securities in a public offering in South Africa; the applicable prospectus delivery requirements; and the fixed offering price at which securities are offered to, and purchased by, unaffiliated purchasers on the same terms as any securities purchased by applicant, provide for the protection of investors in effectively preventing discriminatory and predatory practices in the underwriting of new issues that would be detrimental to applicant's shareholders.

9. In light of the foregoing, as well as the protection afforded by subparagraphs (a)(2) through (i) of rule 10f–3, applicant believes that purchases of securities in the manner described above will not raise any of the concerns addressed by section 10(f), and that the granting of the requested exemptive order is consistent with the protection of investors and with the purposes intended by rule 10f–3.

Applicant's Conditions

Applicant agrees that the order granting the requested relief shall be subject to the following conditions:

1. The securities purchased be listed or be approved for listing on the Main Board of the JSE.

2. With the exception of paragraph (a)(1) of rule 10f–3, all other conditions set forth in rule 10f–3 be satisfied.

3. The foreign securities subject to section 10(f) will be purchased in a public offering conducted in accordance with South African law and the rules and regulations of the JSE.

4. All subject South African issuers will have available for prospective purchasers financial statements, audited in accordance with the accounting standards of South Africa, for the two years prior to the purchase.

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

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18301 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37429; File No. SR–Amex–96–26]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by American Stock Exchange, Inc. Relating to the Unbundling of Auto-Ex Orders

July 12, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, 17 CFR 240.19b–4, notice is hereby given that on July 11, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change form interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt new Amex Rule 933 to prohibit the unbundling of customer option orders in order to make them eligible for entry into the Exchange's Automatic Execution System (''Auto-Ex''). The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

a. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed rule Change

(1) Purpose

The Exchange proposes to adopt new Amex Rule 933 which is designed to prohibit the unbundling (splitting up or dividing up) of customer option orders in order to make them eligible to fit the size parameters of the Exchange's Auto-Ex system, an automatic execution system intended for small orders of customers. The Exchange believes that Auto-Ex should give near instantaneous single price execution of such orders at prevailing bid/offer prices. Currently, the size parameters for customer Auto-Ex orders are generally 10 contracts for equity options with larger amounts available for certain index options.

Automatic execution systems were introduced more than 10 years ago by the Amex and other option exchanges in response to member firm suggestions that customers would be helped in gaining confidence in the listed options markets if quick, single price executions at posted (prevailing) prices were available. The Amex initiated Auto-Ex in certain index options in the mid-1980s and later extended its applicability to equity options.

Over the past several years, due in large part to enhancements in technology and market minding systems, more customers and other market participants have obtained the ability to use a combination of high speed automated market watch systems and computer generated orders to enter orders directly or indirectly into the automatic execution systems of options exchanges. In order to fit within the size parameters of such systems, large size orders are frequently spilt up into small size orders which give rise to a series of sequential (or near sequential) orders being entered.

For example, a member with a customer order to buy 20 contracts at the prevailing market price in an Auto-Ex eligible equity option, could structure the order so it is split up and transmitted as two orders to buy 10 contracts each. The Exchange believes that such unbundling compromises the basic purpose for which automatic execution systems were adopted.

Accordingly, the Exchange now proposes to adopt new Rule 933 (Automatic Execution of Options Orders) that would prohibit the unbundling of customer option orders in order to make them eligible for entry into the Exchange's Auto-Ex system.

The adoption of this rule would be consistent with similar rules already in force at the Chicago Board Options Exchange and the Pacific and Philadelphia Stock Exchanges.[1] Further, the adoption of this rule will not affect a member firm's ability to directly route large size customer option orders (that is, orders in excess of Auto-Ex size parameters) to the trading floor as such firms can choose to either (i) use the Exchange's electronic order routing AMOS system which will cause the order (for up to 30 contracts in the case of equity options) to appear on an AUTO–AMOS display terminal where it is then subject to execution, or (ii) route the order (without any size limitation) through the firm's own order delivery system for execution by a floor broker.

(2) Basis

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)5 in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no 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

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) was provided to the Commission for its review at least five days prior to the filing date; and (4) does not become operative for 30 days from July 11, 1996, the date on which it was filed, the rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(e)(6) thereunder.[2] In particular, the Commission believes the proposal qualifies as a ''noncontroversial filing'' in that the proposed standards do not significantly affect the protection of investors or the public interest and do not impose any significant burden on competition. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–96–26 and should be submitted by August 9, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18295 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[1] *See* CBOE Rule 6.8(a)(i); PSE Rule 6.87(c); and Phlx Rule 1015(vii).

[2] 17 CFR 240.19b–4(e)(6).

[3] 17 CFR 200.30–3(a)(12).

[Release No. 34–37433; File No. SR–DTC–96–11]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of a Proposed Rule Change Seeking Authority To Release Clearing Data Relating to Participants

July 12, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 28, 1996, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–96–11) as described in Items I, II, and III below, which items have been prepared primarily by DTC. 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 purpose of the proposed rule change is to establish a new rule governing the release of certain information relating to DTC's participants which information is obtained in DTC's ordinary course of business.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish Rule 2, Section 6, which will govern the release of certain information relating to DTC's participants which information is obtained in DTC's ordinary course of business. The new rule will authorize DTC to release information relating to a participant's fund deposit, collateral,

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The Commission has modified the text of the summaries submitted by DTC.

net credit balance, and net debit balance (referred to herein as ''clearing information'') to authorized parties. Such authorized parties will include other clearing agencies registered with the Commission at which the participant is a member; any clearing organization that is affiliated with or has been designated by a futures contract market under the oversight of the Commodities Futures Trading Commission of which the participant is a member; and upon the request of the participant, to such other entities as the participant may designate.

The proposed rule change will permit DTC to release clearing information to the National Securities Clearing Corporation for use in its Collateral Management Service (''CMS'').[3] CMS provides collateral information regarding a participant to the participant and to other clearing agencies at which the participant is a member.

DTC believes the proposed rule change is consistent with Section 17A of the Act and the rules and regulations thereunder because the proposal will enable DTC to share clearing information with other clearing agencies so that they may better monitor a common participant's total clearing fund, margin, and other similar required deposits that may be available to protect a clearing agency against loss should the participant default on its obligations. DTC's ability to share information with other clearing agencies will ultimately assist DTC and these entities in assuring the safeguarding of securities and funds in their custody or control.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were not solicited. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety 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 DTC consents, the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the file number SR–DTC–96–11 and should be submitted by August 9, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18296 Filed 7–18–96; 8:45 am]

BILLING CODE 801001–M

[3] For a complete description of the CMS, refer to Securities Exchange Act Release No. 36091 (August 5, 1995), 60 FR 30912 [File No. SR–NSCC–95–06] (order approving the CMS).

[4] 17 CFR 200.30–3(a)(12) (1995).

[Release No. 34–37430; File No. SR–NYSE–96–14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Revision of the Equity Transaction Charges and the Specialist Odd-Lot Charge

July 12, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] notice is hereby given that on June 13, 1996 the New York Stock Exchange, Inc. (''NYSE'' 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. On July 9, 1996, the Exchange submitted Amendment No. 1 to the Commission.[2] 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 revision to Equity Transaction Charges would eliminate the $0.0019 per share charge for Odd-Lots (trades less than 100 shares), except for orders of a member or member organization trading as an agent for the account of a non-member competing market maker. In addition, the current Specialist Odd-Lot Charge of $0.004 per share for Odd-Lots would be reduced to $.00135 per share. The text of the proposed rule changes is set forth below (new text is italicized; deleted text is bracketed):

TRANSACTION FEES

Equity Public Agency Transaction	
Equity Per Share Charge—per transaction:	
System Orders from [100] *1*–2,099 shares[1]	No Charge.
Floor Executed Trades and System Trades greater than 2,099 Shares:	
First 5,000 Shares	$0.0019.
5,001 to 710,000 Shares	0.0001.

[1] 15 U.S.C. 78s(b)(1).

[2] Amendment No. 1 removed the provisions in the filing that indicated that the fee would be applied retroactively. In addition, the NYSE stated that it will resubmit those provisions for notice and action pursuant to Section 19(b)(2) of the Act. *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Ivette López, Assistant Director, Division of Market Regulation, SEC, dated July 5, 1996.

TRANSACTION FEES—Continued

Subsequent Shares	No Charge.

[1] Not inclusive of orders of a member or member organization trading as an agent for the account of a nonmember competing market maker.

Competing Market Maker: a specialist or market-maker registered as such on a registered stock exchange (other than the NYSE), or a market-maker bidding and offering over-the-counter, in a New York Stock Exchange-trade security.

* * * * *

SYSTEM PROCESSING FEES

Specialist Odd-Lot Charge—per share:		
Odd Lots	[$0.004]	$0.00135
Partial Round-Lots		0.00135

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 purpose of the change is to respond to the needs of our constituents with respect to overall competitive market conditions and customer satisfaction.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4)[3] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed fee change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and subparagraph (e) of Rule 19b–4 thereunder.[5]

At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–96–14 and should be submitted by August 9, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18304 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78f(b)(4).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4.

[6] 17 CFR 200.30–3(a)(12).

[Release No. 34–37434; File No. SR–PSE–96–19]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Pacific Stock Exchange, Inc. Relating to Firm Quotes, Automatic Executions and Orders That May Be Placed in the Options Public Limit Order Book

July 12, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 14, 1996, the Pacific Stock Exchange, Inc. (''PSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PSE. On June 27, 1996, the PSE filed Amendment No. 1 to the

proposal.[1] 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 Exchange is proposing to modify its rules on firm quotes, automatic executions and orders that may be placed in the Options Public Limit Order Book (''Book'') in order to clarify the scope of these rules. The Exchange is also proposing to modify its Minor Rule Plan and Recommended Fine Schedule in connection with violations of those rules.

The text of the proposed rule change is available at the Office of the Secretary, the PSE, and to the Commission.

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 Exchange 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 PSE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

PSE Rule 6.86 currently provides that each trading crowd on the options floor is required to provide a depth of twenty (20) option contracts for all ''non-broker/dealer customer'' orders, at the bid or offer that is displayed as the disseminated market quote at the time such orders are announced or displayed at the trading post designated for trading the subject option class. The Exchange is proposing to amend Rule 6.86 to clarify that, for purposes of this rule, the term ''broker/dealer'' includes foreign broker/dealers.

The Exchange is also proposing to amend Rule 6.87 to provide that only non-broker/dealer customer orders are eligible for execution on the Exchange's Automatic Execution System (''Auto-Ex''). This change codifies a long-standing policy of the Exchange to that effect. The rule change would also provide that, for purposes of Rule 6.87, the term ''broker/dealer'' includes foreign broker/dealers.

Rule 6.52(a) currently provides that no member shall place, or permit to be placed, an order with an Order Book Official for an account in which such member or his organization, any other member or member organization, or any non-member broker/dealer has an interest. The Exchange is proposing to replace that provision with one stating that only non-broker/dealer customer orders may be placed with an Order Book Official pursuant to Rule 6.52(a). The new text would also provide that, for purposes of this rule, the term ''broker/dealer'' includes foreign broker/dealers.

The Exchange is also proposing to amend its Minor Rule Plan so that it includes the following rule violation: ''Entry of broker/dealer order for execution on Auto-Ex system. (Rule 6.87(a)).'' The Exchange believes that violations of Rule 6.87(a) are easily verifiable and, therefore, are appropriate for inclusion in the Minor Rule Plan.

The Exchange is also proposing to modify its Recommended Fine Schedule under the Minor Rule Plan as follows: First, the current recommended fine for a member who fails to honor a guaranteed market is $250 for a first violation, $500 for a second violation and $750 for a third violation. The Exchange is proposing to increase these fines to $550, $1,500 and $3,000 for a first, second or third-time violation, respectively.[2]

Second, the recommended fine for a member who fails to identify an order as for a broker/dealer is currently $250 for a first violation, $500 for a second violation and $750 for a third violation. The Exchange is proposing to raise these fines to $500, $1,500 and $3,000 for first, second and third-time violations, respectively.

Third, the exchange is proposing to establish fines of $500, $1,500 and $3,000 for first, second and third-time violations of the restriction against entering broker/dealer orders for execution on the Auto-Ex system.

2. Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) in particular, in that it is designed to promote just and equitable principles of trade, to facilitate transactions in securities, and to protect investors and the public interest. The proposal is also consistent with Section 6(b)(6) in that it is designed to assure that members and persons associated with members are appropriately disciplined for violations of Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

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 date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[1] In Amendment No. 1, the Exchange corrects a technical error in the numbering of items in the Minor Rule Plan (PSE Rule 10.13) and Recommended Fine Schedule. *See* letter from Michael D. Pierson, Senior Attorney, Regulatory Policy, PSE, to James T. McHale, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, dated June 26, 1996 (''Amendment No. 1'').

[2] Fines for multiple violations of Options Floor Decorum and Minor Trading Rules are calculated on a running two-year basis. For a discussion of the Exchange's Recommended Fine Schedule, *see* Securities Exchange Act Release No. 34322 (July 6, 1994), 50 FR 35958 (July 14, 1994).

available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–96–19 and should be submitted by August 9, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–18297 Filed 7–18–96; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

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

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with P.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collections listed below, which were published in the Federal Register on May 17, 1996, have been submitted to OMB. (Call Reports Clearance Officer on (410) 965–4125 for copies of package or write to her at the address listed after the information collections.)

OMB Desk Officer: Laura Oliven.

SSA Reports Clearance Officer: Judith T. Hasche.

1. Report(s) of Student Beneficiary at End of School Year—0960–0089. The information collected on form SSA–1388 is used by the Social Security Administration to verify a student's full-time attendance at an approved educational institution. The affected public consists of claimants or beneficiaries who are students and are requested to provide this information.

Number of Respondents: 200,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 33,333 hours.

2. Work History Report—0960–0552. The information collected on form SSA–3369 is used to document a claimant's work history and used, in conjunction with other evidence, to determine eligibility for disability benefits. The respondents are claimant's for disability benefits.

Number of Respondents: 2,000,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 1,000,000 hours.

Written comments and recommendations regarding these information collections should be sent within 30 days of the date of this publication. Comments may be directed to OMB and SSA at the following addresses:

(OMB)

Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, D.C. 20503

(SSA)

Social Security Administration, DCFAM, Attn: Judith T. Hasche, 6401 Security Blvd, 1–A–21 Operations Bldg., Baltimore, MD 21235

Dated: July 11, 1996.

Judith T. Hasche,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 96–18148 Filed 7–18–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

Office of the Under Secretary for Economic and Agricultural Affairs

[Public Notice 2416]

Notice of Receipt of Application for a Permit for Pipeline Facilities Constructed and Maintained on the Borders of the United States of America

DATES: Interested Parties are invited to submit, in duplicate, comments relative to this proposal by no later than August 19, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Gallogly, Chief, Division of Energy Producer Country Affairs, Office International Energy Policy, Department of State, Washington, DC 20520. (202) 647–1476.

The Department of State has received an application from Express Pipeline Partnership for a permit, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993 to construct a new crude oil pipeline that would originate at a terminal near Hardisty, Alberta, Canada and cross the international boundary near Simpson Montana at Township 37 N, Range 11 East, Section 2, Lots 6 and 7. The pipeline would traverse Montana and interconnect with existing pipeline(s) in Casper, Wyoming.

Express Pipeline Partnership is a general partnership formed under the laws of the State of Delaware, with its corporate offices located in Calgary, Alberta, Canada. Express is comprised of two general partners, Express Pipeline, Inc. a Delaware corporation (an affiliate of Alberta Energy Company Ltd.), and TransCanada Express Holdings Inc., a Delaware corporation (an affiliate of TransCanada pipelines Limited.) The permit application, including an Environmental Impact Statement and proposed supplement assessment for the proposed pipeline is, available for review at the above address.

Dated: July 17, 1996.

Stephen Gallogly,

Chief, Energy Producer Country Affairs, Office of International Energy and Commodities Policy.

[FR Doc. 96–18530 Filed 7–18–96; 8:45 am]

BILLING CODE 4710–07–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Nepal

July 15, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 16, 1996.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, carryforward and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS

[3] 17 CFR 200.30–3(a)(12).

numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62410, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 15, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 1995, by the Chairman of CITA. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Nepal and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on July 16, 1996, you are directed to adjust the limits for the following categories, as provided for in the agreement dated December 2, 1993 and July 22, 1994 as amended and extended between the Governments of the United States and the Kingdom of Nepal:

Category	Twelve-month limit [1]
336/636	221,131 dozen.
340	397,408 dozen.
341	871,762 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–18292 Filed 7–18–96; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending 7/12/96

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–96–1506.
Date filed: July 8, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC12 Reso/P 1756 dated July 5, 1996 r1; TC12 Reso/P 1757 dated July 5, 1996 r2; TC12 Reso/P 1758 dated July 5, 1996 r3; TC12 Reso/P 1759 dated July 5, 1996 r4; Expedited US-Europe Resolutions (Summaries attached.); Intended effective date: September 1, 1996.

Docket Number: OST–96–1507.
Date filed: July 8, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC2 Reso/P 1965 dated June 21, 1996; Europe-Middle East Expedited Resos; (Summary attached.); Intended effective date: July 31, 1996.

Docket Number: OST–96–1508.
Date filed: July 8, 1996.
Parties: Members of the International Air Transport Association.
Subject: COMP Telex Mail Vote 810; Rescind fare increase from Uganda; Intended effective date: August 1, 1996.

Docket Number: OST–96–1529.
Date filed: July 10, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC31 Telex Mail Vote 811; Fare Increase from US/Carib/Mexico/Canada to Japan; Amendment to Mail vote; Intended effective date: September 1, 1996.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96–18347 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending July 12, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–96–1516.

Date filed: July 8, 1996.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 5, 1996.

Description: Application of Aerocomercial De Transporte Y Rutas, S.A., pursuant to 49 U.S.C. Section 41302 and Subpart Q of the Regulations, applies for a foreign air carrier permit authorizing it to engage in charter foreign air transportation of property and mail between a point or points in Ecuador, on the one hand, and a point or points in the United States, on the other hand, together with the authority to operate other all-cargo charters in accordance with 14 C.F.R. Section 212.

Docket Number: OST–96–1530.

Date filed: July 10, 1996.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 7, 1996.

Description: Application of Federal Express Corporation, pursuant to 49 U.S.C. Sections 41108 and 41110, and Subpart Q of the Procedural Regulations, applies for renewal and amendment of its existing fixed-term certificate authority to provide scheduled foreign air transportation of property and mail between points in the United States, on the one hand, and points in China, on the other hand, as contained in Federal Express' certificate of public convenience and necessity for Route 638. In addition to the renewal of its Certificate for Route 638, Federal Express requests that its Certificate for Route 638 be amended to include certain U.S.-China all-cargo authority now granted to Federal Express by exemption described herein.

Docket Number: OST–96–1531.

Date filed: July 10, 1996.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 7, 1996.

Description: Application of North American Airlines, Inc., pursuant to 49 U.S.C. Sections 41101(a) and 41102(a), and Subpart Q of the Regulations, applies for a new or amended Certificate of Public Convenience and Necessity for scheduled foreign air transportation of persons, property and mail between a point or points in the United States, on the one hand, the terminal points of Brussels, Belgium and Copenhagen, Denmark, on the other hand.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96–18346 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–62–P

Coast Guard; Reports, Forms and Recordkeeping Requirements

AGENCY: United States Coast Guard, Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: This notice lists those forms, reports, and Record keeping 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 USC Chapter 35). In accordance with the Paperwork Reduction Act of 1995, the United States Coast Guard invites comments on certain information collections for which the USCG intends to request approval from the Office of Management and Budget.

DATES: Interested parties are invited to submit comments on or before August 15, 1996.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Office of Management and Budget, New Executive Office Building, Room 10202, Attn: DOT Desk Officer, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, 2100 Second Street, SW.; G–SII; Washington, D.C. 20593, Telephone number (202) 267–2326.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that USCG is submitting to OMB for extension or reinstatement, as appropriate. These ICRs are: Plan Approval and Records for Load Lines [2115–0043], Self-propelled Liquefied Gas Vessel [ICR No. 2115–0113], Electrical Engineering Regulations—46 Subchapter J [ICR No. 2115–0115], Electrical Equipment and Fire Protection Systems—46 CFR Subchapter Q [2115–0121], Tank Vessel Examination Letter (CG–840S–1 & 2), Certificate of Compliance/Pressure Vessel Repairs, Maintaining Cargo Gear Record, Shipping Papers, the Tank Vessel Examination Letter and the Certificate of Compliance [ICR No. 2115–0504], Requirements for Lightering of Oil and Hazardous Material Cargoes [2115–0539], (a) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge; (b) Application for Equivalents, Exemptions, and Alternatives; and Voluntary Reports of Pollution Sightings [ICR No. 2115–0556], and Various Forms and Posting Requirements Under 46 CFR Subchapters K and T ''Small Passenger Vessel (Under 100 Gross Tons)'' [2115–0578]. USCG has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collection were last approved. USCG will request a three-year term of approval for each information collection activity. The following information is provided for each information collection: (1) Title of information collection; (2) OMB Control Number; (3) Affected Entities, (4) Abstract of the information collection activity, including the need for and use of the collection; and (5) estimate of total annual reporting.

Title: Plan Approval and records for Load Lines [2115–0043].

OMB No.: 2115–0043.

Affected Entities: Owners of merchant vessels over 150 Gross Tons or 79 feet long.

Abstract: Owners of merchant vessels over 150 gross tons or 79 feet long engaged in commerce on international or coast wise voyages by sea are required by law to obtain a load line certificate. This procedure ensures that no such vessel is loaded deeper than the line of safety.

Title 46 CFR 42, 44, 45, and 46, requires Coast Guard to delegate the task of assigning load lines and issuing of certificates to recognized ship classification societies. Coast Guard administers the load line regulations by ensuring that the delegated responsibilities are carried out in accordance with established procedures.

This information collection is a means by which vessel owners or agents may officially make known their intent to load line a vessel, indicate their preference for a particular assigning authority, appeal a decision regarding the status of a vessel and state their choice of surveyors when regulatory compliance is questioned.

Burden Estimate: The current total annual respondent burden estimate is 2,133 hours. The average burden hour per response is 10.25 reporting and 19.1 hours recordkeeeping.

Title: Self-propelled Liquefied Gas Vessels [ICR No. 2115–0113].

OMB No.: 2115–0113.

Affected Entities: Owners and operators of liquefied gas carriers.

Abstract: Sixteen reporting and recordkeeping requirements are addresses by this submission. They are needed to ensure compliance with U.S. Regulations for the design and operation of liquefied gas carriers. The regulations also address cargo operations, handling and safety. The regulations currently apply to 195 foreign flag vessels and 14 U.S. flag vessels.

Under 46 U.S.C. 3703, Coast Guard is tasked with the protection of life, property and the marine environment from hazards associated with the carriage of liquid bulk dangerous cargoes. This information will be used to determine if a vessel meets U.S. safety regulations for the carriage of liquefied gases.

Burden Estimate: The current total annual respondent burden estimate is 3,914 hours. The average burden hour per response is 1.87 hours reporting and 17.065 minutes recordkeeping.

Title: Electrical Engineering Regulations—46 Subchapter J [ICR No. 2115–0115].

OMB No: 2115–0115.

Affected Entities: Manufacturers and owners of new built-vessels.

Abstract: Electrical Engineering Regulations are necessary to promote the safety of life at sea on USCG certified vessels. The Coast Guard reviews plans and procedures to determine compliance and evaluate necessary manning of automated vessels.

Title 46 CFR Subchapter J require the ship building industry to submit to the Coast Guard, for review and approval their electrical engineering plans for new-built vessels. Coast Guard will use this information to ensure compliance with the regulations are met.

Burden Estimate: The current total annual respondent burden estimate is 478 hours. The average burden hour per response is 1 hour reporting.

Title: Electrical Equipment and Fire Protection Systems—46 CFR Subchapter Q [2115–0121].

OMB No: 2115–0121.

Affected Entities: Manufacturers of electrical equipment, vessel designers, shipyards and owners.

Abstract: Electrical equipment and fire protection systems are necessary to promote the safety of life on USCG certified vessels. The Coast Guard reviews plans and procedures to determine compliance and evaluate specifications of automated vessels.

Title 46 CFR Parts 161 through 164 require Coast Guard's approval before specific types of electrical equipment can be installed on modified or new vessels. Coast Guard will use this information collection to ensure that

manufacturers are in compliance with technical requirements contained in the regulations.

Burden Estimate: The current total annual respondent burden estimate is 268 hours. The average burden hour per response is 4 hours reporting.

Title: Tank Vessel Examination Letter (CG–840S–1 & 2), Certificate of Compliance/Pressure Vessel Repairs, Maintaining Cargo Gear Record, Shipping Papers, the Tank Vessel Examination Letter and the Certificate of Compliance [ICR No. 2115–0504].

OMB No: 2115–0504.

Affected Entities: Owners/operators of large merchant vessels and foreign flag tankers.

Abstract: This information is needed to enable the Coast Guard to fulfill its responsibilities for maritime safety under Title 46 U.S.C. 3301, 3305, 3306, 3702, 3703, 3711, and 3714. It is solely for this purpose.

Title 46 CFR requires the reporting of Boiler and Pressure Vessel Repairs, maintaining Cargo Gear Records, Shipping Papers, the Tank Vessel Examination Letter and the Certificate of Compliance.

This information will be used to ensure information that is unique to each vessel is available for Coast Guard boarding personnel and that work done on Coast Guard certified devices have properly been accomplished.

Burden Estimate: The current total annual respondent burden estimate is 23,537.73 hours. The average burden hour per response is 16 minutes reporting 3 hours recordkeeping.

Title: Requirements for Lightering of Oil and Hazardous Materials Cargoes [2115–0539].

OMB No: 2115–0539.

Affected Entities: Owners and operators of passenger vessels and Terminals.

Abstract: Offshore Lightering involves the transfer of large volumes of bulk liquids between vessels, creating the high potential for a major oil spill. The collection of information allows the USCG to provide timely response in an emergency, minimize the environmental damage from an oil or hazardous material spill and control location and procedures for Lightering activities.

The Port and Tanker Act of 1978, requires the Coast Guard to develop regulations for the Lightering of oil and hazardous materials which take place in the navigable waters of the U.S. or high seas if the cargo is designed for a port or place subject to the jurisdiction of the U.S.

This information will be used to inform the local Coast Guard Captain of the Port of the time and place of cargo transfer. Also, to ensure the vessels involved are in compliance with Coast Guard inspection requirements, possess a valid Certificate of Responsibility and have approved pollution response plans on file.

Burden Estimate: The current total annual respondent burden estimate is 315 hours. The average burden hour per response is 2 hours reporting.

Title: (a) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge; (b) Application for Equivalents, Exemptions, and Alternatives; and © Voluntary Reports of Pollution Sightings [ICR No. 2115–0556].

OMB No: 2115–0556.

Affected Entities: Individuals business or other for-profit organizations and the Federal Government.

Abstract: Discharge of pollutants in excess of what is permitted under MARPOL 73/78 and pollution sightings must be reported to the Coast Guard so that appropriate response to the threatening pollutions incidents and effective enforcement of MARPOL 73/78 and its implementing law and regulations will be possible. Public should be allowed to apply, in writing for equivalents, exemptions and alternatives.

The Act to prevent Pollution from Ships (33 U.S.C. 1901–1911) requires that the master or other person in charge of a ship to report discharges of pollutants that violate MARPOL 73/78. Coast Guard will use this information to determine what corrective action is required to prevent, minimize, or mitigate the impact of oil or hazardous chemical pollution on the public health or welfare, or the environment.

Burden Estimate: The current total annual respondent burden estimate is 15 hours. The average burden hour per response is 30 minutes reporting.

Title: Various Forms and Posting Requirements Under 46 CFR Subchapters K and T ''Small Passenger Vessel (Under 100 Gross Tons)'' [ICR No. 2115–0578].

OMB No: 2115–0578.

Affected Entities: Small passenger vessel owners.

Abstract: The reporting and recordkeeping requirements are necessary for the proper administration and enforcement of small passenger vessel program. The requirements effect small passenger vessels (under 100 gross tons) which carry more than 6 passengers.

Under 46 U.S.C. 3305 and 3306, the Coast Guard must prescribe regulations for the design, construction, alteration, repair and operation of small passenger vessels to secure the safety of individuals and property on board. The Coast Guard's proposed use of this information is to ensure that compliance with the requirements for proper safety equipment, operation and crew emergency preparedness are met.

Burden Estimate: The current total annual respondent burden estimate is 405,608 hours. The average burden hour per response is 1 hour reporting and 4 hours recordkeeping.

Issued in Washington, D.C. on July 15, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–18331 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Proposed Advisory Circular 21–TP, Third-Party Registration/Surveillance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availablity of proposed Advisory Circular (AC) 21–TP, Third-Party Registration/Surveillance, for review and comments. The proposed AC 21–TP provides information and guidance concerning the use of third-party registered suppliers and contracted third-party supplier surveillance by a holder of a Federal Aviation Administration (FAA) production approval. This AC also provides an acceptable means, but not the only means, of demonstrating compliance with the requirements of the Federal Aviation Regulations (FAR) part 21, Certification Procedures for Products and Parts.

DATES: Comments submitted must identify the proposed AC 21–TP project number, 94–033, and be received by September 17, 1996.

ADDRESSES: Copies of the proposed AC 21–TP can be obtained from and comments may be returned to the following: Federal Aviation Administration, Policy, Evaluation and Analysis Branch, AIR–230, Production and Airworthiness Certification Division, Aircraft Certification Service, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Don Lausman, Policy and Evaluation and Analysis Branch, AIR–230, Production and Airworthiness Certification Division, Room 815, Aircraft Certification Service, Federal

Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–7990.

SUPPLEMENTARY INFORMATION:

Background

The proposed AC 21–TP provides information and guidance concerning a FAA Production Approval Holder (PAH) contracting with a third-party for the purpose of obtaining a certification that the PAH's supplier has the capability to provide specified processes, products, or services and/or for the purposes of evaluating , approving, and/or surveying a PAH's suppliers.

Comments Invited

Interested persons are invited to comment on the proposed AC 21–TP listed in this notice by submitting such written data, views, or arguments as they desire to the aforementioned specified address. All communications received on or before the closing date for comments specified above will be considered by the Director, Aircraft Certification Service, before issuing the final AC.

Comments received on the proposed AC 21–TP may be examined before and after the comment closing date in Room 815, FAA headquarters building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

Issued in Washington, DC, on July 16, 1996.

Frank P. Paskiewicz,

Acting Manager, Production and Airworthiness Certification Division.

[FR Doc. 96–18424 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–13–M

Receipt of Noise Compatibility Program and Request for Review for Riverside Municipal Airport, Riverside, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Riverside Municipal Airport, Riverside, California, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as ''the Act'') and 14 CFR Part 150 by the city of Riverside, California. This program was submitted subsequent to a determination by the FAA that the associated noise exposure maps submitted under 14 CFR Part 150 for Riverside Municipal Airport were in compliance with applicable requirements effective September 12, 1995. The proposed noise compatibility program will be approved or disapproved on or before January 4, 1997.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is July 8, 1996. The public comment period ends September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Charles B. Lieber, Airport Planner, AWP–611.1, Planning Section, Western-Pacific Region, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007, Telephone (310) 725–3614. Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Riverside Municipal Airport which will be approved or disapproved on or before January 4, 1997. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA formally received the noise compatibility program for Riverside Municipal Airport, effective on April 19, 1996. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 4, 1997.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Western-Pacific Region Office, 15000 Aviation Boulevard, Room 3012, Hawthorne, California 90261

Mr. John Sabatello, Airport Manager, City of Riverside Municipal Airport, 6951 Flight Road, Riverside, California 92504.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on July 8, 1996.

Robert C. Bloom,

Acting Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 96–18422 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent to Rule on Application impose and use the revenue from a Passenger Facility Charge (PFC) at Fresno Air Terminal, Fresno, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Fresno Air Terminal under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the

Federal Aviation Regulations (14 CFR Part 158).

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

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA. 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA. 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terry O. Cooper, Director of Transportation, City of Fresno, at the following address: 2401 N. Ashley Way, Fresno, California 93727–1504. Air carriers and foreign air carriers may submit copies of written comments previously provided to the city of Fresno under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Rodriguez, Supervisor, Planning and Programming Section, Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA. 94010–1303, Telephone: (415) 876–2805. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from Fresno Air Terminal under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On June 20, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Fresno was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 18, 1996.

The following is a brief overview of the impose and use application number AWP–96–01–C–00–FAT.

Level of proposed PFC: $3.00.

Charge effective date: October 1, 1996.

Estimated charge expiration date: October 1, 1997.

Total estimated PFC revenue: $1,405,482.

Brief description of impose and use projects: Part 150 Noise Compatibility Program Phase I—Sound Mitigation Acoustical Remedy Treatment Program, Airport Improvement Program (AIP) Local Match for Grant Number 3–06–0087–4 (Replacement of Airport Rescue & Firefighting Vehicle, purchase of 20 sets of firefighting protective clothing (turnouts) and the purchase of five hand held radios with multiple channel selection, construction of concrete parking aprons at 3 air carrier gate positions adjacent to the Concourse Building, Airport Sign System Installation, Modification & Replacement Project, Air Operations Area Access Control & Security Improvements Project), AIP Local Match for Grant Number 3–06–0087–15 (Airline Terminal Complex Master Plan, Airport Storm Drainage Master Plan & National Pollutant Discharge Elimination System Permitting Requirements Project), AIP Local Match for Grant Number 3–06–0087–17 (Construction of Concrete Parking Aprons at 3 Air Carrier Gate Positions Adjacent to the Concourse Building, Americans with Disabilities Act (ADA) Required Improvements, Airport Rotating Beacon, Airline Terminal Complex Phase III(A) Schematic Design, Design Development & Construction Documents, Airline Terminal Concourse Interior Construction Improvements), AIP Local Match for Grant Number 3–06–0087–18 ADA Required Improvements, Airline Terminal Concourse Interior Renovation Improvements), AIP Local Match for Grant Number 3–06–0087–20 (ADA Required Improvements, Airline Terminal Concourse Interior Renovation Improvements) Part 150 NCP Phase II—Sound Mitigation Acoustical Remedy Treatment Program, AIP Local Match for Grant Number 3–06–0087–22 (Reconstruction of Taxiway ''A'' Crossings & Taxiway ''N'' Runup Area, Airfield, Tower & Terminal Power System Replacement, Concourse & Terminal Phase IV Expansion, Preliminary Design, Schematic Design Development & Construction Documents, ARFF Station Improvements: Concrete Apron Reconstructions & Replacement of Vehicle Fueling Systems, Airline Terminal Complex Phase III(a) Schematic Design, Design Development & Construction Documents, Airfield Lighting, Electrical Improvements & Replacement of Emergency Generator System (Design)).

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operations (ATCO) filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd. Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Fresno.

Issued in Hawthorne, California, on June 27, 1996.

Robert C. Bloom,

Acting Manager, Airports Division, Western Pacific Region.

[FR Doc. 96–18274 Filed 7–18–96; 8:45 am]

BILLING CODE 4910–13–M

Surface Transportation Board [1]

[STB Finance Docket No. 32994]

North Coast Railroad Authority—Trackage Rights Exemption—California Northern Railroad Company

California Northern Railroad Company (CNRC) will agree to grant interim local trackage rights [2] to North Coast Railroad Authority (NCRA). CNRC will grant NCRA local trackage rights in Mendocino, Sonoma, Marin, and Napa Counties, CA: (1) from NWP milepost 142.5 near Outlet Station to NWP milepost 68.22 near Healdsburg, CA, a distance of approximately 74.3 miles; (2) from NWP milepost 68.2 near Healdsburg, CA, to NWP milepost 26.96 near Novato, CA, a distance of approximately 41.2 miles; (3) from NWP milepost 26.96 near Novato, CA, to NWP milepost 25.6 near Ignacio, CA, a distance of approximately 1.4 miles; and (4) from NWP milepost 25.6 near Ignacio, CA, to SP milepost 40.4 near Schellville, CA, a distance of approximately 14.8 miles, a total of approximately 131.7 miles of rail line.

The transaction was scheduled to be consummated on or after July 8, 1996.

The purpose of the trackage rights is to facilitate the commencement of NCRA's freight operations while its petition in STB Finance Docket No. 32943 is being considered by the Board. Trackage rights approved under the class exemption normally remain

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[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–24.

[2] The parties to the trackage rights arrangement apparently intend that the trackage rights would expire if the Board acts favorably on NCRA's pending request in STB Finance Docket No. 32943, *North Coast Railroad Authority—Operation and Acquisition Exemption—California Northern Railroad Company, Northwestern Pacific Railroad Authority, and Golden Gate Bridge, Highway and Transportation District,* filed May 10, 1996.

effective indefinitely. Accordingly, if the Board does not approve or exempt the transaction that is the subject of STB Finance Docket No. 32943 (or if NCRA does not consummate the transaction even if it has been approved or exempted), NCRA would be required to continue service begun under the trackage rights agreement until it obtains discontinuance authority from the Board.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 32994, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Christopher J. Neary, Esq., 110 South Main Street, Suite C, Willits, CA 95490.

Decided: July 15, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18362 Filed 7–18–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Ex Parte No. 552]

Railroad Revenue Adequacy—1995 Determination

AGENCY: Surface Transportation Board.

ACTION: Notice of decision.

SUMMARY: On July 19, 1996, the Board served a decision announcing the 1995 revenue adequacy determinations for the Nation's Class I railroads. Three carriers (Illinois Central Railroad Company, Norfolk Southern Railroad Company, and Union Pacific Railroad Company) are found to be revenue adequate. The remaining Class I carriers are found to be revenue inadequate.

EFFECTIVE DATE: This decision is effective July 19, 1996.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 927–6171. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The Board is required to make an annual determination of railroad revenue adequacy. A railroad will be considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry for 1995, determined to be 11.7% in *Railroad Cost of Capital—1995,* Ex Parte No. 523 (Sub. No. 1) (STB served Jun. 5, 1996). In this proceeding, the Board applied the revenue adequacy standards to each Class I railroad, and it found that three carriers, Illinois Central Railroad Company, Norfolk Southern Railroad Company, and Union Pacific Railroad Company, were revenue adequate.

Additional information is contained in the Board's formal decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the action is merely to update the annual railroad industry revenue adequacy finding previously made by the Interstate Commerce Commission. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Decided: July 10, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18360 Filed 7–18–96; 8:45 am]

BILLING CODE 4915–00–P

Surface Transportation Board [1]

[STB Docket No. AB–55 (Sub-No. 532X)]

CSX Transportation, Inc.—Abandonment Exemption—in Parkwood, Jefferson County, AL

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 0.9 miles of its line of railroad between milepost ANJ–968.3 and milepost ANJ–967.4 in Parkwood, Jefferson County, AL.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 18, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an

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[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by July 29, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 8, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Charles M. Rosenberger, Senior Counsel, 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 24, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: July 12, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–18361 Filed 7–18–96; 8:45 am]

BILLING CODE 4915–00–P

[3] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[4] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

July 9, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0520.

Form Number: IRS Form MSR E–665 (formerly SWR E–665).

Type of Review: Extension.

Title: Deduction for Depletion on Ground Water Used for Irrigation.

Description: This form is required by Rev. Proc. 66–11 as an attachment to the tax return. The form provides a standard method of computing and reporting water depletion deductions by taxpayers who extract ground water from the Ogallala geological formation. The Internal Revenue Service uses the information to determine if the depletion has been computed correctly.

Respondents: Business or other for-profit, individuals or households, farms.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 2 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 4,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869 Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW.,Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 96–18318 Filed 7–18–96; 8:45 am]

BILLING CODE 4830–01–P

Submission to OMB for Review; Comment Request

July 9, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0351.

Form Number: IRS Form 3975.

Type of Review: Revision.

Title: Tax Practitioner Annual Mailing List Application and Order Blank.

Description: Form 3975 allows a tax practitioner a systematic way to remain on the Tax Practitioner Mailing File and to order copies of tax materials.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 320,000.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 16,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 96–18319 Filed 7–18–96; 8:45 am]

BILLING CODE 4830–01–P

Fiscal Service

Renegotiation Board Interest Rate, Prompt Payment Interest Rate, Contracts Disputes Act

Although the Renegotiation Board is no longer in existence, other Federal Agencies are required to use interest rates computed under the criteria established by the Renegotiation Act of 1971 (Pub. L. 92–41). For example, the Contracts Disputes Act of 1978 (Pub. L. 95–563) and the Prompt Payment Act (Pub. L. 97–177) provide for the calculation of interest due on claims at a rate established by the Secretary of the Treasury pursuant to Public Law 92–41 (85 Stat. 97) for the Renegotiation Board (31 U.S.C. 3902).

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning July 1, 1996 and ending on December 31, 1996, is 7% per centum per annum.

Dated: July 15, 1996.

Russell D. Morris,

Acting Fiscal Assistant Secretary.

[FR Doc. 96–18336 Filed 7–18–96; 8:45 am]

BILLING CODE 4810–35–M

Corrections

Federal Register
Vol. 61, No. 140
Friday, July 19, 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.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Chapters XXVI and XL

RIN 1212-AA75

Reorganization, Renumbering, and Reinvention of Regulations; Correction

Correction

In correction rule document 96–17791 beginning on page 37316 in the issue of Wednesday, July 17, 1996 make the following correction:

On page 37316, second column, instruction 2. is corrected to read, ''integer and $0<y\leq n_1$),''.

BILLING CODE 1505–01–D

federal register

Friday
July 19, 1996

Part II

Department of Housing and Urban Development

24 CFR Parts 203 and 221

Single Family Mortgage Insurance Premium; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 203 and 221

[Docket No. FR–3899–F–02]

RIN 2502–AG55

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Single Family Mortgage Insurance Premium

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule makes final the proposed rule published by the Department on January 26, 1996, which proposed many benefits to the mortgage lenders that would reduce their servicing costs and the confusion generated by adjustments to the annual mortgage insurance premium (MIP) on cases not endorsed within the first six months after amortization. The rule changes the method of payment and the reconciliation schedule and clarifies the due date. It is expected that the changes will result in an increase in MIP income, thereby strengthening the FHA insurance fund. Also, costly reconciliation now done by HUD will be cut.

Specifically, the rule provides that the FHA Commissioner can accrue MIP from the beginning of amortization (as defined in 24 CFR 203.251) on all Section 530 (of the National Housing Act) loans and risk-based loans, no matter what time frame exists between the endorsement date and the beginning of amortization. It also amends the existing regulation by requiring that mortgagees pay the monthly installments as due on or before the 10th of the month, whether or not collected from the mortgagor. A new system is being developed (and expected to be operational by Summer 1997) which would produce a monthly notice of premiums due, and the reconciliation will be made monthly by the lender when the premium is paid. A new Single Family Premium Collection Subsystem-Periodic (SFPCS-P) is being developed (and expected to be operational by Summer 1997) which will produce a monthly notice of premiums due, and the reconciliation will be made monthly by the lender when the MIP is paid, thus eliminating the requirement for annual reconciliation.

EFFECTIVE DATE: August 19, 1996.

FOR FURTHER INFORMATION CONTACT: John L. Stahl, Acting Director, Office of Mortgage Insurance Accounting and Servicing, Room 2108, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–1046. For telephone communication, contact Anne Baird-Bridges, Single Family Insurance Operations Division, at (202) 708–2438. Hearing or speech-impaired individuals may call HUD's TTY number (202) 708–4594. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 320 of the Housing and Community Development Act of 1980 (Pub.L. 96–399) amended Title V of the National Housing Act (the Act) (12 U.S.C. 1702 *et seq.*) to add a new section 530. Section 530 requires, with respect to insurance of mortgages under Title II of the Act, the payment of MIPs upon receipt from the borrower, except HUD may approve payment of such premiums within 24 months of such receipt if the financial institution or mortgagee pays interest to the insurance fund. On July 15, 1982, at 47 FR 30750, the Department published a final rule that implemented section 530 by requiring mortgagees to pay the MIP in installments due on or before the 10th day of the month following the month in which payments are due from the mortgagors. On June 23, 1983, at 48 FR 28794, the Department published a final rule which set forth the requirement that the borrower pay a single premium when the mortgage loan is closed, which represents the total premium obligation for the insured loan. This change applied to all new mortgages insured under the Mutual Mortgage Insurance Fund; therefore, after the change took effect, section 530 was limited to mortgages insured under the Special Risk and General Insurance Funds.

Section 530 loans include all FHA loans endorsed prior to September 30, 1983, and all FHA loans insured under the Special Risk and General Insurance Funds after September 1983. Lenders are required to remit annual MIP in 12 monthly payments totalling one-half of one percent of the average outstanding principal obligation of the mortgage.

The risk-based premium became effective on July 1, 1991, for all loans insured under the provisions of the Mutual Mortgage Insurance Fund, in accordance with the Omnibus Budget Reconciliation Act of 1990 (Pub.L. 101–508) and the National Affordable Housing Act of 1990 (Pub.L. 101–625). Sections 203.284 and 203.285 of title 24 of the Code of Federal Regulations were promulgated to implement the provisions governing risk-based premiums (See 57 FR 15208, April 24, 1992, and 58 FR 40996, July 30, 1993). Risk-based premiums have two components: The up-front premium and the periodic premium. Periodic premiums on risk-based loans are collected over a set number of years, depending on the loan-to-value ratio of the mortgage. Premium payments are paid in twelve monthly installments totalling one-half of one percent of the remaining insured principal balance of the mortgage, minus any amounts included to finance up-front MIP. However, there is an exception under § 203.285 for any mortgage with a term of 15 years or less, which requires premium payments totalling one-fourth of one percent of the insured principal balance.

This Rule

On January 26, 1996, the Department published a proposed rule at 61 FR 2644. The public was afforded a 60-day comment period. No changes to the January 26, 1996 proposed rule are needed as a result of the comments. Therefore, this final rule adopts the proposed rule without change. Below is a discussion of the changes made by this rule.

This rule changes the method of payment and the reconciliation schedule and clarifies the due date. Specifically, the rule provides that the FHA Commissioner can accrue MIP from the beginning of amortization (as defined in 24 CFR 203.251) on all Section 530 and risk-based loans, no matter what time frame exists between the endorsement date and the beginning of amortization. It also amends the existing regulation by requiring that mortgagees pay the monthly installments as due on or before the 10th of the month, whether or not collected from the mortgagor.

The rule revises §§ 203.262, 203.264, and 203.265 to reflect the new policy on monthly payment of MIPs. The revised provisions also apply to risk-based premiums under §§ 203.284 and 203.285.

Sections 203.262 and 203.264 apply to the scheduled payments. Existing § 203.264 requires that ''any portion of the periodic MIP received by the mortgagee from the mortgagor on or after September 1, 1982, shall be paid to the Commissioner on or before the tenth of the month following the month in which it was received,'' provided that the full annual MIP be paid by the tenth of the month following the anniversary date of amortization. At the initiation of

the Section 530 Program, mortgagees were offered two payment options:

a. *The Basic Monthly Payment Method.* According to this method, the lender remits on a monthly basis, on or before the tenth of each month, a payment equal to all Section 530 MIP amounts collected from mortgagors during the preceding month, plus any portion of annual MIP remaining due for the current anniversary month whether collected or not.

b. *Optional Monthly Payment Method.* According to this method, the lender remits a monthly payment equal to 1/12th of the total of all annual Section 530 MIPs for all mortgages in the mortgagee's servicing portfolio for the month, plus any annual premiums remaining due, without regard to MIP amounts collected from mortgagors.

Most lenders opt to pay the premiums as due. HUD systems are set up to reconcile remittances of MIP, late charges, and interest based on payment of monthly premiums by the 10th of the month; exceptions must be manually processed. This rule eliminates the option to pay the premiums when collected.

The two provisions to be modified for Section 530 loans also apply to the periodic portion of risk-based loans. Mortgagees submitting risk-based monthly premiums have been following HUD's policy on adjustment of initial MIP depending on the date of endorsement, and have been given the option of paying monthly premiums (1) ''as due'' or (2) ''as collected''.

Section 530 and risk-based monthly premium payments will be due on the first of the month after the beginning of amortization (as defined in 24 CFR 203.251) and must be received on or before the tenth. Reconciliation between amounts expected by HUD and amounts remitted by the lender will be accomplished after the date of endorsement, when the insurance information has been fed into the FHA Single Family Insurance System. As soon as possible after endorsement, HUD will begin verifying that the lender has paid the required monthly premiums due at that time on each case, and will begin notifying the lender on a monthly basis of any discrepancies existing between expected, versus remitted, amounts. Until SFPCS–P is implemented, lenders will continue to reconcile risk-based monthly premiums at case level using MGIC Investor Services Corporation, and Section 530 monthly premiums at portfolio level based on the Advance Notice of Annual Premiums for Anniversary Due Date, which is being sent by HUD.

New §§ 203.262 and 203.264 authorize the FHA Commissioner to accrue annual premiums from the beginning of amortization (as defined in 24 CFR 203.251) on all Section 530 and risk-based loans, no matter what time frame exists between the endorsement date and the beginning of amortization. This rule also deletes § 203.263 which provides for an adjustment on the accrual date of the initial annual MIP depending on the date of endorsement of the loan. Section 203.268 is revised to provide that if the insurance contract is terminated, the lender will pay a portion of the MIP prorated from the beginning of amortization (as defined in 24 CFR 203.251) to the month in which the loan is terminated. The final monthly payment will be due on the first of the month following termination.

The changes made by this rule provide many benefits to the mortgage lenders that reduce their servicing costs and the confusion generated by adjustments to MIP on cases not endorsed within the first six months after amortization. The result expected is an increase in MIP income, thereby strengthening the FHA insurance fund. The changes cut down on the costly reconciliation now done by HUD. (The cost of reconciliation on Section 530 and monthly risk based premiums exceeded $7.5 million in FY 1994.)

According to research completed on FY 1993 cases, approximately 7% of cases were not endorsed within the first six months of amortization. Currently some lenders escrow the premiums received from the homeowners on Section 530 and risk-based loans and remit the premiums to HUD at the beginning of amortization rather than when the case is endorsed for insurance. This has led to much confusion and variations in the computation of initial premiums due, because some contingencies cannot be foreseen at settlement; i.e., endorsement before the beginning of amortization. The revised regulation prevents confusion for those cases endorsed outside the six-month window by requiring lenders to follow the same guidelines for all cases needing periodic MIP.

MIP income is expected to increase by approximately $15 million per year. This amount represents the reduction in premiums now taken by the lenders for both Section 530 loans and risk-based loans, when the loans are endorsed over six months from the beginning of amortization. Lenders should not receive a reduction in monthly MIP due because of late endorsement for the following reasons:

a. This is inconsistent with HUD's policy on one-time and up-front MIP. These amounts are paid within 15 days of closing, and no reduction is given based on the date of endorsement. On risk based loans, § 203.284 requires payment of periodic MIP for a specific number of years, depending on the loan-to-value ratio. When the loan is endorsed after the six-month window, the period of time for which payments are due is being reduced.

b. Often the late endorsement results from late submission of the closing package by the lenders to the Field Office.

The new § 203.264 requires that payment of the periodic MIP be received from the mortgagee on or before the tenth day of the month following the month in which it was due from the mortgagor. For example, for a case closed in August and amortized in September, the initial premium is payable to HUD by the lender no later than October 10. Monthly reconciliation replaces annual reconciliation. Once SFPCS–P is implemented, monthly notices will reflect a breakdown by case number and by month of the cumulative amounts of monthly premium, late charge, and interest due.

The rule changes the method of payment, and the reconciliation schedule, and clarifies the due date. Payment of the periodic MIP by the lender is to be made monthly, regardless when collected. Upon implementation of SFPCS–P, a monthly notice from HUD will be sent and reconciliation will be made monthly by the lender when the MIP payment is paid, thus eliminating the requirement for annual reconciliation. MIP shall be due, and payable to the Commissioner, no later than the tenth day of the month.

Lenders will be informed that they are responsible for all loans in their portfolio for which monthly payments are due, even if they do not appear on the monthly notice. Because of servicing transfers, endorsement delays, and terminations, monthly notices may not reflect the current status of the lender's portfolio and may require reconciliation.

The current Single Family Monthly Collection System used for MIP collection is not set up to reconcile payments received under the ''Payment as Received'' option. The new SFPCS–P is not being set up to reconcile these payments either. The system enhancements necessary to accommodate this option would not be cost effective, and are not necessary, because most lenders have chosen the other option anyway.

It should be noted that § 203.284(f) ''*Applicability of Other Sections*'' does not include § 203.264 as applicable to

mortgages covered by § 203.284, although HUD has taken the position that this provision is properly applicable to mortgages with risk-based premiums. This rule re-inserts a reference to § 203.264 that was inadvertently deleted when that section was published as a final rule (See 57 FR 15209, April 24, 1992). The rule also inserts references to §§ 203.262 and 203.265 in lieu of the current §§ 203.284 (d) and (e) which are being deleted. Similar changes are made to § 203.285(c).

Public Comments

Comments were received from three commenters on the January 26, 1996 proposed rule: One housing development fund and two mortgage corporations. One of the mortgage corporations fully supports the proposed rule. Below is a listing of the comments presented from the other two commenters. After each comment is the Department's response.

Comment: There are terminology conflicts between the regulations and the HUD approved Deed of Trust, and clarification of the terms and the changes to the HUD approved forms are requested before the rule goes into effect.

Response: HUD Handbook 4165.1 REV–1 CHG. 3, Endorsement for Insurance for Home Mortgage Premiums (Single Family) dated November 30, 1995 contains new model mortgage and note forms which remove conflicting terminology. These changes became mandatory on June 1, 1996.

Comment: The reconciliation of the initial notice produced after the SFPCS–P is completed will most likely contain thousands of unmatched items for each lender. These will result from years of unreconciled service transfers, terminations, incorrect case numbers, and endorsement delays. Therefore, the commenter strongly urges the Department to conduct a preliminary audit to quantify the extent of the reconciliation required by both the lenders and HUD and then determine an approach and implementation date.

Response: Since SFPCS–P is being designed to capture MIP payments at case level, bills will contain detailed information to enable lenders to reconcile their portfolios each billing period. Unidentified cases will not be carried forward on SFPCS–P. HUD is working to resolve all unidentified cases separately.

Comment: There should be some standard established and required for the endorsement process. The commenter is concerned that the elimination of the financial penalty could result in far more than seven percent of the cases taking more than six months to be endorsed, which could further complicate the ongoing reconciliation process.

Response: As long as a mortgage is submitted to HUD within 60 days of closing as required by 24 CFR 203.255(b), HUD is committed to proceeding within a reasonable time with its pre-endorsement review and subsequent endorsement if the mortgage is determined to be eligible for insurance. In nearly all cases that do not raise questions of eligibility, the Mortgage Insurance Certificate (MIC) should be issued long before the first half of the amortization year has expired. HUD policy to date has not permitted Field Offices to deliberately delay issuance of the MIC until the end of the first half of the amortization year. HUD's Processing Center in Denver is meeting our national goal by processing cases for endorsement in 10 days with a reject rate of six percent or under.

Comment: The examples for timing of remittances and final payments on terminations need clarification.

Response: To further clarify the example for the timing of remittance as set forth in the proposed rule, the example has been revised to read as follows: For a case closed in August with amortization beginning in September, the initial premium is payable to HUD by the lender no later than October 10.

For terminations, the final monthly payment would be due on the first of the month following termination and payable to HUD no later than the 10th of the month following termination. For example, if a case is terminated in August, the final monthly payment would be payable to HUD no later than September 10.

Other Matters

Environmental Review

A Finding of No Significant Impact with respect to the environment was made in accordance with the HUD regulation at 24 CFR part 50, which implements section 102(2) (C) of the National Environmental Policy Act of 1969, for the January 26, 1996 proposed rule. Since this final rule makes no changes to the proposed rule, the Finding of No Significant Impact for the proposed 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.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule does not have a significant economic impact on a substantial number of small entities. A review of the universe of approved mortgagees indicates that only a small percentage of them have assets of less than $10 million. These can be considered ''small entities'' for purposes of this regulation. The number of ''small entities'' affected, therefore, is not substantial. Further, HUD records indicate smaller companies hold relatively few insured mortgages, and they tend to concentrate their business in the conventional mortgage market. Thus, even for those ''small entities'' affected, the impact is expected to be relatively insignificant.

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 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. As a result, the rule is not subject to review under the order.

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. No significant change in existing HUD policies or programs would result from promulgation of this rule, as those policies and programs relate to family concerns.

List of Subjects

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.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number is 14.117.

Accordingly, the Department amends parts 203 and 221 of title 24 of the Code of Federal Regulations 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, 1715b; 42 U.S.C. 3535(d). Subpart C also is issued under 12 U.S.C. 1715u.

2. Section 203.262 is revised to read as follows:

§ 203.262 Due date of periodic MIP.

The full initial and each annual MIP shall be due and payable to the Commissioner no later than the 10th day after the amortization anniversary date.

§ 203.263 [Removed]

3. Section 203.263 is removed.

4. Section 203.264 is revised to read as follows:

§ 203.264 Payment of periodic MIP.

The mortgagee shall pay each MIP in twelve equal monthly installments. Each monthly installment shall be due and payable to the Commissioner no later than the tenth day of each month, beginning in the month in which the mortgagor is required to make the first monthly mortgage payment or, if later, in September.

5. In § 203.265, paragraph (a) is revised to read as follows:

§ 203.265 Mortgagee's late charge and interest.

(a) Periodic MIP which are received by the Commissioner after the payment dates prescribed by §§ 203.262 and 203.264 shall include a late charge of four percent of the amount paid.

* * * * *

6. Section 203.268 is amended by revising paragraph (a) to read as follows:

§ 203.268 Pro rata payment of periodic MIP.

(a) If the insurance contract is terminated before the due date of the initial MIP, the mortgagee shall pay a portion of the MIP prorated from the beginning of amortization, as defined in § 203.251, to the date of termination.

* * * * *

7. Section 203.284 is amended by removing and reserving paragraphs (d) and (e) and revising paragraph (f) to read as follows:

§ 203.284 Calculation of up-front and annual MIP on or after July 1, 1991.

* * * * *

(d) [Removed and reserved]

(e) [Removed and reserved]

(f) *Applicability of other sections.* The provisions of §§ 203.261, 203.262, 203.264, 203.265, 203.266, 203.267, 203.268, 203.269, 203.280, and 203.282 are applicable to mortgages subject to premiums under this section.

* * * * *

8. Section 203.285 is amended by revising paragraph (c) to read as follows:

§ 203.285 Fifteen-year mortgages: Calculation of up-front and annual MIP on or after December 26, 1992.

* * * * *

(c) *Applicability of certain provisions.* The provisions of §§ 203.261, 203.262, 203.264, 203.265, 203.266, 203.267, 203.268, 203.269, 203.280, 203.282, 203.284(c), and 203.284(g) are applicable to mortgages subject to premiums under this section.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

9. The authority citation for part 221 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715l; 42 U.S.C. 3535(d). Section 221.544(a)(3) is also issued under 12 U.S.C. 1707(a).

§ 221.251 [Amended]

10. Section 221.251(a) is amended by removing from the list ''203.263 Adjustment of initial MIP.''

Dated: July 10, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–18354 Filed 7–18–96; 8:45 am]

BILLING CODE 4210–27–P

federal register

Friday
July 19, 1996

Part III

Department of Housing and Urban Development

Public and Indian Housing, Rental Assistance Programs: Procedures for Verifying the Social Security and Supplemental Security Income of Applicants and Participants; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4075–N–01]

Office of the Assistant Secretary for Public and Indian Housing; New Procedures for Verifying the Social Security and Supplemental Security Income of Applicants and Participants: HUD's Rental Assistance Programs Administered by Public Housing Agencies and Indian Housing Authorities

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of New Procedures for Verifying the Social Security and Supplemental Security Income of Applicants and Participants.

SUMMARY: This notice informs public housing agencies and Indian housing authorities, collectively referenced as housing agencies (HAs), of: (1) new procedures to verify social security (SS) and supplemental security income (SSI) information for rental assistance applicants and participants, (2) HUD policy changes concerning SS and SSI verification, (3) implementation plans, and (4) actions that HAs may take now to help promote effective implementation of the new procedures. HUD published a related notice of matching program at 60 FR 21548; May 2, 1995.

EFFECTIVE DATES: HUD plans to implement the SS and SSI computer matching gradually over a period of about 1 year on a State-by-State basis. Implementation started in June 1996 in the States of Alaska, Idaho, Oregon and Washington. HUD also plans to provide HAs with about 1 month's notice of plans to implement the SS and SSI computer matching in the selected State(s)/HAs. Current income verification policies and procedures remain in effect until each HA implements the new procedures.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: David L. Decker, Director, Computer Matching, Office of the Public and Indian Housing Comptroller, Room 5156, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone number (202) 708–0099, extension 4273. (These telephone numbers are not toll-free.) A telecommunications device for hearing- and speech-impaired persons (TTY) is available at 1–800–877–8339 (Federal Information Relay Services). (This is a toll-free number.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this notice have been reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned approval number 2577–0083, which expires on August 31, 1997.

Background

HAs administer the Public Housing Program and the Section 8 Programs that provide rental assistance to low income families under regulations issued by HUD's Office of the Assistant Secretary for Public and Indian Housing. Generally, tenants pay 30 percent of their income for rent. Under Section 8, the difference between the market rent and the tenant's payment constitutes a rental subsidy. Because household income is the major factor in determining eligibility for, and the amount of, rental subsidy, HUD has required HAs to verify applicants' incomes at the time of initial application for assistance (certification) and annually thereafter (recertification). All types of income must be verified including, e.g., wages, SS and SSI.

Present Procedures to Verify SS and SSI

The Social Security Administration (SSA) currently provides HAs with information needed to verify SS and SSI when HAs request the information. This is done using a mark-sense card system developed by the SSA. Under this system, HAs request SS and SSI information from the SSA by manually marking personal identifiers of tenants, i.e., the social security number (SSN), on a card and mailing the mark-sense card to a local SSA office for processing.

The SSA then processes the mark-sense card and sends a computer-produced report (called a Third Party Query Report) to the HA showing the SS and SSI benefits of the applicant or tenant. SSA has about 100 card readers nationwide that it considers obsolete and plans to phase out. HAs presently are one of the primary users of SSA's mark-sense card operations.

HAs generally send mark-sense cards to the SSA only for applicants or tenants who report SS or SSI to the HA. Instead of submitting mark-sense cards, some HAs obtain SS and SSI information from local SSA offices where SSA staff use an automated system to query information by SSN. HAs compare the SS and SSI information obtained from the SSA to the tenant-reported income. HA staff include SSA documents received from the tenant and SSA's Third Party Query report in the tenants' case files.

HUD's development in recent years of an automated database, known as the Multifamily Tenant Characteristics System (MTCS), facilitates new procedures to verify tenant-reported income data. HAs provide HUD with the tenant data, i.e., personal identifiers and income data, that is included in the MTCS. HUD issued a final rule (60 FR 11626; March 2, 1995) requiring HAs to transfer tenant data to MTCS electronically.

HUD also issued Notice 96–20 (HA) on April 18, 1996, informing HAs of a reduction in Section 8 administrative fees for failure to electronically submit data for Form HUD–50058, Family Report, and Form HUD–50058–FSS, Family Self-Sufficiency Addendum, for Section 8 participants monthly or quarterly as required.

New Procedures to Verify SS and SSI

Monthly HUD will transmit to SSA, via a secure high-speed data line, personal identifiers for tenants scheduled to recertify 3 months before the tenants' scheduled annual recertification date. SSA does the computer matching of personal identifiers and provides HUD with SS and SSI information which HUD compares to the tenant-reported SS and SSI information shown in the MTCS. At least 2 months before the tenants' recertification, HUD will provide HAs with SS and SSI information needed to do annual recertifications of tenants, i.e., to determine eligibility and the rental assistance amounts.

HUD is adopting these procedures based on comments received from HAs that participated in a pilot project. This is a revision of what HUD initially planned—doing the computer matching for (re)certifications completed in the prior month, and reporting to HAs only SS and SSI information for tenants with income disparities.

The processing and reporting timeframes cited in the prior paragraph approximate those currently used by many HAs for annual recertifications.

However, HAs will receive the information directly from HUD—not from SSA. Initially, HUD will send computer-produced reports showing SS and SSI amounts to HAs that are similar to the reports HAs currently receive from SSA. HUD plans to provide for electronic transmission, instead of paper reports, later in calendar year 1996.

The planned computer matching procedures as currently designed provide SS and SSI information on a pre-recertification basis. The procedures do not provide HAs with SS and SSI information on a pre-certification basis for initial applicants for rental assistance.

Besides providing a report similar to the SSA's Third Party Query Report, HUD will also provide a report that shows SS and SSI income disparities, and request that the HAs resolve the disparities. This will involve confirming data validity, evaluating the potential for unreported or underreported income, providing the tenant due process, and taking appropriate administrative or legal actions.

HUD will provide HAs with a ''Guide for Verifying Computer Matching Results and Taking Enforcement Actions.'' This Guide describes the computer matching program, includes sample computer-produced outputs, and describes procedures for verifying computer matching results and taking enforcement actions. The Guide also provides HAs substantial discretion in taking enforcement actions on abuses identified. HUD will distribute the Guide to HAs about one month before implementation. See the ''Plans for Large-Scale Implementation of SS and SSI Computer Matching and Income Verification'' section below.

Improved Efficiency and Effectiveness of New Procedures to Verify SS and SSI

A pilot demonstration has shown that the new procedures for verifying SS and SSI benefit HAs, HUD and SSA by improving the efficiency and effectiveness of income verification. Efficiency will be improved by using electronic data transfer and computer matching, instead of preparing mark-sense cards manually and sending them by mail to the SSA. Further, use of the new SS and SSI verification techniques will aid the SSA in planning for the elimination of mark-sense card operations and in reducing workload demands on local SSA Offices.

The effectiveness of the income verification process will be improved by detecting unreported or underreported SS and SSI.

This will be done by comparing personal identifiers of all household members to SSA's data. In contrast, under present procedures HAs verify only the SS and SSI that individuals report. HA actions on unreported or underreported income will help deter abuses in HUD programs.

Policy Change

In implementing the new SS and SSI verification procedures, HAs will use HUD-provided SS and SSI computer matching results, instead of the SSA's mark-sense card and automated inquiry processing. The completeness and accuracy of the computer matching results will depend significantly on the quality of MTCS data that HAs provide to HUD. Therefore, the completeness and accuracy of the MTCS data will be of utmost importance.

HUD will discontinue its requirement for pre-verification of SS and SSI information for new applicants. HAs will be required to request and use tenant-provided information on SS and SSI, that the tenants certify as correct. Because the new procedures will not provide for verifying the SS and SSI before a new applicant's certification for rental assistance, HAs must request that new applicants provide documents that tenants have in their possession showing the monthly amount of SS and SSI they receive. The documents may include recent benefit letters [the preferred document], SSA Form 1099's, award letters, other letters from SSA that show benefit amounts, and bank statements showing net payments. HAs must not request that tenants obtain documents from SSA. HUD expects that tenant-provided documents generally will provide sufficient information to determine initial eligibility and benefit amounts. The information will be confirmed on a post-certification basis with computer matching.

HUD recognizes that pre-verification of SS and SSI information is beneficial in providing correct information for use in rental assistance determinations. However, HUD's MTCS collects data on new applicants after a certification or recertification occurs. Therefore, MTCS does not contain information needed for matching to SSA data on a pre-certification basis for new applicants. MTCS retains information on prior certifications or recertifications.

Regarding annual recertifications, HAs may rely on the HUD-provided information as sufficient documentation to verify tenant-reported SS and SSI income. HAs should not request other documents from tenants concerning SS and SSI if the HA has the HUD-provided SS and SSI information for the applicable (re)certification period.

Plans for Large-Scale Implementation of SS and SSI Computer Matching and Income Verification

HUD plans to implement the SS and SSI computer matching gradually over a period of about 1 year on a State-by-State basis. HUD also plans to provide HAs with about 1-month's notice of plans to implement the SS and SSI computer matching in the selected State(s)/HAs. In addition, HUD will provide each HA with copies of the ''Guide for Verifying Computer Matching Results and Taking Enforcement Actions'' at training sessions in selected States.

Recognizing that some HAs have not always reported data to MTCS, HUD anticipates that some HAs during the next year will need to use present procedures to verify SS and SSI. However, HAs must only use those procedures when absolutely necessary, i.e., when HUD-provided information is not available because of incomplete MTCS reporting. HUD's goal is to eliminate completely HAs' use of mark-sense cards by September 30, 1997. Further, except for very low volume of processing to resolve tenant disputed SS and SSI amounts, HA requests for automated SS and SSI inquiries should also be eliminated by that date.

After HAs start receiving HUD-produced computer matching results, HAs must discontinue the practices of submitting to the SSA mark-sense cards or requesting SSA automated queries of SS and SSI data. HAs should only be contacting SSA staff to request assistance in resolving SS and SSI information that the tenant disputes.

SSA Services During the Transition to Computer Matching

When HUD, due to incomplete MTCS data, cannot provide computer-produced SS and SSI information to HAs for recertifications, the SSA will provide HAs with SS and SSI verification services using past practices (i.e., mark sense cards or local SSA Office queries). SSA also will help HAs in resolving issues where the tenant disputes the amount of SS or SSI.

HUD Hotline

HUD will operate a telephone Hotline during the period of the transition to answer HA questions concerning the implementation. The Hotline number is (202) 708–0099.

Actions HAs Should Take to Help Promote Effective Implementation of SS and SSI Computer Matching and Income Verification

HUD encourages all HAs to take the following actions to promote effective

implementation of SS and SSI computer matching and income verification: (1) submit data electronically timely as required by the final rule published at 60 FR 11626; March 2, 1995, (2) ensure that the correct last name, SSN, and birth date are submitted electronically to HUD for all tenants required to provide SSNs, and (3) ensure that tenant-reported SS and SSI information are entered in the appropriate data fields.

Dated: July 5, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

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Minerals Management Service

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Surface Mining Reclamation and Enforcement Office

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Federal Contract Compliance Programs Office

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Federal Aviation Administration

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